# Proposal Summary/ Overview

### To be completed by proposal sponsor. (500 Word Count Limit for this page)

### Name: Rep. Brian Daniels

### Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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*Is this proposal regarding:*

* ***New or increased regulation of an existing profession/occupation? If so, complete this form, Questionnaire A.***
* *~~Increased scope of practice or decreased regulation of an existing profession? If so, complete Questionnaire B.~~*
* *~~Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.~~*
1. State the profession/occupation that is the subject of the proposal.

**Sign language interpreters and transliterators.**

2) Briefly describe the proposed change.

**Sign language interpreters and transliterators board and licensure established.**

3) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.

**Current bill:**

* [**HF3144**](https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF3144&ssn=0&y=2022)—Chief authored by Rep. Brian Daniels. Senate file **not yet introduced**, but Sen. John Hoffman is slated to author.

**Previous Versions:**

* (2021) [**HF0827**](https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF0827&ssn=0&y=2021)—Chief authored by Rep. Brian Daniels. Senate author—Sen. John Hoffman.
* (2020) [**HF3294**](https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF3294&ssn=0&y=2020)—Chief authored by Rep. Brian Daniels. Senate author—Sen. John Hoffman.
* (2019) [**HF2634**](https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF2634&ssn=0&y=2019)—Chief authored by Rep. Brian Daniels. Senate author—Sen. John Hoffman.

### Questionnaire A: New or increased regulation (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)

### This questionnaire is intended to assist the House Health Finance and Policy Committee in deciding which legislative proposals for new or increased regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

### This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee’s public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

### A response is not required for questions which do not pertain to the profession/occupation (indicate “not applicable”). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

### New or increased regulation of health professions is governed by Mn State 214. Please read and be familiar with those provisions before submitting this form.

### While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1. **Who does the proposal impact?**
2. Define the occupations, practices, or practitioners who are the subject of this proposal.

**Sign language interpreters and transliterators.**

1. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota

**The Minnesota Commission of the Deaf, DeafBlind and Hard of Hearing. They advocate for communication access and equal opportunity with 20% of Minnesotans who are deaf, deafblind, and hard of hearing.**

1. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.

**Practitioners work wherever as needed depending on the client and the needs of the client, statewide. A sizable number of practitioners are independent contractors or may also serve as an independent contractor in addition to a full or part-time position they hold as a practitioner or in a different role.**

1. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.

**Practitioners’ work varies from educational, employment, recreational, religious. They are closely aligned with a role called, ‘service providers’ - those that provides real-time captioning, navigator, and the like.**

1. **Specialized training, education, or experience (“preparation”) required to engage in the occupation**
	1. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?

**Educational interpreters per Minnesota Statute 122A.31 are required to satisfactorily complete an interpreter/transliterator training program affiliated with an accredited education institution.**

**Legal interpreters per Minnesota Statute 611.33 are required to take an oath, to make the best of the interpreter’s skill and judgement a true interpretation to the disabled person…**

* 1. Would the proposed regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear these costs?

**The newly governor-appointed board will engage in rulemaking to make appropriate determinations on how interpreters shall become prepared. The board will also have the authority to create specialized or endorsements in which an interpreter shows specialized skill to be able to interpret.**

**Deaf, DeafBlind, and Hard of Hearing individuals often are not the ones paying nor securing the services of an interpreter or transliterators. Often, they are left in the dark whether the interpreter is secured or qualified. A requirement for licensure will alleviate this concern, the consumer will feel rest assured that at minimum, the interpreter will be qualified because the interpreter is licensed.**

**Most practitioners have come through an interpreter training program, but not all. With licensure requirements determined, most interpreters will need to either provide evidence of qualifications or work toward becoming qualified through an interpreter training program. The practitioners will bear the costs themselves as other occupations do by attending a trade school or a liberal arts college.**

* 1. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?

**Wisconsin, 2010, then replaced in 2017,** [**https://docs.legis.wisconsin.gov/2019/related/acts/17.pdf**](https://docs.legis.wisconsin.gov/2019/related/acts/17.pdf)

**Iowa, 2004**

[**https://www.legis.iowa.gov/docs/code/2022/154E.pdf**](https://www.legis.iowa.gov/docs/code/2022/154E.pdf)

* 1. If current practitioners in Minnesota lack any training, education, experience, or credential that would be required under the new regulation, how does the proposal address that lack?

**The newly governor-appointed board will develop requirements for temporary licensure; and determine what exceptions apply in addition to develop requirements for licensure.**

* 1. Would new entrants into the occupation be required to provide evidence of preparation or be required to pass an examination? If not, please explain why not. Would current practitioners be required to provide such evidence? If not, why not?

**The newly governor-appointed board will develop requirements for licensure. Practitioners may be required to provide evidence or preparation or be required to pass an examination. Yes, current practitioners will be required to provide such evidence if required.**

1. **Supervision of practitioners**
	1. How are practitioners of the occupation currently supervised, including any supervision within regulated institution or by a regulated health professional? How would the proposal change the provision of supervision?

**Currently, practitioners of the occupation are under minimal to no supervision as they often come and go as a service provider, in the role of an independent contractor.**

**The newly governor-appointed board will act on matters concerning licensure and the process of applying for, granting, suspending, imposing supervisory or probationary conditions upon, reinstating, and revoking a license. HF3144 156B Sec 3. Sud. 2.**

1. Does a regulatory entity currently exist or does the proposal create a regulatory entity? What is the proposed scope of authority of the entity? (For example, will it have authority to develop rules, determine standards for education and training, assess practitioners’ competence levels?) Has the proposed change been discussed with the current regulatory authority? If so, please list participants and date.

**HF3144 will create a regulatory entity; 156B.10 Board Duties.**

1. Do provisions exist to ensure that practitioners maintain competency? Describe any proposed change.

**HF3144 156B Sec. 3 Subd. 5 develop continuing education requirements as a condition of license renewal.**

1. **Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and well being of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)**
2. Describe the harm to the public posed by the unregulated practice of the occupation or by the continued practice at its current degree of regulation.

**Deaf, DeafBlind, and Hard of Hearing individuals often are not the ones paying nor securing the services of an interpreter or transliterators. Often, they are left in the dark whether the interpreter secured is qualified. A requirement for licensure will alleviate this concern, the consumer will feel rest assured that at minimum, the interpreter will be qualified because the interpreter is licensed.**

**Secondly, there is no centralized mechanism for a consumer to address a practitioner that does not meet expectations therefore the practitioner may repeatedly “interpret or transliterate” for the individual, resulting in an environment of oppression.**

**Individuals have failed to get clear instructions from their doctors by unqualified practitioners.**

**Individuals have failed to get a job due to an unqualified practitioner at their job interview.**

1. Explain why existing civil or criminal laws or procedures are inadequate to prevent or remedy any harm to the public.

**Deaf, DeafBlind, and Hard of Hearing are part of a marginalized community, and their upbringing has an additional set of challenges where they may not have the capacity to follow through on how to self-advocate or report or prevent challenges that they experience.**

1. Explain why the proposed level of regulation has been selected and why a lower level of regulation was not selected.

**The determination of the appropriate level of regulation was determined based on engagement stakeholders in the Deaf, DeafBlind, and Hard of Hearing communities in light of existing legislation currently existing in other states.**

1. **Implications for Health Care Access, Cost, Quality, and Transformation**
2. Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?

**There has long been a shortage of practitioners, nonetheless, the Deaf, DeafBlind, Hard of Hearing communities’ desires to see a mechanism where they feel assured that a practitioner secured for them is licensed and they have an avenue to file grievance if their expectations are not met.**

**Having a clear requirement for a license and temporary license will create easier pathways to gainful employment for those wishing to enter the field of sign language interpreting and transliterating.**

1. Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used.

**Minimal impact. Statewide.**

1. Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?

**No.**

1. Describe any impact of the proposal on an evolving health care delivery and payment system (e.g., collaborative practice, innovations in technology, ensuring cultural competency, value-based payments)?

**The newly governor-appointed board may come with a specialized license or a license with endorsement that allows certain practitioner to be able to provide service-access in the spiralized field of work.**

1. What is the expected regulatory cost to state government? Is there an up-to-date fiscal note for the proposal? How are the costs covered under the proposal?

**Fiscal note to come.**

**HF3144 156B Sec 4. Subd. 4 Deposit; appropriation. Fees received under this chapter shall be deposited in the state government special revenue fund and are appropriated to the board for the purposes of section 156B.10.**

1. **Evaluation/Reports**

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.

**The Department of Health will be the evaluating agency, the frequency of reviews is up to them.**

1. **Support for and opposition to the proposal**
2. What organizations are sponsoring the proposal? How many members do theseorganizations represent in Minnesota?

**The Minnesota Commission of the Deaf, DeafBlind and Hard of Hearing. They advocate for communication access and equal opportunity with 20% of Minnesotans who are deaf, deafblind, and hard of hearing.**

1. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.

**Same as above.**

1. List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.

**To the authors knowledge, no other organization has issues formal opposition.**

1. What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?

**HF3144 is less wordy and gives the board and the public more engagement with the rulemaking process in nearly every aspect of the newly created occupational licensure.**