



Turner Padget Insights

In High-Stakes Situations for Deaf and Hard of Hearing, South Carolina Lawmakers Aim to Raise Sign Language Interpreter Proficiency

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South Carolina's deaf and hard of hearing community could greatly benefit from proposed legislation called the Sign Language Interpreters Act that would standardize proficiency for sign language interpreters. To ensure the deaf and hard of hearing in South Carolina receive adequate sign language translation in medical and other environments, state Sens. Katrina Frye Shealy (R-Lexington) and Luke A. Rankin (R-Horry) sponsored this measure, Senate Bill 190, to champion this constituency's critical needs.

To receive quality care, it is crucial that patients convey their medical history, prescriptions and other health-related information to the medical professionals who are treating them. Patients with a hearing or speech impediment, though, may need to rely on a sign language interpreter to communicate medical professionals' questions and relay their responses.

Particularly in emergency health care situations, where timing is critical, if an interpreter isn't able to accurately express the meaning and intent of what a patient is saying, medical professionals could suggest the wrong treatment, prescribe medications that don't interact well or make any number of recommendations that result in an ineffective – or harmful – outcome.

The Dangers Involved in Inept Signing

Ineffective sign language services can pose risks in other settings in addition to medical situations. Those who are deaf and are a party or witness in a legal proceeding, for instance, need to be properly informed of their rights and various procedures' potential consequences in a courtroom.

In schools, parents may need an interpreter to relay information about their child's educational needs or conduct, and ongoing translation services may be necessary to help deaf students fully understand their teacher's instruction in the classroom.

Interpreters, however, may not be prepared to work in high-stakes, fast-moving situations. Some may only have minimal training and aren't qualified to provide services in a professional setting.

In South Carolina, there are currently no proficiency standards or certification requirements for interpreters. Under the new bill, to be able to provide services in a county jail, state prison, police station or for other public agencies, sign language interpreters would need to achieve a nationally recognized certification and register with the Department of Labor, Licensing, and Regulation.

In addition to these proposed requirements, any interpreters providing services in public schools would be required to score a minimum of 3.5 on the Educational Interpreter Performance Assessment (EIPA), a tool developed by the Boys Town National Research Hospital in Omaha, Nebraska, to evaluate the voice-to-sign and sign-to-voice skills of interpreters who work in elementary through secondary-level classrooms.

A Brighter Future for Interpretative Services

While the South Carolina Department of Education has expressed concerns that the bill's passage might result in a shortage of available interpreters who meet the new standards, the legislation's proposed timetable provides an up to three-year grace period before interpreters in the state would need to achieve the required 3.5 or higher EIPA score, with a July 2022 deadline.

The minimum score required to work in educational environments would then increase to 4.0 on July 1, 2026, providing professionals with an additional four years to prepare to meet that goal.

By allowing several years to reach both certification requirements, we believe the bill will have a minimal impact on the pool of available interpreters. This bill will help ensure that deaf South Carolinians are able to work with appropriately credentialed interpreters so accurate and timely communication occurs. While the deaf community's ultimate goal is to impose licensure requirements on all interpreters in the state, this bill is at least a significant step in the right direction to protect the public against unqualified, incompetent and unethical practitioners.

After being introduced, the Sign Language Interpreters Act was referred to the Senate Committee on Labor, Commerce and Industry earlier this year and was reviewed by a subcommittee, which heard testimony in mid-October from members of the deaf and hard-of-hearing community emphasizing the bill's importance. We are hoping the legislation will pass before the end of 2020 legislative session to ensure sign language interpreters are qualified and this important community's rights are protected.