

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

Senator Brian Hardin, Chairperson, District 48

Senator John Fredrickson, District 20

Senator Ben Hansen, District 16

Senator Beau Ballard, District 21

Senator Merv Riepe, District 12

Senator Dan Quick, District 35

Senator Glen Meyer, District 17

Committee Staff

John Duggar, Legal Counsel

Bryson Bartels, Research Analyst

Barb Dorn, Clerk

Table of Contents

| | |
|-----------------------------|----|
| Occupational Board Act..... | 3 |
| Committee Findings..... | 4 |
| Conclusion..... | 10 |
| Appendix A..... | 11 |

Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

Sign Language Interpreters and Video Remote Interpreters; Nebraska Commission for the Deaf and Hard of Hearing and Interpreter Review Board

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 71-4728, 20-150, and 20-156

(c) The number of members of the occupational board and how the members are appointed;

There are 9 members of the Nebraska Commission for the Deaf and Hard of Hearing who are appointed by the Governor and confirmed by the Legislature. There are 8 members of the Interpreter Review Board who are appointed by the Commission for the Deaf and Hard of Hearing; no legislative approval is required.

(d) The qualifications for membership on the occupational board;

The Nebraska Commission for the Deaf and Hard of Hearing is made up of nine members: three deaf persons; three hard of hearing persons; and three persons with an interest in and knowledge of deafness and hearing loss issues. A majority of Commission members shall be able to express themselves through sign language.

The Interpreter Review Board is made up of eight members: one Director of the Department of Health and Human Services or his or her designee; one Director of the Commission for the Deaf and Hard of Hearing or his or her designee; two deaf or hard of hearing people; two qualified interpreters who must be licensed interpreters within one year of their appointment; and two members representing local government.

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

FY 2019-2020: Meetings Required-4; Meetings Held-3

FY 2020-2021: Meetings Required-4; Meetings Held-3

FY 2021-2022: Meetings Required-4; Meetings Held-3

FY 2022-2023: Meetings Required-4; Meetings Held-4

FY 2023-2024: Meetings Required-4; Meetings Held-4

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

FY 2019-2020: \$1,146,690.34

FY 2020-2021: \$1,183,915.13

FY 2021-2022: \$1,191,772.53

FY 2022-2023: \$1,698,827.18

FY 2023-2024: \$1,739,068.78

(g) For the immediately preceding five calendar years, of for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

Credentialing:

I. Number of Licenses, Certificates, or Registration **ISSUED in past 5 years.**

| Year | Interpreter / Transliterator | Intermediary | VRI | Temporary | Apprentice | TOTAL |
|------------|------------------------------|--------------|-----|-----------|--------------|------------|
| FY 2019-20 | 27 | 1 | 14 | 2 | 0 | 44 |
| FY 2020-21 | 78 | 0 | 9 | 1 | 0 | 88 |
| FY 2021-22 | 9 | 6 | 12 | 2 | 2 | 31 |
| FY 2022-23 | 102 | 5 | 4 | 3 | 4 | 118 |
| FY 2023-24 | 10 | 2 | 8 | 10 | 1 | 31 |
| | | | | | TOTAL | 312 |

Notes:

- (1) Licensing of Interpreter/Transl iterators and Intermediary is done every odd year.
- (2) Licensing of Video Remote Interpreting is done every even year.
- (3) Licensing/Permitting of Temporary is done every year (valid for maximum of 14 days/ expires December 31 of the current year).

(4) Licensing of Apprentice is done one-time (valid for 3 years).

II. Number of Licenses, Certificates, or Registration **DENIED** in past 5 years.

| Year | Interpreter / Transliterator | Intermediary | VRI | Temporary | Apprentice | TOTAL |
|------------|------------------------------|--------------|-----|-----------|------------|-------|
| FY 2019-20 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2020-21 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2021-22 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2022-23 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2023-24 | 0 | 0 | 0 | 0 | 0 | 0 |

III. Number of Licenses, Certificates, or Registration **REVOKED/SUSPENDED** in past 5 years:

| Year | Interpreter / Transliterator | Intermediary | VRI | Temporary | Apprentice | TOTAL |
|------------|------------------------------|--------------|-----|-----------|------------|-------|
| FY 2019-20 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2020-21 | 1 | 0 | 0 | 0 | 0 | 1 |
| FY 2021-22 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2022-23 | 0 | 0 | 0 | 0 | 0 | 0 |
| FY 2023-24 | 0 | 0 | 0 | 0 | 0 | 0 |

A) No change

B) The licensee was suspended for two years.

IV. There were no Licenses, Certification, or Registrations Penalized in past 5 years.

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

Please see Neb. Rev. Stat. 71-4728 and 20-156:

<https://nebraskalegislature.gov/laws/statutes.php?statute=71-4728>

<https://nebraskalegislature.gov/laws/statutes.php?statute=20-156>

(i) A statement from the occupational board on the effectiveness of the occupational regulations

Licensure establishes minimum qualifications that protect Deaf, Blind, and Hard of Hearing Nebraskans in critical settings such as legal proceedings, hospitals, mental health services, education, and one-on-one interactions. Without licensure, there would be no

reliable system to verify an interpreter's skills, cultural competency, or ethical standards. Unqualified individuals could present themselves as interpreters, increasing the risk of miscommunication that could compromise health, safety, education, and justice. Ending licensure would directly undermine NCDHH's strategic goals of strengthening communication access, ensuring responsive and innovative services, and safeguarding equitable participation in daily life.

(j) A comparison of whether and how other states regulate the occupation;

All jurisdictions have some sort of regulation regarding Sign Language Interpreters. Some jurisdictions only require licensure or certification if the Sign Language Interpreter is working as an educational interpreter or legal interpreter. Of the surrounding states, Iowa and Missouri require sign language interpreters to be licensed. Colorado, Kansas, South Dakota and Minnesota do not currently have licensure laws, but do keep registries of qualified sign language interpreters listing their certifications. Please also see the Registry of Interpreters for the Deaf website:

<https://rid.org/>

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The current modification of the rules and regulations in Nebraska Administrative Code Title 96 appear to be consistent with state statutes. Please see Appendix A for additional information on Title 96.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses, certifications, and registrations overseen by the Nebraska Commission for the Deaf and Hard of Hearing and the Interpreter Review Board are intended to protect the health, safety, and welfare of Nebraskans. The current modification of the regulations of the Sign Language occupation by is appropriate.

APPENDIX A

Nebraska Commission for the Deaf and Hard of Hearing Committee Report – Intent of Review for Interpreter Licensing Statutes (20-150 to 20-159) and Title 96

Purpose

This report outlines proposed revisions to Nebraska Statutes **Sections 20-150 to 20-159** and **Title 96 – Rules and Regulations Relating to Sign Language Interpreters**. The purpose is to modernize statutory language, align legislation with current Commission practice, strengthen oversight, and ensure equitable communication access for Deaf, Blind, and Hard of Hearing Nebraskans.

Executive Summary

The Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) is responsible for licensing interpreters and video remote interpreting providers. However, several provisions in current law no longer reflect Commission operations. The statute was last amended in **2015 (LB287)**, and updates are needed to reflect current practices and community needs. Updates are also required in Title 96 to clarify qualifications, certification standards, complaint procedures, and license enforcement. These revisions will:

- Clarify NCDHH’s role as a **licensing body, not a referral agency**.
 - Establish consistent standards for **educational interpreters**.
 - Strengthen accountability through an **independent complaint process**.
 - Modernize regulatory language to reflect current **equity-centered terminology**.
 - Ensure timely **reinstatement or termination of licenses** under the authority of the Executive Director.
-

Proposed Revisions Overview

| Current Statute / Regulation | Proposed Revision | Reason for Change |
|------------------------------|-------------------|-------------------|
|------------------------------|-------------------|-------------------|

Roster must include type of license, expiration Roster shall include **employment, license type, date; used for referrals.** certifications held, expiration date, and whether contact info is public. No referrals; Commission maintains NCDHH does not provide referrals or track employment type. Aligns with actual practice and transparency.

| Current Statute / Regulation | Proposed Revision an opt-in public list. | Reason for Change |
|--|--|---|
| NCDHH must provide interpreters if private interpreters unavailable; collect fees. | NCDHH does not provide interpreting services except when directly employing interpreters. Fees only apply in those cases. | Clarifies that NCDHH is a licensing body, not a service agency, except for Commission employed interpreters. |
| Interpreter Review Board (IRB): includes DHHS, NCDHH, interpreters, local govt., Deaf/HH. | DHHS & NCDHH = non-voting advisory members. Update “local govt.” → “local or state govt.” Add Certified Deaf Interpreter. Maintain 5 voting members for balance. | Removes conflict of interest, clarifies government role, and ensures representation of intermediary interpreters. |
| Educational interpreters regulated only by Nebraska Department of Education (NDE). | Require educational interpreters to also be licensed under NCDHH. NDE retains authority for role-specific school competencies. NCDHH & NDE must collaborate. | Creates consistent statewide licensure and accountability while preserving NDE’s role in education standards. |
| Title 96 qualifications exclude educational interpreters. | Expand qualifications to include educational interpreters. | Ensures equal standards for interpreters across all settings. |
| Certification agencies list outdated. | Update to include RID, BEI, EIPA, Certified Deaf Interpreter, and other current agencies. | Reflects modern practice and credentials used nationally. |
| Complaint handling sits with Interpreter Review Board. | Create an independent Complaint Committee . Amend §20-156(4) to | Strengthens impartiality and accountability in complaint resolution. |

| Current Statute / Regulation | Proposed Revision | Reason for Change |
|---|---|---|
| | reflect IRB's advisory role only. | |
| License reinstatement authorized only by Commission Board. | Executive Director may reinstate suspended or lapsed licenses upon meeting requirements. | Streamlines process, reduces delays, and aligns with standard licensing practice. |
| Outdated terminology (e.g., "hearing impaired"). | Replace with equitycentered terms: Deaf, DeafBlind, Hard of Hearing; update "video relay" → "video remote interpreting." | Aligns with NCDHH's Communication Access & Equity Policy and modern statutory language. |
| No rule for license termination when certification revoked by certifying authority. | If certification is suspended/revoked by recognized agency, Nebraska license shall also be suspended/revoked. Executive Director enforces, with notice and appeal rights. | Prevents unqualified interpreters from practicing; ensures consistency with national credentialing. |

Impact of Proposed Revisions

- **Clarification:** Clearly defines NCDHH's role as regulatory and licensing-focused.
 - **Accountability:** Creates independent complaint resolution, reducing conflicts of interest.
 - **Consistency:** Brings educational interpreters under NCDHH licensure while preserving DOE's authority on school-specific standards.
 - **Efficiency:** Empowers the Executive Director to manage license reinstatement and termination.
 - **Equity:** Updates terminology and regulations to reflect current best practices and community values.
-

Conclusion

The proposed revisions modernize Nebraska's interpreter licensing statutes and regulations, close existing gaps, and ensure a fair, transparent, and effective system that supports the communication rights of Deaf, Blind, and Hard of Hearing Nebraskans. These updates will strengthen trust in the

licensure process and ensure Nebraska remains responsive to evolving professional standards and community needs.