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Transmittal Sheet FINAL Action on Regulations		R9 ___ - ___
		Date of Publication in Virginia Register:

DO NOT WRITE ABOVE THIS LINE

Name of Agency Regulatory Coordinator:	Ms. Leslie G. Hutcheson	Phone Number:	662-9703
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Name of Promulgating Agency: Department for the Deaf and Hard-of-Hearing	Statutory Authority for Promulgating Regulations: Virginia Code Section 63.1-85.4:1
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Title of Regulation: Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

Virginia Regulation (VR) Number:

Virginia Administrative Code (VAC) Cite:

VAC Title Number: 22 VAC Agency Number: 20 VAC Chapter Number: 30

VAC Section Number(s): 10 through 130 Other VAC sections affected:

Agency contact for obtaining copies of regulation (include name, address and phone number).

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If there is a charge for copies, include the cost: \$ 0.00

Effective Date: 10/1/01

Transmittal By Authorized Officer. Please check one block:

The regulatory text contained in the attached document has been adopted in accordance with the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

This regulation or regulatory action is exempt from the Administrative Process Act pursuant to § _____ of the Code of Virginia.

Name of Authorized Officer: Leslie Hutcheson Title: Regulatory Coordinator

Signature: _____ Phone #: (804)662-9703 Date: _____

Check appropriate box to show the type of action taken:

New Regulations Amendments to Existing Regulations Repeal of Existing Regulations

Proposal Last Appeared in: 17 (volume) : 8 (issue) VA.R. _____ (page) 1/1/01 (date) Is adopted text identical to proposed text? Yes No

If emergency action was required, indicate when emergency text was published: _____ (volume) : _____ (issue) VA.R. _____ (page) _____ (date)



Final Regulation Agency Background Document

Agency Name:	Department for the Deaf and Hard of Hearing
VAC Chapter Number:	22VAC20-30
Regulation Title:	Regulations Governing Interpreter Services for the Deaf and Hard of Hearing
Action Title:	Directory of Qualified Interpreters and Quality Assurance Screening
Date:	June 29, 2001

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The existing regulation establishes rules for the inclusion of qualified interpreters in the Directory of Qualified Interpreters and rules for the agency's administration of Virginia Quality Assurance Screening. The Department is adopting revisions that improve the clarity of the regulation and reduce redundancy with the Code of Virginia; include a clear statement of fees; clarify confidentiality provisions; replace VQAS Level 1 with a Novice Interpreter designation; and add a consumer input and grievance procedure.

Based on public comment, the agency has made several amendments since the proposed regulation was published, including:

1. In the definition of "Certified Interpreter", changed "National Cued Speech Association" to "Testing, Evaluation and Certification Unit, Inc." based on public comment and to be factually correct.
2. In the definition of "Scores" changed the word "raw" to "segment composite" based on public comment and to be clear.
3. Deleted the definition of "Service Provider" based on public comment about the confusion this term caused and because its definition is not central to the regulations.
4. Added the term and definition for "Working Days" based on public comment.
5. In 22VAC20-30-100.D, deleted "manually-coded English" and added language recommended during public comment.
6. In 22VAC20-30-140.A, changed the language so that complaints must be based on "alleged violations of the Code of Ethics" as opposed to "the quality of interpreting services" to address concerns from public comment.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On June 29, 2001, the agency adopted the final regulation as amended and with a delayed implementation date of October 1, 2001.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Virginia Code §63.1-85.4.9 provides VDDHH with the authority to make, adopt, and promulgate regulations in order to carry out the agency's purpose and intent. Virginia Code §63.1-85.4:1 authorizes the agency to maintain a directory of qualified interpreters and to operate and charge fees for participation in a program of quality assurance screening. This regulation establishes the rules for the Directory and for the administration of the Virginia Quality Assurance Screening Program. The agency has received a letter from the Office of the Attorney General certifying that VDDHH has the authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The amendments to this regulation are necessary to ensure that citizens have full and easy access to the Directory of Qualified Interpreters and the Virginia Quality Assurance Screening Program. Also, those citizens who use the services of an interpreter screened in the VQAS program will have access to a grievance procedure under the final regulation. Currently, grievances are handled informally with a counseling meeting with the interpreter. Because of the nature of services provided by interpreters in serious, and often life-threatening, legal, medical and financial situations, this final regulation is essential to the health, safety and welfare of Virginians who are deaf or hard of hearing. Specific goals of the proposed amendments are:

1. To provide consumer access to a formal grievance procedure for situations involving violations of the Code of Ethics by Virginia Quality Assurance Screened Interpreters.
2. To provide clear consumer access to information about the Screening Levels awarded to interpreters under the Virginia Quality Assurance Screening Level.
3. To provide a cost-effective option for Virginia Quality Assurance Screening Candidates to select the extent of their participation in the screening process based on their area of skill and to establish fees for screening within the regulation.
4. To differentiate the skill level of the VQAS Level 1 by reclassifying this as a “Novice Interpreter Designation”. This is in response to consumer concerns about the inclusion of interpreters with VQAS Level 1 in the Directory of Qualified Interpreters. Code language defines a qualified interpreter as one who has a current screening level awarded by VQAS. Current regulations define the minimum requirement for a VQAS Level 1 as a score of 50%

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

1. General language changes to improve clarity and reduce redundancy with Code language. This was identified as a need during regulatory review. Specifically, the agency is separating the current Skills Assessment, which requires candidates to participate in both interpreting and transliterating assessments, into two distinct assessments, allowing candidates to participate in any single Skills Assessment.
2. Inclusion of a clear statement of fees. Current regulations indicate that candidates will be notified of fees. The Department is now including the fee structure in the regulations. The fee for the Code of Ethics Assessment remains at \$20. The new fee for each Skills Assessment is now \$60. Under the existing regulation, the fee for the Code of Ethics is \$20 and the fee for the Performance Assessment, which includes both interpreting and transliterating, is \$80 to take both the Interpreting and the Transliterating Assessment or the Cued Speech Assessment. This is the first fee increase since 1993.
3. Clarification of confidentiality provisions. While candidate scores will remain confidential, VQAS levels and designations awarded will be clearly noted as public information.
4. Replacement of VQAS Level 1 with a “Novice Interpreter Designation”. This is in response to consumer concerns about the inclusion of interpreters with VQAS Level 1 in the Directory of Qualified Interpreters. Code language defines a qualified interpreter as one who has a current screening level awarded by VQAS. Current regulations define the minimum requirement for a VQAS Level 1 as a score of 50%
5. Addition of provisions for a consumer input and grievance procedure. This is necessary to ensure that consumers who depend upon the services of VQAS interpreters have a formal mechanism for addressing complaints (based on violations of the Code of Ethics) against those interpreters. It will allow the agency to remove VQAS credentials from interpreters upon a finding of cause.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Advantages to Consumer

There are several advantages to the public in the final regulation. First, the availability of a Consumer Grievance Process provides consumers with recourse when a Virginia Quality Assurance Screened interpreter appears to violate the Code of Ethics. Under the current system, an interpreter could maintain their screening level, regardless of the egregiousness of any violations. Other advantages to consumers include the availability of Screening Level information. Previously, this information had been interpreted as being confidential but the clear statement included in the final regulation makes this information available to the general public. **Advantages to the Regulated Community and the Agency**

Of advantage to the participants in the Virginia Quality Assurance Screening Program and to the agency is the opportunity for candidates to take either a transliterating or an interpreting assessment or both. Under the current system, candidates are required to take both assessments. In most cases, the candidate is much stronger in one skill area than in the other. By requiring candidates to participate in only one skill area assessment, the agency will reduce the burden on the candidates and on the agency because it is anticipated that most candidates will participate only in the screening in which they have the strongest skills.

Disadvantages to Regulated Community

Some members of the regulatory community perceive the change from Level 1 to Novice Designation as a disadvantage. Since the majority of interpreters who participate in VQAS work in public school settings, VDDHH has worked with the Department of Education to ensure that this designation change does not impact the employment of those interpreters. Another possible disadvantage to the regulated community is the increase in the Skills Assessment fee. Currently, a candidate may take both assessments for \$80. Under the final regulation, a candidate may take a single assessment for \$60 or both for \$120. This is the first fee increase since 1993 and does not recover the full cost of the assessment. Since the agency anticipates that many candidates will opt for only one Skills Assessment, the impact should be minimal. Finally, some members of the regulated community are concerned that the Grievance Procedure will be used as a weapon against interpreters. The agency is prepared to implement policies and procedures to protect against such use of the Grievance Procedure.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

1. In the definition of "Certified Interpreter", changed "National Cued Speech Association" to "Testing, Evaluation and Certification Unit, Inc." based on public comment and to be factually correct.
2. In the definition of "Scores" changed the word "raw" to "segment composite" based on public comment and to be clear.
3. Deleted the definition of "Service Provider" based on public comment about the confusion this term caused and because its definition is not central to the regulations.
4. Added the term and definition for "Working Days" based on public comment.
5. In 22VAC20-30-100.D, deleted "manually-coded English" and added language recommended during public comment.

6. In 22VAC20-30-140.A, changed the language so that complaints must be based on "alleged violations of the Code of Ethics" as opposed to "the quality of interpreting services" to address concerns from public comment. In addition, a Consumer Complaint form has been included in the regulation.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

The agency received written comment from 16 individuals and organizations during the public comment period. In addition, at a public hearing held on February 6, 2001, 6 people presented comment. Much of the comment received was not specific to the regulation but related to the operation of the Virginia Quality Assurance Screening Program and individual concerns about the agency's role in coordinating interpreter services. Since the authority for both of these programs arises from Code language, the agency has not specifically addressed those concerns.

Of those comments received that did relate directly to the regulation, the following specific items were noted:

Two individuals offered general support for the regulation.

Definitions

Several individuals and organizations commented on the Definitions, as follows:

Three individuals representing one organization opposed the use of the phrase "advanced level" in the definition of certified interpreter, noting that the Registry of Interpreters for the Deaf does not award levels.

Agency Response: The word "level" here is used in the sense of "relative position on a scale" and not to recognize a numeric level system. No change is needed.

One organization commented that the definition of "certified interpreter" should read "...and/or the National Association of the Deaf" to recognize the possibility of a joint test offered by the Registry of Interpreters for the Deaf and the National Association of the Deaf at some time in the future.

Agency Response: The agency will revisit this definition if and when a joint test is available. The current language does not prohibit recognition of multiple certifications.

Three individuals representing one organization commented that the definition for "Code of Ethics" should recognize the Code of Ethics of the National Association of the Deaf as well.

Agency Response: The National Association of the Deaf Code of Ethics includes a tenet that requires interpreters to pursue certification from the National Association of the Deaf. Since

VDDHH does not promote certification from one organization, we have not adopted the NAD Code of Ethics for Virginia Quality Assurance Screening purposes.

Three individuals representing one organization commented that the definition of “Directory” should not include the term “qualified” when describing interpreters.

Agency Response: Virginia Code Section 63.1-85.4:1 authorizes the agency to maintain a listing of “qualified interpreters” includes a specific definition of “qualified interpreters” which is used throughout this regulation.

One organization and three individuals representing another organization expressed concern that the definition of “National Association of the Deaf” is too narrow and does not recognize the scope of work that organization does.

Agency response: The agency acknowledges the broad scope of programs and services offered by the National Association of the Deaf, however, the definitions are provided for the purpose of this regulation only and, for that purpose, the agency has focused the definition on the certification offered by the National Association of the Deaf.

Two individuals noted that the National Cued Speech Association is no longer the certifying organization for Cued Speech Transliterators. The Testing, Evaluation, and Certification Unit, Inc. now administers this certification.

Agency Response: The agency has corrected this information in the final regulation.

Three individuals representing one organization opposed the definition of “qualified interpreter” and recommended deleting reference to “any national organization.”

Agency Response: The definition is taken from the language in Code Section 63.1-85.4:1 and the agency does not have the authority to change it.

One organization commented that the “scores” should be defined as “component composite” scores rather than “raw” scores to accurately reflect the information that VQAS candidates receive with their results.

Three individuals representing one organization suggested that the definition and the entire scoring system be deleted as it appears to be biased.

Agency Response: The agency has revised the definition in the final regulation to accurately reflect the scores candidates receive. The agency is maintaining the current scoring system, which has been properly validated.

Six respondents expressed concern that the definition of “service provider” was unclear.

Agency Response: The agency reviewed the regulation and determined that the term “service provider” is not central to the regulation. The definition has been deleted in the final regulation.

One individual recommended that a definition of “working days” be added.

Agency Response: The agency concurs and has added a definition of “working days.”

22VAC20-30-20 Responsibilities of the Department

Three individuals representing one organization recommended that, in point A, the word “shall” be replaced with the word “will” and that the word “qualified” be eliminated from the description of the Directory.

Agency Response: The agency has used the term “shall” based on the Virginia Register Form, Style and Procedure Manual. The term “qualified” is used based on Virginia Code Section 63.1-85.4:1. No changes have been made in response to this comment.

One organization was concerned that language regarding the assignment and compensation of qualified interpreters should not be stricken.

Agency Response: Since this language repeats authority given to the agency in Virginia Code Section 63.1-85.4:1, it does not need to be repeated in the regulation. The agency has not restored this language in the final regulation.

22VAC20-30-30 Inclusion in Directory of qualified interpreters

One organization and three individuals representing one organization expressed concern that the requirement for individuals with a screening level from another state to attain national certification or a VQAS Screening Level within one year of being listed in the Directory was unreasonable, since delays in testing and results could impede an individual’s opportunity to receive a level.

Agency Response: Agency policy allows for flexibility in this area. If there are documented delays in the screening or certification process, the agency will waive this requirement until results are available.

Three individuals representing one organization recommended that the list of recognized credentials should be stricken and that all interpreters who wish to be included in the Directory should be.

Agency Response: The credentials listed are based on Virginia Code Section 63.1-85.4:1. The agency has not made any change to this in the final regulation.

Part III Virginia Quality Assurance Screening

Three individuals representing one organization recommended that this whole procedure be eliminated because of perceived problems with the process and that the state contract with the National Association of the Deaf for screening.

Agency Response: The VQAS process has been validated and the agency maintains validity checks on the process to identify and address any systemic problems. The screening is operated in accordance with Virginia Code Section 63.1-85.4:1.

22VAC20-30-70 Fee for Screening

One organization recommended that language be added to specifically allow one candidate to transfer funds on account to another candidate.

Agency Response: VDDHH program policy provides for such transfers. The final regulation has not been changed to address this point.

22VAC20-30-100 VQAS Assessment Process [Separate Skills Assessments for Interpreting and Transliterating]

One organization and one individual opposed the separation of the Interpreting Skills Assessment and the Transliterating Skills Assessment. Their opposition was based on their belief that interpreters need balanced skills in both areas and will not necessarily pursue such balance unless forced to by the assessment process.

Two individuals expressed specific support for the separation of the assessments.

One individual noted an interest in the separation without specifically supporting or opposing it.

Agency Response: The agency agrees that interpreters should pursue skills that include both interpreting and transliterating, however, we also recognize that this is the professional responsibility of each individual and should not be dictated by the state. The Registry of Interpreters for the Deaf also offers separate assessments for national certification. Nothing in the final regulation prohibits interpreters from taking both assessments.

One organization commented that the description of transliterating in the text does not agree with the definition of transliterating provided elsewhere.

Agency Response: The agency agrees with this comment and has changed the description.

22VAC20-30-100 Point D Criteria for Screening Levels [Replacement of Level 1 with Novice Interpreter Designation]

One organization and two individuals support the change from Level 1 to Novice Interpreter.

Three individuals and three additional individuals representing one organization oppose the change because of concerns about the public perception of the term “Novice”. One individual expressed neither support or opposition but shared a concern that the public might perceive novice to mean new and that many interpreters who would receive such a designation have been practicing for several years or more.

Agency Response: The agency defers to earlier input from consumers who use interpreters and who expressed concerns that an interpreter who demonstrates a minimum of 50% competency on the skills assessment could be included in the Directory. The Department holds that interpreters at that skill level deserve recognition for their progress but should not be eligible for inclusion in the Directory. The alternative was to eliminate recognition for that level of achievement altogether and this was not acceptable to the agency and would not have been acceptable to the community.

22VAC20-30-130 Confidentiality [Levels as Public Information]

One organization and one individual supported the public’s right to know the levels awarded to individuals who participate in this public program.

Three individuals representing one organization opposed based on the concern that such information might be protected under the Freedom of Information Act.

Agency Response: The Freedom of Information Act exempts test scores but does not exempt levels used as credentials and awarded by a program of the state. The statement in the regulation only clarifies that it is levels and not scores which are public information.

22VAC20-30-140 Consumer Grievance Procedure

Ten organizations and individuals commented on the language establishing a consumer grievance procedure. Of these, three specifically opposed such a process, two specifically supported the process and five indicated that the potential for abuse of the process and the lack of recourse for interpreters in the process were concerns.

Agency Response: The agency acknowledges that any complaint process is open to abuse and misuse, however, careful development of policies and procedures to govern the process, including an interpreter appeal mechanism, should address the concerns. The agency has incorporated the text of the required complaint form into the final regulation.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

22VAC20-30-10 Definitions

Definitions for “Assessment Team”, “Panel”, and “Panelist” have been stricken because the agency no longer uses live panels for rating.

The definition for “closed screening” has been stricken. This should not have any specific as the agency can arrange closed screenings under policy.

The definition for “coordinator” has been stricken because it is not relevant to the regulation.

The definition for “service provider” has been stricken based on public comment about the clarity of this term. The term is not central to the regulation.

The definition of “interpreter” has been amended for clarity.

The definition of “certified interpreter” has been amended to recognize interpreters certified by the National Association of the Deaf, which did not offer a certification when the regulation was previously promulgated and to correct the certifying body for cued speech transliterators.

The definition of “qualified interpreter” has been amended to clarify that this definition is based on language in the Code of Virginia.

The definition of “screening level” has been amended to clarify that screening levels are based on the compilation of rater scores as opposed to minimum standards.

A definition for “National Association of the Deaf” has been added to support the recognition of certification from that organization.

A definition of “results letter” has been added to aid in ensuring a common understanding of the valid dates of a screening level and time frames for appeal.

A definition of “scores” has been added to differentiate from “screening levels.”

A definition of “working days” has been added based on public comment and to ensure a common understanding of the time frame for processing candidate results.

22VAC20-30-20 Responsibilities of the Department

Language that is redundant with the Code or that simply describes routine work of the agency has been stricken.

22VAC20-30-30 Inclusion in the Directory of qualified interpreters

This section has been amended to incorporate recognition of certification from the National Association of the Deaf. It has also been amended to require that interpreters with a screening level from another state either achieve a VQAS level or national certification within one year from the original date of their inclusion in the Directory.

Part III Virginia Quality Assurance Screening

This part was generally reorganized. Some sections from the previous regulations were stricken and incorporated elsewhere within this part for clarity and ease of understanding. Specific changes by section in this part include:

22VAC20-30-60 Notification of intent to be screened

Corrected the agency address.

22VAC20-30-70 Fee for screening

Included specific fees for Code of Ethics Assessment and Skills Assessments. The fee for the Code of Ethics Assessment remains at \$20. The fee structure for Skills Assessments has been changed significantly. In the previous regulation, a candidate paid a single fee of \$80 for a Performance Assessment that included both interpreting and transliterating segments. Under the final regulation, the fee for each skills assessment will be \$60 and candidates must register separately for the interpreting skills assessment and the transliterating skills assessment. This will result in a \$40 increase for candidates who chose to take both skills assessments but will provide the opportunity for candidates to take the assessments at different times, an option not available under the current regulation.

This section has also been amended to clarify that fees are non-refundable but may be kept on account and not forfeited if a candidate cancels an assessment date.

22VAC20-30-80 Scheduling of screening dates

Language was stricken which allowed the agency to cancel a screening date when fewer than six candidates registered for that date.

22VAC20-30-90 Notifying and scheduling of candidates

Confusing language about notification of screening dates and closed screenings was stricken. The requirement for an appropriate registration form was also stricken. New language was added that spells out the information that a candidate must include in any request for a screening date. In addition, new language was added to clarify that requests are processed in the order received and that candidates will be notified at least 20 calendar days in advance of their assigned assessment date.

22VAC20-30-100 VQAS Assessment Process

Previous language describing an assessment before a panel has been stricken. The assessment process is now strictly a videotaped assessment reviewed by raters.

Language describing the screening process was stricken and replaced. The previous language described a two-part assessment, involving a Code of Ethics Assessment and a Skills Assessment in either Sign Language or Cued Speech. The Sign Language Assessment included performance in two categories – interpreting and

transliterating. The new language outlines the variety of assessments the agency may offer, including a Code of Ethics assessment and four separate skills assessments, including interpreting, transliterating, receptive skills (for deaf interpreters only) and cued speech transliterating. The requirement to achieve a score of 90% or higher on the Code of Ethics assessment remains.

Language explaining the scoring of each assessment was stricken and replaced for clarity. In addition, the standard for a Screening Level I was stricken. Candidates who receive performance scores between 50% and 64.9% will receive a Novice Interpreter designation under the new regulation.

22VAC20-30-120 Appeals procedure

New language was added to clarify the process for candidates to contest the results of any part of a screening. Conditions for appeal are defined as environmental or technical factors which impact the performance. New language requires that requests for appeal must be submitted in writing and that the only remedy that can be offered is an opportunity to retake the assessment within 90 working days of the appeal decision.

22VAC20-30-130 Confidentiality

New language was added to clarify that, while candidate scores are to remain confidential, Novice Interpreter designations and Screening Levels are public information.

22VAC20-30-140 Consumer Grievance Procedure

This section is new and establishes a consumer grievance procedure. Consumers who feel that a VQAS screened interpreter has violated the Code of Ethics may access this procedure to seek remedy. The complainant must use the form included in the regulation and must cite the tenet of the Code of Ethics that they allege has been violated. The Department must review each complaint within 30 days and determine if it has merit to be forwarded to a grievance panel. The grievance panel must meet within 90 days and determine if a violation has or has not occurred or if there is insufficient evidence to make such a determination. If the panel determines that a violation has occurred, they may recommend to the agency any or all of the following remedies: that the interpreter's name be removed from the Directory; that the interpreter's contract with the agency be voided; that the interpreter be required to receive additional training; that the interpreter's current VQAS level be suspended or revoked.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The impact of the proposed revisions on families is positive and minimal.

- The provisions for VQAS encourage economic self-sufficiency, self-pride and the assumption of responsibility for oneself by providing qualified candidates with a recognized, though generally not mandated, credential. A VQAS Screening Level is required for interpreters who provide services in state government, Virginia Courts and Virginia Public Schools. In many instances, an interpreter's rate of pay is directly tied to the VQAS Screening Level they possess. In addition, by providing diagnostic feedback, VQAS provides candidates with information to assist them in improving their skills and, thus, their earning potential.

- The addition of a formal grievance procedure will ensure that families have recourse when a VQAS screened interpreter violates the Code of Ethics.

- The opportunity to take only one skills assessment will enhance program efficiency and, potentially, reduce the costs to participants.
- In addition, the overall clarification of language will provide more clear information to families who are impacted by or interested in the regulation in general.