



Rhode Island Commission on the Deaf and Hard of Hearing

CART REFERRAL SERVICE

Policies and Procedures

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RICDHH Interpreter/CART Referral Service
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1) Introduction

1.1 Purpose:

This document is intended to summarize standard, best practice guidelines for the referral and provision of CART services in Rhode Island. This manual may serve as a reference regarding procedures and ethical standards for both those administering and/or receiving CART services.

1.2 Definitions

ORGANIZATIONS/AGENICES/SERVICES:

- A) **ASCII / ASCII Output:** The English text output in electronic form (MS Word-readable file, for example) of a communication event that has been scan-edited to achieve near-verbatim accuracy through correction and elimination of any un-translates or glaring mistranslates to put the text in a completely readable form. A scan-edit does not produce a verbatim certifiable transcript; details of verbatim transcription preparation are ignored, such as complete punctuation, capitalization, paragraphing, verifying spellings of proper names, checking quoted materials, and so forth. It is expected that preparation of ASCII Output will require a certain amount of time and thus may not be available at the end of the event. The ASCII Output may be transmitted to the Requester, Consumer, or Payer by e-mail or on an electronic medium such as a CD. In previous versions of the CART Services contract, ASCII Output was referred to as “rough edited diskette.”
- B) **CART:** Communication Access Realtime Translation (CART) is a word-for-word, speech-to-text translation service for people who need communication access. Unlike computerized note-taking or abbreviation systems which summarize information for consumers, CART provides a complete, near-instantaneous translation of all spoken words and environmental sounds.
- C) **Interpreter/CART Referral Service:** The statewide work unit of the RICDHH Interpreter/CART Services, established under RI General Law, 23-1.8 which receives requests for Interpreters /Transliterators and CART Providers, and maintains a roster of qualified providers to whom interpreting and CART jobs can be referred.

- D) **NCRA**: National Court Reporters Association
- E) **RICDHH**: Rhode Island Commission on the Deaf and Hard of Hearing
- F) **Remote CART**: A method by which the CART Provider is in one location and the consumer is in another. The consumer may be attending the communication event or the communication event may be at a third location. The CART Provider listens to one or more voices via a telephone line or other audio connection and transmits the verbatim text to the remote location via the internet. Remote CART is useful to consumers in geographical areas in which there is a shortage of CART Providers. The RICDHH CART Referral Service may offer a list of remote CART services if available in the near future.

PROVIDERS:

- A) **CART Provider**: A CART Provider is a trained professional who uses a steno machine (or his/her voice plus a mask or an unmasked microphone), notebook computer, and realtime software to render instant, verbatim speech-to-text translation. The CART Provider can be present in the same location as the communication event (on-site) or another location (remote). The text translation is sent to a computer monitor or other display for the benefit of an individual consumer or larger group in a number of settings. A CART Provider is sensitive to the varying needs of consumers and has had training in conveying a speaker's message, complete with environmental cues. This expertise distinguishes a CART Provider from a court reporter in a traditional litigation setting. The verbatim nature of the output distinguishes the CART Provider from an individual using software intended to facilitate note-taking.
- B) **CCP**: Certified CART Provider, a credential awarded by the NCRA following successful completion of a written knowledge test and realtime writing skill test.

BUSINESS TRANSACTIONS:

- A) Base Rate:** The basic hourly rate an individual or business CART Provider is eligible for. The base rate depends on certification level.
- B) Consumer:** Any individual who is hearing, Deaf, Oral Deaf, Deaf-blind, Late-deafened or Hard of Hearing and who uses or may use CART Services.
- C) Private Entity:** A non-governmental organization, company, or individual. Private entities may use RICDHH's Interpreter/CART Referral Service to place job requests, but CART Providers must negotiate their own contract terms and conditions, including rates, with private entities prior to accepting the assignment.
- D) Requester:** any person, agency, or entity that secures the services of a CART provider. The requester is financially responsible for the provision of said services and is also referred to as the paying party.
- E) State Entity:** A state entity/agency uses RICDHH's Interpreter/ CART Referral Service to place job requests.

2) Eligibility of CART Providers:

All CART providers (freelance independent contractors only) who wish to be part of the RICDHH Interpreter/CART Referral Service are encouraged to contact the Interpreter/CART Referral Specialist at 401-222-5300 or e-mail at Interpreter@cdhh.ri.gov .

All CART providers may be asked to go through the interviewing process and to read the RICDHH CART Referral Service Procedures and Policies in order to get an approval by the RICDHH to be on the list of providers for referrals.

3) Procedures:

- 3.1 An Interpreter/CART Referral Service may be utilized to secure the services of CART providers or CART providers may be contacted directly. Because of the recognized shortage of qualified CART providers, it is recommended that requests be made at least 2 weeks in advance. Requests made with less than 2 weeks notice should still be honored. Regardless of the notice provided, a qualified CART provider can not be assured. If a CART provider is not available, the requester should be

notified at least 2 business days prior to the assignment date. Consumers should request CART services directly from the person, agency, or place in which the services will be used. Said person, agency, or place shall be the requester of services or paying party. Questions about particular referral service policies should be directed to that referral agency or the CART provider.

3.2 The requester should provide the following information to a referral specialist.

- A) Name and phone number of requesting party (paying party)
- B) Name of consumer(s)
- C) Day, time, and precise location of assignment (address, bldg., floor, dept, suite, and room)
- D) Length of assignment
- E) Nature/type of assignment
- F) Consumer's language preference if known
- G) Request for preferred CART provider if any
- H) Billing information (address, contact name, phone number)

3.3 Follow-up assignments may be arranged at the discretion of the CART provider, paying party, and consumers. Follow-up assignments should be routed through the RICDHH Interpreter/CART referral service.

Please note: CART providers should defer to paying party's procedures for hiring CART providers before accepting follow up assignments.

3.4 Replacement CART providers: If a CART provider cannot fulfill the requirements of an assignment that he/she has accepted, then the CART provider may find his/her own qualified replacement. The RICDHH Interpreter/CART referral service may assist in securing a replacement CART provider.

4) **Assignment categories:**

4.1 Legal/Court settings: The American with Disabilities Act and Section 504 of Rehabilitation Act of 1973 mandate that the court must provide CART service for a deaf or hard of hearing witness and/or party in a court proceeding, including a juror if CART service is appropriately matched by a deaf or hard of hearing witness and/or party. Because of the serious nature and potential consequences to parties involved in legal proceedings, it is best practice that appropriate CART provider be hired according to NCRA and its instructions at www.ncra.org.

5) Fee Schedule and Fee Policies:

5.1 Fees:

5.1.1 - STATE AGENCIES:

The Rhode Island Commission on the Deaf and Hard of Hearing (RI CDHH) with the assistance of the RI Division of Purchases establishes state rates as freelance independent contractors for State's Master Pricing Agreement (MPA) or known as state contract, that will be based on certain levels of certifications and years of interpreting with current certification. The state rates are reviewed every 3 years.

The RICDHH is responsible to notify the CART providers and state agencies as requesters of the public hearing on the proposed state rates as freelance independent contractor which should be held between April and May with at least 14 business days in advance. If the state rates of the 3rd final fiscal year is expired on June 30th, the hearing will be held in April/May prior to June 30th. The notification shall be sent by the Executive Director or its staff member other than the Interpreter Referral Service Specialist through e-mail.

The new state rates will be in effect starting on July 1st of each fiscal year.

5.1.2 RI CDHH handles the appropriate paperwork such as a proof of license in RI, the W-9, updates on the CART provider certifications, and others from the CART providers in order for them to comply the master pricing agreement (MPA) requirements. Once the MPA number is given to a CART provider, the CART provider is able to work with the State of RI as long as their certification is in a good standing and for the duration of MPA.

5.1.3 MPA shall include the standard policies listed below:

GENERAL:

- Two hour minimum to be paid.
- If the assignment is cancelled less than 24 hours (1 business day), payment must be made by the paying party/requester for total hours reserved.

- If the assignment requires less time than reserved, payment must be made by the paying party/requester for total hours reserved.
- An assignment, 2 hours or more, will require more than one CART provider (extenuating circumstances at the professional judgment and discretion of the primary CART provider according to National Court Reporters Association's (NCRA) Professional Ethics).

APPEARANCE:

- In the case a client has not arrived for an assignment, the CART provider is to wait no less than 30 minutes.
- In the case a client has not arrived for an ½ day assignment, the CART provider is to wait no less than 60 minutes.
- In the case a client has not arrived for a full day assignment, the CART provider is to wait no less than 90 minutes and before making determination to leave, call the RICDHH Interpreter and CART Referral Service to check if a client plans to show up some point of the day.
- The CART provider can charge for its service an half-hour (0.5 hour) increment after a minimum of two hours.
- The CART provider shall not be late for the assignment subject to the NCRA's Code of Ethics. If it occurred, the CART provider shall not bill for the entire time.

STATE COLLEGES/UNIVERSITIES:

- For Post Secondary State Colleges and Universities, if an on going class is reserved and eventually cancelled within two weeks prior to start of the semester/quarter and anytime during the semester/quarter, the CART provider shall be paid a two week severance. Billing, cancellation, and payment arrangements if different than the policy above shall be at the CART provider's discretion and arranged directly with the paying party prior to accepting the assignment.

IF PAYMENT DISPUTES OCCUR:

- If a requestor/paying party fails to pay a CART provider for the service rendered that was referred by RICDHH and the CART provider has attempted to resolve this matter, the RICDHH Interpreter/CART Referral Service will provide advocacy on behalf of the CART provider for services only when the CART provider had also confirmed the fees and fee-related policies directly with the requestor prior to the assignment. It is the responsibility of the CART provider and the requestor to confirm fees and policies prior to the assignment.

5.2 PRIVATE ENTITIES OR ANY NON-STATE ENTITIES:

A CART provider will set their own fees for services. Billing, cancellation, and payment arrangements shall be at the CART provider's discretion and arranged directly with paying party prior to accepting the assignment.

5.2.1 Pay Differential: CART provider may charge a pay differential for adverse circumstances (i.e. emergency assignments or last minute requests). Pay differential shall be at the CART provider's discretion and arranged directly with the paying party.

5.2.2 Mileage/travel time: CART provider may charge for mileage and/or travel time for assignments. These fees shall be arranged directly with the paying party.

6) Assignment Protocol

6.1 Two-hours or less: Generally, one CART provider may accept an assignment that is expected to require 2 hours or less of time. However, the two-hour guideline shall be at the CART provider's discretion.

6.2 Multiple CART providers at same assignment: For assignments that are expected to exceed 2 hours, paying parties are strongly encouraged to secure more than one CART provider.

6.3 Cancellation of Assignment:

Standard cancellation policy is 1 business day (24 hours) prior to date of assignment. Unless, cancellation and payment arrangements if different than the policy above is already arranged directly with the paying party by the interpreter prior to accepting the assignment.

6.3.1 For private post secondary institutions:

General Practice: When a post secondary assignment is cancelled at any time during the semester/quarter, CART provider shall be given two weeks severance pay. However, the CART provider may negotiate with the paying party at his/her discretion prior to accepting the assignment.

7) Professional and Ethical Standards:

The National Court Reporters Association (www.ncra.org) puts forth the NCRA Code of Professional Ethics which exist to protect and guide both CART providers and consumers. It is expected that every working CART provider know, understand, and adhere to the NCRA Code of Professional Ethics. NCRA Code of Professional Ethics as defined by the NCRA are listed below.

A Member Shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.
2. Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Member shall disclose that conflict or potential conflict.
3. Guard against not only the fact but the appearance of impropriety.
4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Member by any of the parties in a proceeding.
5. Be truthful and accurate when making public statements or when advertising the Member's qualifications or the services provided.
6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.
7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.

8. Refrain from giving, directly or indirectly, any gift or anything of value to attorneys or their staff, other clients or their staff, or any other persons or entities associated with any litigation, which exceeds \$100 in the aggregate per recipient each year. Nothing offered in exchange for future work is permissible, regardless of its value. Pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations are permissible in any amount.
9. Maintain the integrity of the reporting profession.
10. Abide by the NCRA Constitution & Bylaws.

For more details, refer to NCRA Code of Professional Ethics at www.NCRA.org.

Feedback and Disciplinary Actions:

8.1 The Code of Professional Conduct Provoked or any “Harm Done” Incidents caused by a RI CART Provider:

Before sending a complaint to the RI Commission on the Deaf and Hard of Hearing, it is strongly encouraged to resolve an issue between the consumer or the requester and the CART captioner first. If the consumer or the requester still insists, s/he may do the following 8.2, Unsatisfactory or complaints below.

8.2 Unsatisfactory or complaints on the interpreter/CART Referral Service:

Grievance Resolution Guideline:

Before sending a complaint to the Executive Director and the Chairperson of the Commission, it is strongly encouraged to resolve an issue between the consumer, the requester, or the interpreter and the referral specialist first. If the consumer, the requester, or the interpreter still insists, s/he may do the followings.

There are three (3) formats you may use to express your concerns. They are as follows:

1. **WRITE A LETTER** - Please send a written letter to the Executive Director and cc: to Chairperson of the Commission and/or Interpreter/CART Referral Specialist at the following address:

Executive Director
Rhode Island Commission on the Deaf and Hard of Hearing
One Capitol Hill, Ground Level
Providence, RI 02908

2. **SEND AN E-MAIL** - Please send an e-mail explaining your concerns to the Executive Director at Steven.Florio@cdhh.ri.gov and cc: to Chairperson of the Commission at cdhh.main@cdhh.ri.gov and/or Interpreter/CART Referral Specialist at cdhh.interpreter@cdhh.ri.gov.
3. **SEND AN ASL VIDEO CLIP** - Please send an e-mail with a link of your video clip in American Sign Language (ASL) to the Executive Director at Steven.Florio@cdhh.ri.gov and cc: to Chairperson of the Commission at cdhh.main@cdhh.ri.gov and/or Interpreter/CART Referral Specialist at cdhh.interpreter@cdhh.ri.gov.

NOTE: The link of the ASL videos needs to be provided so the Executive Director, Chairperson of the Commission, and/or Interpreter/CART Referral Specialist can gain access to your video clip at YouTube, google drive, dropbox, or any storage sources. The RICDHH e-mail box only accepts the attachment that is less than 25MB. Otherwise, your e-mail, that exceeds maximum size limit of 25 MB, will be bounced back. The link of the ASL videos provided is most effective.

If you wish to use YouTube particularly, please be sure that the video clip is set as UNLISTED to protect confidentiality. This way, the certain individuals you sent a link to are the only individuals that can gain access to your video clip.

Next, please be sure to include all information below in one of any formats (Letter, E-mail, and ASL Video Clip):

- a. The nature of the problem or the reason for complaint
- b. The date of incident
- c. Your name and the contact information, in case the Executive Director needs to follow up with you for further inquiry.

You should receive a response from RI CDHH within 10 business days concerning your complaint outlining what steps RI CDHH should take toward the resolution on your behalf.

8.3 Compliments on the Quality of Interpreter/CART Referral Services:

Please use any format indicated under 8.2 (1), (2), or (3) and send it to the Executive Director of your acknowledgement and cc: to Chairperson of the Commission and/or Interpreter/CART Referral Specialist.

Rhode Island Commission on the Deaf and Hard of Hearing will respond to any written letter of complaint in a timely manner. RI CDHH is committed to ensuring the highest quality Interpreter/CART Referral Service for its consumers.