

Dr. Mitch Turbin
April 10, 2017
Reaction to Senate Bill 1018\1023

Senator Gelser, Senator Monnes Anderson and others on the Oregon Senate Committee on Human Services et. Al.

I am writing here to sadly, but with a clear conscience and firm conviction, express my opposition to Senate Bills 1018\1023. I'm Dr. Mitch Turbin of the Deaf-Blind Services Task Force, formerly of the VA National Center for Rehabilitative Auditory Research.

I have worn at least one hearing aid since I was a college freshman, and added a cochlear implant in 2001. I have also been legally blind since 1975 and at age 65 have little residual vision. So I know from personal experience how difficult life often is for those of us who are hard of hearing or have combined vision and hearing loss but are not deaf. I also have known and worked with deaf people, including that minority of the deaf population who call themselves Deaf with a capital D, since 1982. These members of the Deaf Community are often strong advocates for having their needs addressed at, unfortunately, the expense of those who are hard of hearing, late deafened, and deaf-blind. That appears to be happening here in Oregon and regrettably, SB 1018\1023 as currently amended reflects that kind of situation—progress for the Deaf but more oppression and discrimination against the rest of us. I cannot sit idly by and allow these bad bills to become law in our state. If it is too late to have more hearings and testimony to correct the critical flaws in SB1018\1023, I urge the committee to vote against them. It will be much better to start over and write legislation that installs even decent services in DHS. If the bill goes forward in the legislature I will continue to oppose it. However, note that I am not a professional advocate or a registered lobbyist, as are my Deaf colleagues. It will put them at an advantage that will be unfair to us other advocates and raises the dangerous possibility that Oregon law will be distorted and misused or, worse, that a new program will be established in the Department of Human Services that exploits the majority of people with hearing loss that DHS should be serving, just so services are implemented that serve primarily the Deaf Community. Better we start all over again, from scratch. Hopefully we will be able to come up with equitable legislation for the next biennium.

My specific complaints:

Section 1: “(2) ‘Deaf-blind’ means having a combination of deafness and vision Loss”

This degrades previous language that stated deaf-blind meant a combination of hearing loss and vision loss. Of the 1.2 million Americans who have serious combined vision and hearing loss, those who have ‘deafness’ number probably not more than 100,000, although I think the actual number is quite less. By putting deafness in instead of “hearing loss” and not even putting blindness in there also, it seems clear that the selected language skews the service attention to those who use sign language. It also can affect the selection of members for the Committee established by this act, clearly suggesting that a deaf-blind member have deafness, not partial hearing loss. Note that

blindness is not part of this language—so it's better to have partial vision but not partial hearing. This is discrimination.

“(4) ‘Sign language interpreter’ means a person who is readily able to communicate with an individual who is deaf, deaf-blind or hard of hearing and who can accurately translate statements by, proceedings involving and conversations with individuals who are deaf, deaf-blind or hard of hearing.”

First, it is oppressive to only define sign language interpreters as the communication accommodation of the population, and second, it is oppressive to give the impression that hard of hearing people use sign language interpreters. We use interpreters exactly as often as hearing people do, to communicate with Deaf people. WE DO NOT USE ASL AS AN ACCOMODATION, EXCEPT FOR A RARE FEW. What we had been told by “our lobbyists” would be produced would include the term used in the ADA—Effective Communication Services, which includes interpreters, captions and assistive listening systems. In fact, there is no mention of captions in SB 1018 and certainly there is no effort to equitably list and define the communication accommodations used by those of us who are not Deaf. Vague allusions about adaptive technology in other parts of the bill are inadequate to ensure balance in the programs attention to communication accommodations.

Section 2, subsections (1) to (3), which describes the makeup of the committee, is too vague. I recently worked for several months for DHS as part of a Rules Advisory Committee to ensure effective balance among the different subgroups of the hearing loss population be represented in the current DHS Deaf and Hard of Hearing Advisory Committee. I do not believe the vague description provided in this amendment ensures that agreed upon balance will be part of the new program. Law needs to be specific, particularly when a history of discrimination is what we are trying to address.

As I noted in my testimony on SB 1018\1023 on March 29, we have already recently seen a troubling priority in the way the RFP for the Community Needs Assessment was written. We dodged that bullet, barely, because my colleagues at Western Oregon University did their professional due diligence. SB 1018\1023.

I suggest that the proper way forward is this:

1. Kill SB 1018\1023
2. DHS convene a work group of advocates and professionals to work over the next year to draft a much better bill.
3. Then offer that bill in the 2019 Legislature.

Thank you for your attention. I would love to meet with some of your legislators and DHS administrators.

Email: michturbin@gmail.com

Phone: (503) 618-0207