

118TH CONGRESS
1ST SESSION

H. R. 5762

To direct the Secretary of Health and Human Services to research and design a graphic symbol to indicate when linguistic access materials and services are available for a health program, product, or service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2023

Mrs. KIM of California (for herself and Ms. MENG) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services to research and design a graphic symbol to indicate when linguistic access materials and services are available for a health program, product, or service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Communication
5 Access and Resources for Everyone Act of 2023” and the
6 “Health CARE Act of 2023”.

1 **SEC. 2. CREATION OF A HEALTH LANGUAGE ACCESS SYM-**
2 **BOL.**

3 (a) INITIATING PROCESS.—Not later than 180 days
4 after the date of enactment of this Act, the Secretary of
5 Health and Human Services (in this Act referred to as
6 the “Secretary”) shall start a process to establish a graph-
7 ic symbol to indicate when linguistic access materials and
8 services are available to users or recipients of a health pro-
9 gram, product, or service.

10 (b) DESIGN.—The graphic symbol under this section
11 shall be designed to—

12 (1) inform people about the availability of exist-
13 ing interpretation services and translated materials;

14 (2) provide a simple and widely understood
15 method for health care providers, issuers, public
16 health departments, and other entities engaged in
17 health care, including public health and health care
18 communications, to inform people about available re-
19 sources to assist them in effectively communicating
20 and receiving information about a health program,
21 product, or service;

22 (3) increase people’s access to communication
23 regarding health programs, products, and services,
24 thereby facilitating better uptake of preventative
25 care, diagnosis, and treatment adherence;

1 (4) ensure the effectiveness of the symbol
2 across different modalities, including printed and
3 electronic notices, websites, insurance program appli-
4 cations, and consumer-facing outreach and edu-
5 cational materials; and

6 (5) provide parameters for the integration of
7 context-specific information that accompanies the
8 symbol, such as a telephone number for available tel-
9 ephonic interpreter services, a quick response code,
10 or embedded links to websites with translated mate-
11 rials.

12 (c) RESEARCH PROCESS.—In conducting or sup-
13 porting research for the design of the graphic symbol
14 under this section, the Secretary shall—

15 (1) review the effectiveness of existing linguistic
16 access symbols used in different settings or nations;

17 (2) oversee a consumer research and brand de-
18 sign process to inform the creation, modification, or
19 adoption of the graphic symbol, including an evalua-
20 tion of the symbol’s comparative potential to im-
21 prove consumer access to interpretation and trans-
22 lated materials and services, improve efficiency, and
23 reduce waste;

24 (3) consult throughout the process with stake-
25 holders, including health insurance plans, health

1 care providers, interpreters and translators, lan-
2 guage services managers, language service compa-
3 nies, organizations representing different commu-
4 nities with limited English proficiency, organizations
5 representing persons with disabilities and older
6 adults, State and local governments, and Tribal or-
7 ganizations; and

8 (4) conduct (directly or by entering into a con-
9 tract) testing among a diverse set of communities
10 using potential symbols to see whether and how
11 those communities improve access to interpretation
12 services and translation materials.

13 (d) FINALIZATION.—Not more than 18 months after
14 the date of enactment of this Act, the Secretary shall—

15 (1) finalize the design of the graphic symbol
16 under this section; and

17 (2) issue a report to the appropriate congres-
18 sional committees detailing—

19 (A) the design of the symbol; and

20 (B) a plan for dissemination of the symbol
21 under section 3.

22 (e) COORDINATION WITH OTHER FEDERAL AGEN-
23 CIES.—

24 (1) IN GENERAL.—To the extent determined
25 appropriate by the Secretary, and subject to para-

1 graph (2), the Secretary shall provide for coordina-
2 tion, in designing the graphic symbol under this sec-
3 tion, between—

4 (A) the Department of Health and Human
5 Services; and

6 (B) other Federal agencies that could po-
7 tentially adopt the graphic symbol under this
8 section in communicating information to people
9 with limited English proficiency.

10 (2) NO DELAY.—The Secretary shall not allow
11 coordination under paragraph (1) to delay the de-
12 sign of the graphic symbol under this section, the
13 issuance of the final report under subsection (d), or
14 the dissemination of the symbol under section 3.

15 **SEC. 3. DISSEMINATION OF THE HEALTH CARE LANGUAGE**

16 **ACCESS SYMBOL.**

17 (a) IN GENERAL.—Upon finalization of the design of
18 the graphic symbol under section 2, the Secretary shall—

19 (1) design an education program with the goal
20 of increasing awareness of interpretation and trans-
21 lated materials and services among those who need
22 linguistic access solutions with respect to health pro-
23 grams, products, and services;

24 (2) work with entities likely to interact with
25 populations that have limited English proficiency or

1 linguistic barriers to health care access, such as pub-
2 lic health departments, interpreter and translator as-
3 sociations, health care providers, health care assist-
4 ers, Federally qualified health centers, health insur-
5 ance issuers, community-based organizations, ref-
6 ugee resettlement organizations, and other entities
7 identified by the Secretary;

8 (3) work with health care providers, issuers,
9 public health departments, and other entities identi-
10 fied by the Secretary as engaging in communication
11 to consumers regarding health and health care to in-
12 form such entities of the symbol and encourage the
13 use of the symbol in consumer communications; and

14 (4) conduct trainings and provide technical as-
15 sistance to State agencies responsible for the Med-
16 icaid program under title XIX of the Social Security
17 Act (42 U.S.C. 1396 et seq.) or the State Children’s
18 Health Insurance Program under title XXI of such
19 Act (42 U.S.C. 1397aa et seq.), managed care orga-
20 nizations, health insurance marketplaces, insurers,
21 hospitals, Federally qualified health centers, and
22 other recipients of Federal funds to encourage wide-
23 spread knowledge and adoption of the symbol.

24 (b) USE OF THE SYMBOL IN HHS PROGRAMS.—The
25 Secretary shall develop and implement a plan to use the

1 graphic symbol under section 2 across all consumer com-
2 munications developed by the Department of Health and
3 Human Services, including applications for coverage, no-
4 tices, websites, and public health information.

5 (c) OPTION TO USE GRAPHIC SYMBOL TO COMPLY
6 WITH EXISTING HHS REQUIREMENTS.—

7 (1) IN GENERAL.—If the testing under section
8 2(c) indicates that requiring use of the graphic sym-
9 bol under section 2 would improve access to inter-
10 pretation services and translation materials relative
11 to such access under existing HHS requirements,
12 the Secretary shall allow entities described in sub-
13 section (a)(2) to use such symbol to give notice of
14 the availability of interpretation services and trans-
15 lation materials in lieu of complying with existing
16 HHS requirements.

17 (2) DEFINITION.—In this subsection, the term
18 “existing HHS requirements” means the require-
19 ments of the Department of Health and Human
20 Services relating to giving notice of the availability
21 of interpretation services and translation materials
22 that are in effect as of the date of enactment of this
23 Act.

24 (3) UPDATES TO REGULATIONS.—The Sec-
25 retary may update such regulations and take such

- 1 other actions as may be appropriate to carry out this
- 2 subsection.

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