

FINAL BILL REPORT

SSB 5304

Brief Description: Testing individuals who provide language access to state services.

Sponsors: Senate Committee on Human Services (originally sponsored by Senators Saldaña, Nguyen, Nobles, Valdez and Wilson, C.).

Senate Committee on Human Services

Senate Committee on Ways & Means

House Committee on Human Services, Youth, & Early Learning

Background: The Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) provide equal access to social service and medical programs for all persons, including persons who have limited English proficiency. State law requires DSHS to ensure that bilingual services are provided to non-English speaking applicants for, or recipients of, public assistance. In community service offices, depending on the circumstances, DSHS may be required to employ bilingual personnel or contract with interpreters. DSHS must also provide interpreters at dependency hearings.

DSHS certifies, authorizes, and qualifies language access providers as needed to maintain an adequate pool of providers. DSHS will only offer spoken language interpreter testing under certain circumstances. One of these circumstances is when 10 percent or more of the requests for interpreter services in the prior year for DSHS employees and the health care authority on behalf of limited English-speaking applicants and public assistance recipients went unfilled.

Summary: DSHS must require language access providers to successfully complete oral and written tests and ensure that all providers are fluent in English and a primary non-English language. Testing must include evaluation of language competence, interpreting performance skills, understanding of the interpreter's role, and knowledge of DSHS policies regarding confidentiality, accuracy, impartiality, and neutrality.

DSHS is not prohibited from developing and administering a program to meet the requirements and standards established under this act, but may not award testing or certification authority to private entities with financial interests in the direct provision of interpreter services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

DSHS must convene a work group to study and make recommendations to the Legislature regarding interpretive service certification policies and programs for limited and non-English speaking Washingtonians. The work group is required to hold its first meeting by August 1, 2023, and submit a final report by December 1, 2023.

The work group must make recommendations that support language access and interpretive services. These recommendations must include, at a minimum:

- criteria necessary to demonstrate that certified language access providers have the skills necessary to ensure quality and accurate services;
- strategies for increasing access to language access providers in rural communities and for languages of lesser demand;
- strategies for workforce resiliency including adequate workload and compensation;
- standards of ethics and professional responsibility; and
- investments needed to implement the plan for online testing described in this act.

The work group must include one member from each of the two largest caucuses of the Senate appointed by the President of the Senate, and one member from each of the two largest caucuses of the House of Representatives appointed by the Speaker of the House of Representatives. The remaining members of the work group must be selected by DSHS and must include individuals who are geographically diverse and represent people with a variety of language barriers, and represent at least the following groups:

- interpreters working in medical settings;
- interpreter unions;
- families with language access barriers;
- community-based organizations supporting families with language access barriers;
- leadership of the department of social and health services;
- professionals with experience delivering interpreter certification services online; and
- other parties DSHS deems relevant.

The work group must also develop an implementation plan for an online testing system for language access providers. The plan must require candidates to demonstrate written and oral proficiency in both English and another language in accordance with nationally recognized standards and ethics.

Staff support for the work group must be provided by DSHS.

Votes on Final Passage:

Senate	48	0
House	94	4

Effective: Ninety days after adjournment of session in which bill is passed.