

SENATE BILL REPORT

SB 6572

As Reported by Senate Committee On:
Ways & Means, February 7, 2012

Title: An act relating to interpreter services.

Brief Description: Addressing provision of spoken language interpreter services for state executive agencies.

Sponsors: Senators Harper, Schoesler, Hobbs, Swecker, Hatfield, Roach, Pridemore, Fain, Conway, Shin and Benton.

Brief History:

Committee Activity: Ways & Means: 2/06/12, 2/07/12 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Baumgartner, Brown, Conway, Fraser, Harper, Hatfield, Kastama, Keiser, Kohl-Welles, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Hewitt, Holmquist Newbry, Honeyford, Padden and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator Tom.

Staff: Jenny Greenlee (786-7711)

Background: Federal laws prohibit discrimination based on an individual's race, color, national origin, handicap, religion, or sex by any entity that receives federal financial assistance. Pursuant to these and other laws, state agencies must provide equal access to social service and medical programs for all persons, including persons who have limited English proficiency.

State law also requires the Department of Social and Health Services (DSHS), the Health Care Authority (HCA), and the Office of Administrative Hearings to ensure that bilingual

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services are provided to non-English speaking applicants for, and recipients of, public assistance. In community service offices, depending on the circumstances, DSHS may be required to employ bilingual personnel or contract with interpreters, local agencies, or other community resources. DSHS must also provide interpreters at dependency proceedings. Depending on the county, interpreters in dependency proceedings may be paid by DSHS, the Attorney General's Office, or the court.

Spoken language interpreters are certified by DSHS with the use of standardized tests. These tests measure language proficiency and interpreting skills and evaluate interpreters providing oral interpretation services to social service programs and in medical settings. Interpreters may also become authorized or qualified by DSHS to provide such services. The Department of Labor and Industries requires interpreters to have credentials from at least one of nine certifying agencies.

DSHS has used contracts with brokers who schedule and link clients and service providers with interpreters since 2003. In 2010 Engrossed Substitute Senate Bill 6726 granted collective bargaining rights to language access providers. Language access providers are defined as independent contractors who provide spoken language interpreter services for DSHS appointments or Medicaid enrollee appointments. The Governor vetoed a section of ESSB 6726 which would have directed the Office of Financial Management (OFM) and DSHS to convene a workgroup to improve the delivery of interpreter services. Instead, the Governor directed OFM and DSHS to work informally to develop recommendations related to interpreter services. The workgroup recommended having HCA, which now administers Medicaid programs, to issue a request for proposals for a performance-based contract with one or two coordinating entities for interpreter services for Medicaid clients. Coordinators would be required to use an electronic scheduling system and offer telephonic, video remote interpreting, or face-to-face interpretation. HCA released their request for proposals on January 30th, 2012. Interpreters working for other state agencies are not collectively bargained and may or may not work through a broker.

Summary of Bill (Recommended Substitute): The Department of Enterprise Services (DES) must establish a master contract for spoken language interpreters for all state agencies in the executive branch.

DES must develop and implement a master contract for centralized scheduling of in-person spoken language interpreter services by January 1, 2013. That system will allow for direct contracting with spoken with in-state language access providers certified or authorized by the state. When a state-certified, in-state language access provider is not available, the state may use a provider with other certifications and out-of-state providers.

HCA is exempt from the requirement to contract through DES if it completes a competitive procurement of a system before September 2013, if that system meets the same requirements as the DES system. If HCA is successful in completing a competitive procurement by September 2013, then the DES system should be consistent and coordinate with the HCA system. State agencies that have a contract with the HCA before September 2013, are exempt from the requirement to use the DES contract.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute): All other state agencies must use the DES contract unless otherwise exempted. K-12 schools and courts are exempt from contracting through DES. Any state executive branch agency is not required to use the DES contract if they have a contract with HCA for interpreter services by September 2013. DES is no longer responsible for creating guidelines for appropriate use of telephonic or video remote interpreting. DES will develop a scheduling system that will directly contract with in-state language access providers.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Interpreters are passionate about the services they provide, but these services are not procured efficiently. There is a heavy reliance on middlemen, who drive up costs and reduce compensation to interpreters. HCA has shown that money can be saved by working more directly with interpreters. HCA can be a model for the whole state. Currently, other state agencies, like Labor and Industries, still have a problem when contracting for interpreters. This bill will establish a single portal for the entire state, streamlining the process. This single portal will help reduce using multiple interpreters in the same area for different state agencies and reduce interpreter travel.

Persons Testifying: PRO: Dennis Eagle, WA Federation of State Employees; Narscisa Hodges, Interpreters United.