
**Government Operations & Elections
Committee**

HB 1753

Brief Description: Regulating interpreter services.

Sponsors: Representatives Jinkins, Hunt, Cody, Goodman, Freeman, Stanford, Fitzgibbon, Bergquist, Sawyer, Green, Ryu, Hope, Moscoso, Liias, Haler, Hudgins, Sullivan, Appleton and Pollet.

Brief Summary of Bill

- Authorizes the Department of Labor and Industries to purchase interpreter services for doctors providing services to injured workers or crime victims with limited English proficiency or who are sensory-impaired.
- Requires the departments of Social and Health Services and Labor and Industries and the Health Care Authority to integrate the purchase of interpreter services through one centralized system by July 1, 2016.
- Requires language access providers to be certified or authorized by the Department of Social and Health Services.
- Establishes the Spoken Language Interpreter Advisory Group.
- Requires the Department of Enterprise Services to develop and implement a model for providing interpreter services by July 1, 2014.
- Allows for statewide collective bargaining units for language access providers who provide interpreter services for the Department of Labor and Industries and for interpreter services purchased for other state agencies through the Department of Enterprise Services.

Hearing Date: 2/20/13

Staff: Marsha Reilly (786-7135).

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

Background:

Interpreter Services.

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, the Department of Social and Health Services (DSHS) provides equal access to social service and medical programs for all persons, including persons who have limited English proficiency.

State law also requires the DSHS to ensure that bilingual services are provided to non-English speaking applicants for, and recipients of, public assistance. In community service offices, depending on the circumstances, the DSHS may be required to employ bilingual personnel or contract with interpreters, local agencies, or other community resources.

The DSHS and the Health Care Authority (HCA) provide spoken language interpreter services through contracts with brokers who schedule and link clients and service providers with interpreters. Spoken language interpreters are certified by the 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 also may become authorized or qualified by the DSHS to provide such services.

Public Employee Collective Bargaining.

Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA) administered by the Public Employment Relations Commission. Individual providers (home care workers), family child care providers, adult family home providers, and certain language access providers also have collective bargaining rights under the PECBA.

Under the PECBA, the employer and exclusive bargaining representative have a mutual obligation to negotiate in good faith over specified mandatory subjects of bargaining (grievance procedures and personnel matters, including wages, hours, and working conditions). For uniformed personnel, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving these uniformed personnel, the PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation. Language access providers are subject to mediation and binding interest arbitration if an impasse occurs in negotiations.

In 2010 Engrossed Substitute Senate Bill 6726 granted collective bargaining rights under the PECBA to language access providers. "Language access providers" are defined as independent contractors who provide spoken language interpreter services for Department of Social and Health Services (DSHS) appointments or Medicaid enrollee appointments, but not owners, managers, or employees of brokers or language access agencies. Mandatory subjects of bargaining are limited to: (1) economic compensation, such as the manner and rate of payments; (2) professional development and training; (3) labor-management committees; and (4) grievance procedures. Retirement benefits are not subject to collective bargaining.

Summary of Bill:

Interpreter Services.

The Department of Labor and Industries (L&I) is authorized to purchase interpreter services for doctors providing services to injured workers or crime victims with limited English proficiency or who are sensory-impaired. By July 1, 2014, the L&I must purchase interpreter services directly from language access providers through the use of scheduling and billing software, or through no more than three contracts with scheduling and coordinating delivery organizations, or both.

By July 1, 2016, the DSHS, the HCA, and the L&I must integrate the purchase of interpreter services through one centralized system. All language access providers procured through these agencies must be certified or authorized by the DSHS.

The Director of the Department of Enterprise Services (DES) must develop and implement a model for providing interpreter services by purchasing the services of language access providers through the use of scheduling and billing software, or through no more than three contracts with scheduling and coordinating delivery organizations, or both, by July 1, 2014.

Advisory Group.

The DSHS must establish the Spoken Language Interpreter Advisory Group (Advisory Group) to advise the DSHS, the L&I, the DES, and the HCA on the policies, rules, and regulations governing certification and authorization of spoken language interpreters. The Director of the DSHS, in consultation with the directors of the other departments, must make appointments to the Advisory Group. The duties of the Advisory Group include developing and recommending policies to enhance the quality of interpreters and evaluating and making recommendations to the certification standards used by the DSHS.

Public Employee Collective Bargaining.

Collective bargaining rights under the PECBA are granted to language access providers who provide spoken language interpreter services for L&I appointments and for state agencies through the DES, or who provided these services on or after January 1, 2012, and before the bill's effective date.

If a single employee organization is the exclusive bargaining representative for two or more language access provider units, upon petition by the employee organization, the units may be consolidated into a single larger unit as the exclusive bargaining representative of the new unit if the Public Employment Relations Commission considers the consolidation to be appropriate.

The L&I and the DES is obligated to comply with the federal statute and regulations. The Legislature has the right to make programmatic modifications to the workers' compensation laws.

Appropriation: None.

Fiscal Note: Requested on February 15, 2013.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.