S-1468.1

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**SUBSTITUTE SENATE BILL 5304**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Human Services (originally sponsored by Senators Saldaña, Nguyen, Nobles, Valdez, and C. Wilson)

AN ACT Relating to testing individuals who provide language access to state services; amending RCW 74.04.025; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature declares that quality, competent interpretive services for limited English-speaking Washingtonians is a vital public policy priority. The legislature finds that informal or erroneous interpretation can result in significant personal consequences. Therefore, the legislature intends to require that interpreters be able to pass both written and oral certification exams to ensure quality, competent services for all Washingtonians.

**Sec.**  RCW 74.04.025 and 2018 c 253 s 2 are each amended to read as follows:

(1) The department, the authority, and the office of administrative hearings shall ensure that bilingual services are provided to non-English-speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English-speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

(2) If the number of non-English-speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with language access providers, local agencies, or other community resources.

(4) The department shall certify, authorize, and qualify language access providers as needed to maintain an adequate pool of providers such that residents can access state services. The department shall require the successful completion of oral and written tests in accordance with established standards to ensure that all language access providers are fluent in English and a primary non-English language. Testing shall include evaluation of language competence, interpreting performance skills, understanding of the interpreter's role, and knowledge of the department's policies regarding confidentiality, accuracy, impartiality, and neutrality. Except as needed to certify, authorize, or qualify bilingual personnel per subsection (2) of this section, the department will only offer spoken language interpreter testing in the following manner:

(a) To individuals speaking languages for which ten percent or more of the requests for interpreter services in the prior year for department employees and the health care authority on behalf of limited English-speaking applicants and recipients of public assistance that went unfilled through the procurement process in RCW 39.26.300;

(b) To spoken language interpreters who were decertified or deauthorized due to noncompliance with any continuing education requirements; and

(c) To current department certified or authorized spoken language interpreters seeking to gain additional certification or authorization.

(5) The department shall require compliance with RCW 41.56.113(2) through its contracts with third parties.

(6) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English-speaking persons. Basic informational pamphlets shall be translated into all primary languages.

(7) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and complying with the requirements of all such written communications.

(8) Nothing in this section prohibits the department from developing and administering a program to meet the requirements and standards established under this act.

(9) No testing or certification authority may be awarded to a private entity with a financial interest in the direct provision of interpreter services.

(10) As used in this section:

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for state agencies, injured worker, or crime victim appointments through the department of labor and industries, or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or a state agency. "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(b) "Primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

NEW SECTION. **Sec.**  (1) The department shall convene a language access work group. The purpose of the work group is 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 shall hold its first meeting on or before August 1, 2023, and shall submit its final report on or before December 1, 2023.

(2) The work group shall make recommendations necessary to support language access and interpretative services that shall include, at a minimum:

(a) Criteria necessary to demonstrate that certified language access providers have the skills necessary to ensure quality and accurate services;

(b) Strategies for increasing access to language access providers in rural communities and for languages of lesser demand;

(c) Strategies for workforce resiliency including adequate workload and compensation;

(d) Standards of ethics and professional responsibility; and

(e) Investments needed to implement the plan for online testing described in this section.

(3)(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate to the work group.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives to the work group.

(c) The remaining members of the work group shall be selected by the department of social and health services and shall include individuals who:

(i) Are geographically diverse and represent people with a variety of language barriers; and

(ii) 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 the department of social and health services deems relevant.

(d) Staff support for the work group shall be provided by the department of social and health services.

(4) In addition to the recommendations in this section, the work group shall 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.

(5) This section expires June 30, 2024.

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