
**Human Services, Youth, & Early
Learning Committee**

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.).

Brief Summary of Substitute Bill

- Provides that the Department of Social and Health Services (DSHS) must ensure that all language access providers are fluent in English and a primary non-English language through completion of oral and written tests.
- Prohibits the DSHS from granting testing or certification authority to a private entity with a financial interest in the direct provision of interpreter services.
- Requires the DSHS to convene a language access work group to study and make recommendations regarding interpretive service certification policies and programs for limited and non-English speaking Washingtonians with a final report due December 1, 2023.

Hearing Date: 3/22/23

Staff: Omeara Harrington (786-7136).

Background:

The Department of Social and Health Services (DSHS) must ensure that bilingual services are provided to non-English speaking applicants for and recipients of state-administered assistance

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.

programs. Bilingual services must 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 an inability to speak English.

If the number of non-English speaking applicants or recipients served by a DSHS community service office who share the same language exceeds 50 percent of the average caseload of a full-time position, the DSHS must employ bilingual personnel to serve the population. In other circumstances, the DSHS must certify, authorize, and qualify language access providers as needed to maintain an adequate pool of providers so that residents may access state services. Language access providers are independent contractors who provide spoken language services for state agencies, Medicaid enrollee appointments, and certain other state-administered services.

Except as needed to certify, authorize, or qualify bilingual employees, the DSHS only offers spoken language interpreter testing in the following circumstances:

- to interpreters of languages for which 10 percent or more of the requests for interpreter services in the prior year on behalf of limited English-speaking clients went unfilled through the statutory procurement process;
- to interpreters who were decertified or de-authorized due to noncompliance with continuing education requirements; and
- to current DSHS certified or authorized spoken language interpreters wanting to gain additional certification or authorization.

Summary of Bill:

The DSHS must require the successful completion of oral and written testing in accordance with established standards to ensure that all language access 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 the DSHS's policies regarding confidentiality, accuracy, impartiality, and neutrality. The DSHS is not prohibited from developing and administering a program to meet these requirements. The current law circumstances in which the DSHS must offer spoken language interpreter testing are retained.

No testing or certification authority may be awarded to any private entity that has a financial interest in the direct provision of interpreter services.

The DSHS must convene a language access work group to study and make recommendations regarding interpretive service certification policies and programs for limited and non-English-speaking Washingtonians.

The work group must be composed of the following members:

- one member from each of the largest two caucuses of the Senate, appointed by the President of the Senate;
- one member from each of the largest two caucuses of the House of Representatives,

- appointed by the Speaker of the House of Representatives; and
- individuals selected by the DSHS who: (1) are geographically diverse and represent people with a variety of language barriers; and (2) represent, at a minimum, interpreters working in medical settings, interpreter unions, families with language access barriers, community-based organizations supporting families with language access barriers, leadership of the DSHS, professionals with experience delivering interpreter certification services online, and other parties the DSHS deems relevant.

The work group must make recommendations as to what is necessary to support language access and interpretative 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 online testing.

The work group must additionally 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.

The work group must hold its first meeting on or before August 1, 2023, and submit its final report to the Legislature on or before December 1, 2023. Staff support for the work group must be provided by the DSHS.

Appropriation: None.

Fiscal Note: Available.

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