

SENATE BILL REPORT

SB 5995

As of January 11, 2024

Title: An act relating to creating a professional license for spoken language interpreters and translators.

Brief Description: Creating a professional license for spoken language interpreters and translators.

Sponsors: Senators Saldaña, Valdez, Kauffman, Trudeau, Hasegawa, Keiser, Kuderer, Nguyen, Nobles and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/15/24.

Brief Summary of Bill

- Creates licenses for spoken language interpreters and translators the Department of Licensing (DOL) will oversee.
- Requires DOL to develop and administer exams and initially adopt certain existing tests as exams.
- Makes individuals holding certain existing certifications eligible for licensure without taking the exam.
- Authorizes DOL to collaborate and share data with other agencies and collaborate with educational institutions.
- Creates a Licensed Interpreter and Translator Advisory Committee within DOL.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Madeline Ralstin (786-7356)

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.

Background: Interpreters and translators are not licensed under Washington State law. The Department of Social and Health Services (DSHS), the Health Care Authority (HCA), and the Office of Administrative Hearings (OAH) must ensure that interpreting and translating services are provided to non-English-speaking persons. These agencies have their own requirements in place for interpreters and translators.

DSHS oversees the Language Testing and Certification Program (LTC) responsible for managing the bilingual skills testing and certification of employees, licensed agency personnel (LAPL), and contracted interpreters and translators. DSHS-LTC establishes and publishes systems, methods, and procedures for certifying, screening and evaluating the interpretation of either translation skills of employees, LAPL, interpreters and translators who work with department clients, employees, and service providers.

HCA offers Washington Apple Health, which provides interpreter and translation services free of charge to those who have limited ability to read, write, or speak English. Washington Apple Health considers a bilingual worker or a contracted interpreter or translator to be competent if they are certified for either interpreting or translating, or both, in the language by DSHS-LTC or determined to be competent in a language by an association or organization with a regional or national reputation for certifying or determining the competence of interpreters or translators, or both.

OAH must provide a qualified interpreter free of charge to assist any person who has limited English-proficiency and is a party or witness in a hearing before an administrative law judge (ALJ), HCA-employed presiding officer, or a review judge that gives a party an opportunity to be heard in disputes about medical services programs. A qualified interpreter for a limited English-speaking person is a person who is readily able to interpret or translate spoken and written English communications to and from a limited English-speaking person effectively, accurately, and impartially. If an interpreter is court certified, the interpreter is considered qualified.

When a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned or compelled to appear at a legal proceeding, the appointing authority must use certified language interpreters, unless good cause is found. When a non-English-speaking person is involved in a legal proceeding, the appointing authority must appoint a qualified interpreter. Certified interpreter is an interpreter who is certified by Administrative Office of the Courts (AOC). Qualified interpreter is a person who is readily able to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English. AOC has certain testing and certification programs for language interpreters.

Summary of Bill: Interpreter and Translator Licensing. Department of Licensing (DOL) will administer licenses for spoken language interpreters and translators. DOL must:

- establish reasonable examination, licensing, and renewal fees for interpreters and translators;

- compile and maintain a current list of licensed interpreters and translators;
- establish forms and procedures and rules for examinations;
- include the completion of continuing education and the renewal of the license after a four-year period as requirements for license renewal;and
- post online a resource page that provides information on the number of requests for interpreters.

It is unlawful for an individual to act or hold themselves out as a licensed interpreter or translator without a valid license with the following exceptions:

- interpreters that have already been certified, deemed qualified, or registered with the AOC;
- an interpreter working in a public school or an interpreter in the language access program; and
- language access providers and spoken language interpreters who have been certified, authorized, or deemed qualified by DSHS.

Examinations. DOL must develop and administer examinations for licensures. Initially, DOL must adopt the tests created by DSHS-LTC. DOL must administer the exams for licensed certified interpreters and licensed translators in at least the following languages: Cantonese Chinese, Mandarin Chinese, Korean, Russian, Spanish, and Vietnamese. For languages in which DOL does not offer certification licensure, DOL must administer exams to applicants for licensure as a licensed authorized interpreter.

DOL must determine which states have credentialing requirements equivalent to those in Washington State, and issue applicants credentialed in qualifying states without examination. Individuals holding an active certification from the Commission for Healthcare Interpreters or by the National Board of Certification for Medical Interpreters and those licensed by DSHS prior to January 1, 2025, are eligible for the relevant licensure without taking an exam.

Collaboration. DOL, AOC, the Professional Educator Standards Board, and the Office of the Superintendent of Public Instruction are authorized to collaborate and share data. DOL must also cooperate and work with community colleges and other educational institutions to encourage training and continuing education activities to be available in both Eastern and Western Washington.

Advisory Committee. A Licensed Interpreter and Translator Advisory Committee is created within DOL on January 1, 2026. The advisory committee will consist of 14 members from various agencies and community organizations. DOL must consult regularly with the advisory committee on issues related to interpreter and translator licensure and renewal.

Appropriation: None.

Fiscal Note: Requested on December 28, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.