

SENATE BILL REPORT

SB 5995

As Reported by Senate Committee On:
Labor & Commerce, January 23, 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, 1/23/24 [DPS, DNP].

Brief Summary of First Substitute Bill

- Creates a Department of Licensing (DOL) program to license spoken language interpreters and translators.
- 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.
- Creates a Licensed Interpreter and Translator Advisory Committee within DOL.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass.

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.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; Hansen and Stanford.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun, MacEwen and Schoesler.

Staff: Madeline Ralstin (786-7356)

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 (First Substitute): 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 or training 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, 2029, 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.

Advisory Committee. A Licensed Interpreter and Translator Advisory Committee is created within DOL on July 1, 2025. 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.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Changes the effective date to January 1, 2029, for the following: DOL issuance of licenses; eligibility for the relevant licensure renewal; members who provide spoken language interpretation or translation services in the advisory committee; and prohibiting individuals from acting as a licensed interpreter or translator.
- Changes the effective date to July 1, 2029, for the following: rule adoption for licensure approval and continuing educational activities; and requirement for three members who provide spoke language interpretation and translation.
- Changes the effective date to July 1, 2028, for the following: DSHS transmitting all materials for certification and authorization to DOL.
- Changes the effective date to January 1, 2025, for the following: DSHS transmitting all LTC program materials, data, and technology to DOL.
- Changes the effective date to July 1, 2025, for the following: creating an interpreter and translator advisory committee within DOL.
- Adds training to the minimum requirements for licensure renewal.
- Removes that the DOL must work with community colleges and other educational institutions.
- Adds two members representing a community and technical college appointed by their executive director of the state board for community and technical colleges and certain agencies must be appointed by their respective agency director to the advisory committee.
- Removes amendments to the statutes governing bilingual services for non-English-speaking applicants and recipients.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Due to the COVID-19 pandemic, DSHS stopped all testing for interpreters and translators in March 2020. DSHS cannot continue to administer the exams and would prefer to offload all responsibilities for testing contracted interpreters and translators. Licensing is a core business of the DOL. Transferring DSHS exams to the DOL is a natural fit. Washington state should restore the DSHS-LTC exams because they are rigorous and very affordable. When DSHS stopped

administering exams in 2020 interpreters and translators had the option to become certified through other national organizations or third-party testing. However, this is expensive and not as rigorous due to no oral exam requirement for interpreters and translators. Credentialing individuals that have not been tested in all three modes: consecutive, sight, and simultaneous—could pose risks and be detrimental to limited-English proficient (LEP) Washingtonians trying to access medical services. This bill creates equitable access to LEP Washingtonians, eliminates barriers to access for interpreters and translators, and Washington State would be the first state to recognize interpreters and translators as a profession.

CON: There is support for recognizing interpreting as a profession and ensuring equitable access to healthcare for Washingtonians. However, the way some provisions are written could put LEP patients at risk. It is concerning to allow the DOL to develop and administer exams for interpreters and translators. Testing for interpreters and translators is very complex and a specialized endeavor that requires expertise. Allowing the DOL to administer exams would create an unnecessary undue financial burden on the DOL. It is more efficient to utilize existing national certification exams. Another concern is that the bill only requires testing in two modes. Medical interpreters must be proficient in all three modes of interpreting. Licensing professionals that are not credentialed correctly in all three modes, could cause significant harm to those with limited-English proficiency seeking out medical services.

OTHER: There is support with the legislative intent and the overall commitment to creating equitable access for LEP Washingtonians and addressing the backlog and the dire need for more qualified and certified interpreters. However, this bill does not seem like the proper solution. Some organizations would like more time to consider how this pathway will expand access for LEP Washingtonians and other stakeholders. There is some uncertainty regarding whether the DOL is the right agency to administer exams for interpreters and translators because they lack the subject-matter expertise to develop and administer these exams. There is concern about the DOL issuing licenses in the short timeline proposed. Additionally, there is concern about mandatory licensing and how this may result in national companies no longer providing services to Washington State.

Persons Testifying: PRO: Senator Rebecca Saldaña, Prime Sponsor; QUAN TRAN, Interpreters United (WFSE) President; Helen Eby, WFSE Local 1671 Interpreters United; Aida Sanchez-Vela, Interpreters United WFSE Local 1671; César García, Lake City Collective; Dennis Eagle, WA Federation of State Employees.

CON: Natalya Mytareva, Certification Commission for Healthcare Interpreters.

OTHER: Joana Ramos, Washington State Coalition for Language Access; Eliana Lobo, Lobo Language Access; Kate White Tudor, Washington Association for Community Health.

Persons Signed In To Testify But Not Testifying: No one.