

JAN 23 2015

A BILL FOR AN ACT

RELATING TO STATE CERTIFICATION OF HEALTH CARE INTERPRETERS.

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

1 SECTION 1. The legislature finds that persons with limited
2 English proficiency are often unable to interact effectively
3 with health care providers. Because of spoken language
4 differences, persons with limited English proficiency are often
5 excluded from health care services, experience delays or denials
6 of health care services, or receive health care services based
7 on inaccurate or incomplete information.

8 The legislature further finds that the lack of competent
9 health care interpreters in the provision of health care
10 services impedes the free flow of communication between the
11 health care provider and patient, preventing clear and accurate
12 communication and the development of empathy, confidence, and
13 mutual trust that is essential for an effective relationship
14 between a health care provider and patient.

15 The purpose of this Act is to establish a health care
16 interpreter certification system within the department of



1 health, with standards to be established by a board of health
2 care interpreters.

3 It is the intent of this legislature that the health care
4 interpreter certification system be guided by the policy
5 statement issued by the United States Department of Health and
6 Human Services, Office for Civil Rights, titled, "Guidance to
7 Federal Financial Assistance Recipients Regarding Title VI
8 Prohibition Against National Origin Discrimination Affecting
9 Limited English Proficiency Persons", dated August 8, 2003, and
10 "National Standards for Culturally and Linguistically
11 Appropriate Services in Health and Health Care: A Blueprint for
12 Advancing and Sustaining CLAS Policy and Practice", as
13 established by the United States Department of Health and Human
14 Services, Office of Minority Health, dated April 2013.

15 SECTION 2. Chapter 321C, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:

18 **"PART II. HEALTH CARE INTERPRETERS**

19 **§321C-A Definitions.** As used in this part, unless the
20 context otherwise requires:



1 "Board" means the Hawaii board of health care interpreters,
2 established pursuant to section 321C-B.

3 "Health care" means medical, surgical, or hospital care or
4 any other remedial care recognized by state law, including
5 dental and mental health care.

6 "Health care interpreter" means a person who is readily
7 able to communicate with a person with limited English
8 proficiency, accurately translate the written statements or
9 interpret the oral statements of the person with limited English
10 proficiency into English, and translate the written statements
11 or interpret the oral statements of other persons into the
12 language of the person with limited English proficiency.

13 **§321C-B Hawaii board of health care interpreters;**
14 **established.** (a) There is established the Hawaii board of
15 health care interpreters, which shall be placed within the
16 department of health for administrative purposes only. The
17 board shall consist of the following members to be appointed by
18 the governor:

19 (1) One consumer of health care services who uses health
20 care interpreters for the consumer's self or others;



- 1 (2) One educator who teaches interpreters or persons in
2 related educational fields, or who trains recent
3 immigrants and persons with limited English
4 proficiency;
- 5 (3) One health care practitioner who utilizes interpreter
6 services regularly in the practitioner's practice;
- 7 (4) One representative of a hospital, health system, or
8 health plan that predominantly serves persons with
9 limited English proficiency;
- 10 (5) One representative from a community health center that
11 serves persons with limited English proficiency;
- 12 (6) One representative from a professional interpreter's
13 organization registered with the department of
14 commerce and consumer affairs;
- 15 (7) One representative of an advocacy organization that
16 provides services to persons with limited English
17 proficiency;
- 18 (8) One representative from an accredited institution of
19 higher learning who provides professional training in
20 spoken language interpretation;
- 21 (9) One member representing the department of health;



- 1 (10) One representative residing in the county of Hawaii
- 2 who has shown interest in language access in health
- 3 care;
- 4 (11) One representative residing in the county of Kauai who
- 5 has shown interest in language access in health care;
- 6 (12) One representative residing in the county of Maui who
- 7 has shown interest in language access in health care;
- 8 (13) The executive director of the office of language
- 9 access, as an ex officio member;
- 10 (14) The program manager of the board, as an ex officio
- 11 member; and
- 12 (15) One at-large member.
- 13 (b) All board members except ex officio members shall be
- 14 appointed in accordance with section 26-34. The terms of the
- 15 members shall be four years. The board shall select one of its
- 16 members to serve as chair and one of its members to serve as
- 17 vice-chair. No member of the board shall receive any
- 18 compensation for board services but shall be allowed necessary
- 19 expenses for travel, board, and lodging incurred in the
- 20 performance of board duties.



1 §321C-C Board duties. The board shall work in cooperation
2 with the office of language access and the department of health
3 to:

- 4 (1) Develop standards for testing, qualification, and
5 certification requirements for health care
6 interpreters for persons with limited English
7 proficiency;
- 8 (2) Coordinate with other states to develop and implement
9 educational and testing programs for health care
10 interpreters;
- 11 (3) Examine operational and funding issues, including but
12 not limited to the feasibility of developing a central
13 registry and annual subscription mechanism for health
14 care interpreters; and
- 15 (4) Adopt rules pursuant to chapter 91 to establish
16 procedures and fees for testing, qualification, and
17 certification of health care interpreters for persons
18 with limited English proficiency, including but not
19 limited to:



- 1 (A) Minimum standards for qualification and
2 certification requirements as a health care
3 interpreter;
- 4 (B) Oral and written language skills in English and
5 in the language for which health care interpreter
6 qualification or certification is granted;
- 7 (C) Formal education or training in medical
8 terminology, anatomy and physiology, and medical
9 ethics;
- 10 (D) Categories of expertise of health care
11 interpreters based on the English and non-English
12 skills and medical terminology skills of the
13 person seeking qualification or certification;
- 14 (E) Procedures for receiving applications and for
15 examining applicants for qualification or
16 certification;
- 17 (F) The content and administration of required
18 examinations;
- 19 (G) The requirements and procedures for reciprocity
20 of qualification and certification for health
21 care interpreters qualified or certified in



1 another state or territory in the United States;
2 and
3 (H) Fees for application, examination, initial
4 issuance, renewal, and reciprocal acceptance of
5 qualification or certification as a health care
6 interpreter and other fees deemed necessary by
7 the board.

8 §321C-D Application for qualification or certification;
9 eligibility. (a) Any person seeking qualification or
10 certification as a health care interpreter shall submit an
11 application to the board. If the applicant meets the
12 requirements for qualification or certification established by
13 the board under this section, the board shall issue an annual
14 certificate of qualification or a certification to the health
15 care interpreter. The board shall collect a fee for the
16 issuance of the certificate of qualification or the
17 certification and for any required examinations in the amount
18 established pursuant to rules adopted by the board.

19 (b) A person may be qualified as a health care interpreter
20 under this section only if the person:



1 (1) Is able to fluently interpret or translate the
2 dialect, slang or specialized vocabulary of the non-
3 English language for which the qualification is
4 sought;

5 (2) Has had at least sixty hours of health care
6 interpreter training that includes anatomy,
7 physiology, and concepts of medical interpretation;
8 and

9 (3) Has had practical experience as an intern with a
10 practicing health care interpreter;
11 provided that the person shall not use the title "qualified
12 health care interpreter" unless the person has met the
13 requirements for qualification established in this section and
14 by rule, and has been issued a valid certificate of
15 qualification by the board.

16 (c) In addition to the requirements for certification
17 established in this section, a person may be certified as a
18 health care interpreter only if the person:

19 (1) Has met all the requirements for certification
20 established under this section; and



1 (2) Has passed written and oral examinations required by
2 the board in English, in the non-English language that
3 the person wishes to interpret or translate, and in
4 medical terminology;
5 provided that the person shall not use the title "certified
6 health care interpreter" unless the person has met the
7 requirements for certification established under this section
8 and has been issued a valid certification by the board."

9 SECTION 3. Chapter 321C, Hawaii Revised Statutes, is
10 amended by amending the title to read as follows:

11 " ~~[+] CHAPTER 321C [+~~

12 ~~OFFICE OF] LANGUAGE ACCESS"~~

13 SECTION 4. Chapter 321C, Hawaii Revised Statutes, is
14 amended by designating sections 321C-1 to 321C-7, Hawaii Revised
15 Statutes, as part I to be entitled "Office of Language Access".

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$250,000 or so much
18 thereof as may be necessary for fiscal year 2015-2016 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2016-2017 to effectuate section 2 of this Act, including the
21 establishment of at least four positions consisting of a program



1 manager, two program specialists, and a clerk within the office
2 of language access.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 6. In codifying the new sections added by section
6 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 7. Statutory material to be repealed is bracketed
10 and stricken.

11 SECTION 8. This Act shall take effect on July 1, 2015.

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S.B. NO. 904

Report Title:

Office of Language Access; Health Care Interpreter; Department of Health; Interpreter Qualification or Certification System; Appropriation

Description:

Establishes a health care interpreter qualification or certification system within the department of health. Establishes the Hawaii board of health care interpreters and authorizes the board to qualify or certify a person as a health care interpreter. Makes an appropriation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

