
SENATE BILL 5807

State of Washington

62nd Legislature

2011 Regular Session

By Senators Nelson, Conway, Murray, Kline, Keiser, Brown, Fraser, Shin, Kohl-Welles, and McAuliffe

Read first time 02/15/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to language access provider services; amending RCW
2 74.04.025; and adding a new section to chapter 74.09 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW
5 to read as follows:

6 (1) The department shall endeavor to increase the use of telephonic
7 and video remote technologies for medical interpretive services:
8 PROVIDED, That telephone and video remote technologies may not be used
9 in the following situations: Patients who are hard of hearing, mental
10 health diagnosis and treatment, sharing of bad news or end-of-life
11 scenarios, situations that require demonstrations or where visual cues
12 are important, labor and delivery appointments, surgeries, or any other
13 situation where the health and safety of the client would be
14 compromised.

15 (2) All medical interpretive services must be provided by language
16 access providers certified by Washington state.

17 **Sec. 2.** RCW 74.04.025 and 2010 c 296 s 7 are each amended to read
18 as follows:

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

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

13 (3) Regardless of the applicant or recipient caseload of any
14 community service office, each community service office shall ensure
15 that bilingual services required to supplement the community service
16 office staff are provided through contracts with language access
17 providers, (~~local agencies, or other community resources~~) or through
18 a single coordinating entity that contracts directly with language
19 access providers.

20 (4) The department shall certify, authorize, and qualify language
21 access providers as needed to maintain an adequate pool of providers.

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

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

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

1 (8) As used in this section:

2 (a) "Language access provider" means any independent contractor who
3 provides spoken language interpreter services for department
4 appointments or medicaid enrollee appointments, or provided these
5 services on or after January 1, 2009, and before June 10, 2010, whether
6 paid by a broker, language access agency, or the department. "Language
7 access provider" does not mean an owner, manager, or employee of a
8 broker or a language access agency.

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

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