

---

## State Government Committee

---

### HB 1780

**Brief Description:** Regulating interpreter services.

**Sponsors:** Representatives Bergquist, Jinkins, S. Hunt, Appleton, Haler, MacEwen, Farrell, Harris, Tarleton, Fey, Pollet, Riccelli and Sells.

#### Brief Summary of Bill

- Requires the Department of Social and Health Services (DSHS), the Health Care Authority (Authority), and the Department of Labor and Industries (L&I) to purchase interpreter services through language access providers by 2016.
- Requires the Department of Enterprise Services (DES) to implement a procurement model for all executive state agencies to procure interpreter services directly from language access providers by 2016.
- Language service providers for DSHS, the Authority, L&I, and through a DES contract may form into separate statewide collective bargaining units for purposes of collective bargaining with the state.

**Hearing Date:** 2/12/15

**Staff:** Sean Flynn (786-7124).

#### **Background:**

##### Public Interpreter Services.

The Department of Social and Health Services (DSHS) administers the state public assistance programs that provide aid for eligible people in need of medical care, temporary assistance, disability services, child welfare services, housing support, and other services. The DSHS also manages federal aid assistance used for public assistance. The Health Care Authority (Authority) manages the state medical assistance program, which provides health care for eligible low-income residents, in coordination with the federal Medicaid program.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

State law requires that language interpreter services must be available to the extent necessary to ensure that non-English speaking applicants are not denied services or benefits or unable to obtain benefits because of their inability to speak English. The DSHS and the Authority must provide interpreter services in public assistance programs. Interpreters must be hired to support community services offices to ensure interpreter services are provided. The DSHS must maintain an adequate pool of qualified independent contractors for interpreter services.

The DSHS and the Authority have authority to purchase interpreter services from brokerage services. This purchasing authority is exempt from the general authority of the Department of Enterprise Services (DES) to manage the overall policies, standards, and procedures for all state agency procurements for goods and services.

#### Collective Bargaining - Language Access Providers.

Certain service providers in DSHS programs are authorized to collectively bargain with the state under the Public Employee Collective Bargaining Act (PECBA). The PECBA permits certain groups of public employees to join together as a collective bargaining unit to negotiate in good faith with a public employer for wages, working conditions, and personnel matters.

In 2010 the Legislature authorized language access providers who provide interpreter services as independent contractors for the DSHS to form a single statewide collective bargaining unit to negotiate with the governor. Negotiations are limited to compensation, professional development, labor-management committees, and grievance procedures. The bargaining authority does not allow a right to strike.

#### **Summary of Bill:**

##### Interpreter Services Procurement.

The DSHS and Authority are authorized to purchase language interpreter services for applicants and recipients of public assistance. The Department of Labor and Industries (L&I) is authorized to purchase services for medical and vocational service providers for injured workers of crime victims. By September 1, 2016, the DSHS, the Authority, and L&I (the departments) must purchase language interpreter services directly from a language access provider or through contracts with scheduling and coordinating delivery organizations. Each department must have at least one contract with an entity that provides interpreter services exclusively through telephonic or video remoter technology. The departments may purchase services through DES if the demand for interpreter services cannot be met through their respective contracts.

By September 1, 2016, the DES must implement a procurement model for all executive state agencies to use for interpreter services. The model requires agencies to procure directly from language access providers or through contracts with scheduling and coordinating delivery organizations. The DES must have at least one contract with an entity that provides interpreter services exclusively through telephonic or video remoter technology. The DES may jointly purchase services with the departments.

All language access providers procured by the departments and DES must be certified by the state or by the National Certification Commission for the Health Care Interpreters or the National Board for Certification of Medical Interpreters. Interpreter services also may be provided by state employees.

Language service providers paid by a language access agency, broker, or respective state department, may collectively form in three different statewide bargaining units: (1) providers for DSHS or Medicaid enrollee appointments; (2) providers for injured workers or crime victims receiving benefits from L&I; and (3) other providers for any state agency through the DES. The Public Employee Relations Commission may certify two or more authorized units consolidated into a single larger unit if they are represented by the same labor organization. A single consolidated unit may negotiate with the governor for a single collective bargaining agreement.

A state agency may contract with any interpreter service provider if a language access provider is not available. The departments and DES may not impose reimbursement rates or obligations established through collective bargaining in contracts with entities that do not provide interpreter services through language access providers authorized to form a bargaining unit.

**Appropriation:** None.

**Fiscal Note:** Requested.

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