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**Consumer Protection & Business  
Committee**

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**ESSB 5995**

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

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Saldaña, Valdez, Kauffman, Trudeau, Hasegawa, Keiser, Kuderer, Nguyen, Nobles and Wilson, C.).

**Brief Summary of Engrossed Substitute Bill**

- Establishes professional licenses for spoken language interpreters and translators under the authority of the Department of Licensing (DOL).
- Makes individuals holding certain existing certifications eligible for licensure without taking the DOL examination.
- Creates a licensed interpreter and translator advisory committee within the DOL.

**Hearing Date:** 2/14/24

**Staff:** Megan Mulvihill (786-7304).

**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.

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*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.*

### Department of Social and Health Services.

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

### Health Care Authority.

The 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 either: (1) certified for either interpreting or translating, or both, by the LTC program; or (2) 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.

### Office of Administrative Hearings.

The 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, 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.

### Administrative Office of the Courts.

When a non-English-speaking person is a party to a legal proceeding, the appointing authority must appoint a certified or qualified interpreter to assist the person. If the non-English-speaking person is subpoenaed, summoned, or compelled to appear at a legal proceeding, the appointing authority must appoint a certified interpreter to assist, unless good cause is found. A certified interpreter is an interpreter who is certified by the Administrative Office of the Courts (AOC). A 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. The AOC has certain testing and certification programs for language interpreters.

### **Summary of Bill:**

The Department of Licensing (DOL) must administer a licensing program for interpreters and translators. The DOL must:

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

- develop and administer examinations for licensed, certified interpreters; licensed, authorized interpreters; and licensed translators;
- issue and deny licenses;
- establish forms, procedures, and rules for examination, licensure, renewals, appeals, and revocation of licensure;
- compile and maintain a current list of licensed interpreters and translators;
- determine which states have equivalent credentialing requirements and issue licenses to applicants credentialed in those states; and
- periodically evaluate language access within the state.

Beginning January 1, 2029, it is unlawful for any individual to act or use the title of a licensed interpreter or licensed translator without a valid license, unless the individual is:

- authorized as a certified interpreter by the AOC;
- a qualified interpreter working in a public school or as an interpreter with the Language Access Program; or
- a language access provider or spoken language interpreter who is certified, authorized, or deemed qualified by the DSHS.

Individuals with an active certification from the Certification Commission for Healthcare Interpreters or by the National Board of Certification for Medical Interpreters are exempt from licensure, but may obtain the relevant licensure without taking an examination. Individuals with active interpreter or translator credentials issued by DSHS prior to January 1, 2029, are eligible for licensure without examination before the expiration date of the individual's current credential. Individuals who have an active certification by the DSHS in Cambodian or Laotian are eligible for licensure as a licensed, certified interpreter before the expiration date of the individual's credential, regardless of whether the DOL is offering certification in Cambodian or Laotian.

By July 1, 2028, the DSHS must transmit to the DOL all materials related to interpreters and translators certified and authorized by the DSHS, as requested by the DOL.

Initially, the DOL must adopt the tests created for the LTC program. The DOL may update the examinations after consulting with the Licensed Interpreter and Translator Advisory Committee. The DOL must administer examinations for licensure as a licensed, certified interpreter or a licensed translator in at least Cantonese Chinese, Mandarin Chinese, Korean, Russian, Spanish, and Vietnamese. For languages in which the DOL does not offer certification licensure, the DOL must administer examinations for licensure as a licensed, authorized interpreter. The DOL must provide a medical or social services endorsement for licensed certified interpreters.

Licensed, certified interpreters, licensed translators, and licensed authorized interpreters are subject to the Uniform Regulation of Business and Professions Act.

#### Data Sharing.

The DOL, the DSHS, the AOC, the Professional Educators Standards Board, and the Office of

the Superintendent of Public Instruction may collaborate and share data as necessary. The DSHS must transmit all data, materials, and technology from its language testing and certification program to the DOL, including examination materials from prior to March 1, 2020. The DOL must post online a resource page that includes links to information that must be maintained by the relevant state agency on the number of requests for spoken language interpreters services that went unfilled for DSHS; the Department of Children, Youth, and Families; the HCA, the Department of Labor and Industries, and the procurement process for spoken language interpreter services.

Advisory Committee.

A Licensed Interpreter and Translator Advisory Committee (Advisory Committee) must be created within the DOL on July 1, 2025. The Advisory Committee consists of the following members appointed by the Director of the DOL:

- three members who provide spoken language interpretation or translation services in Washington who: (1) prior to January 1, 2029, were certified or authorized by the DSHS; and (2) beginning January 1, 2029, are licensed by the DOL;
- one member from a community organization that provides direct services to limited English-speaking consumers;
- three members who are health care providers, including one representing a community health center and one representing a university-based public hospital, who utilize state-paid interpreter services to provide health care services to injured workers or Medicaid enrollees;
- three individuals representing an exclusive collective bargaining representative of spoken language interpreters in the state;
- one member each from the Washington State Office of Equity, the DSHS, the HCA, the Department of Labor and Industries, and the Department of Enterprise Services; and
- two members representing community and technical colleges, one from a college east of the summit of the Cascade mountains and one from the west of the summit of the Cascade mountains.

**Appropriation:** None.

**Fiscal Note:** Available.

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