

SENATE BILL REPORT

SB 5304

As of January 24, 2023

Title: An act relating to testing individuals who provide language access to state services.

Brief Description: Testing individuals who provide language access to state services.

Sponsors: Senators Saldaña, Nguyen, Nobles, Valdez and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/24/23.

Brief Summary of Bill

- Requires the Department of Social and Health Services (DSHS) to administer and develop oral and written tests to ensure language access providers are fluent in English and a primary non-English language.
- Changes a requirement for when DSHS may offer spoken language interpreter testing.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Delika Steele (786-7486)

Background: The Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) provide equal access to social service and medical programs for all persons, including persons who have limited English proficiency. State law requires DSHS to ensure that bilingual services are provided to non-English speaking applicants for, or recipients of, public assistance. In community service offices, depending on the circumstances, DSHS may be required to employ bilingual personnel or contract with interpreters. DSHS must also provide interpreters at dependency hearings.

DSHS certifies, authorizes, and qualifies language access providers as needed to maintain

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an adequate pool of providers. DSHS will only offer spoken language interpreter testing under certain circumstances. One of these circumstances is when 10 percent or more of the requests for interpreter services in the prior year for DSHS employees and the health care authority on behalf of limited English-speaking applicants and public assistance recipients went unfilled.

Summary of Bill: DSHS must administer and develop oral and written tests in accordance with established standards to ensure all language access providers are fluent in English and a primary non-English language. Testing must include evaluation of language competence, interpreting performance skills, understanding of the interpreter's role, and knowledge of DSHS policies regarding confidentiality, accuracy, impartiality, and neutrality.

DSHS will offer spoken language interpreter testing to individuals speaking languages where 10 percent or more of the statewide requests for interpreter services went unfilled through any of the procurement processes in the prior year.

Appropriation: None.

Fiscal Note: Requested on January 18, 2023.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The outsourcing of testing has led to a lack of consistent standards and a lack of qualified language access which has put both patients and doctors at risk, and has caused expenditures to increase. DSHS is attempting to get rid of a program that has existed for almost 30 years and this has led to interpreters who are not up to standard. DSHS has not listened to the expert advice of their advisory board and has instead decided to move forward with dangerous changes.

Washingtonians should have access to high quality, competent, and professional interpreters. This is a public value and good, and it is important for there to be oversight in order to maintain integrity. Proper testing is important for quality language services. DSHS should modernize its program instead of outsourcing and the bill also saves money. DSHS testing is affordable and getting rid of the department's original testing would be a great detriment.

CON: Some individuals of Limited English Proficiency (LEPs) would prefer to work with family members because of past experiences where interpreters omitted crucial information. LEP patients' safety and well-being is being put at risk by watered down professional standards. DSHS should be held to the same standards as Washington courts. Every LEP should have a qualified and competent language access provider.

OTHER: Individuals coming to the U.S. from other countries need language services and it is important for them to access the services the state provides. This bill could have unintended consequences and ultimately create more barriers. The bill could be expensive for language interpreters and would make DSHS solely responsible for medical language services and recording data. DSHS does not currently have the capacity to perform these duties and has been unable to update the test used for the past 30 years because of a lack of funding. Third party tests are developed by language experts who are able to keep tests up to date. The testing suggested in this bill would need to be updated every three years and would be expensive for DSHS.

Prior to the pandemic it could take up to a year for an individual to take the interpreter test and up to another year for them to become certified. It was also expensive. The current testing options are available online and are more accessible. The language should be left as is and collaboration within impacted communities should continue to identify the most effective language equity solutions for all Washingtonians.

Persons Testifying: PRO: Yvonne Simpson, Northwest Translator and Interpreter Society; Helen Eby; Gillian Dutton; Emma Garkavi; Helen Eby, WFSE, Interpreters United; Quan Tran, Interpreters United (WFSE).

CON: Magda Enriques, On behalf of WFSE.

OTHER: Nichole Ossa, DSHS Office of Equity, Diversity, Access, and Inclusion; Dr. Ruiqin Miao, DSHS Office of Equity, Diversity, Access, and Inclusion.

Persons Signed In To Testify But Not Testifying: PRO: Danna Summers.