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**SENATE BILL 5995**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Saldaña, Valdez, Kauffman, Trudeau, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, and C. Wilson

AN ACT Relating to creating a professional license for spoken language interpreters and translators; amending RCW 43.24.150, 74.04.025, and 74.04.025; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the United States census reported that between 2015 and 2019, over 1.5 million Washington state residents over the age of five, approximately 20 percent of the state's population, spoke a language other than English at home, and that in 2019, according to the Washington state office of the superintendent of public instruction, 12 percent of the state's total primary and secondary education student population identified as English learners.

(2) The legislature finds that an inadequate number of individuals available to provide interpreting services to injured workers and medicaid enrollees with limited English proficiency potentially increases the liability risks for health care providers and negative health outcomes for these patients.

(3) The legislature finds that businesses and government agencies across Washington need access to professional language services to ensure their customers and clients with limited English proficiency can have meaningful access to participate in the programs, activities, and services offered by businesses and government agencies.

(4) Therefore, the legislature intends to create a professional licensing program for spoken language interpreters and translators to protect consumers and help meet the needs of all Washingtonians who require interpreting and translating services.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the advisory committee on interpreting created in section 10 of this act.

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department of licensing.

(4) "Interpreter" means an individual who interprets spoken languages and is licensed by the department of licensing.

(a) "Medical interpreter" means an interpreter who is licensed by the department who has received a medical endorsement.

(b) "Social services interpreter" means an interpreter who is licensed by the department who has received a social services endorsement.

(c) "Licensed certified interpreter" means an interpreter who is licensed by the department who has passed an exam of the individual's oral transfer skills in at least two of the following modes of interpretation: Simultaneous, consecutive, or sight.

(d) "Licensed authorized interpreter" means an interpreter who is licensed by the department who has passed an exam of the individual's oral transfer skills that were tested in the sight and consecutive modes through back translation.

(5) "Licensed translator" means a translator who translates spoken languages on written documents and is licensed by the department.

NEW SECTION. **Sec.**  The department must:

(1) Adopt rules necessary to implement this chapter;

(2) Establish reasonable examination, licensing, and renewal fees for spoken language interpreters and translators licensed under this chapter;

(3) Develop and administer examinations for licensure under this chapter, subject to section 4 of this act;

(4) Establish forms and procedures necessary to administer this chapter;

(5) Beginning January 1, 2025, issue licenses to applicants who have met the department's requirements for obtaining a license and deny licenses to applicants who do not meet the requirements;

(6) Compile and maintain a current list of interpreters and translators licensed by the department;

(7) Provide staffing and administrative support to the advisory

committee created in section 10 of this act;

(8) Determine which states, if any, have credentialing requirements equivalent to those of this state, and issue licenses to applicants credentialed in those states without examination;

(9) By July 1, 2025, adopt rules for licensure renewal, including for approval of continuing education activities licensees must complete as part of the individual's license renewal;

(10) Establish by rule the procedures for an appeal of an

examination failure;

(11) Establish by rule the procedures for revoking licenses issued pursuant to this chapter and the procedures for an appeal of a revocation decision; and

(12) Periodically evaluate language access within the state to ensure Washingtonians are able to participate in the programs, activities, and services offered by businesses and government agencies.

NEW SECTION. **Sec.**  (1) Initially, the department must adopt the tests created by the language and testing certification program at the department of social and health services under RCW 74.04.025 as the examinations. The department may update any examination only after consulting with the advisory committee created in section 10 of this act.

(2) The department must administer examinations of applicants for licensure as a licensed certified interpreter in at least the following languages: Cantonese Chinese, Mandarin Chinese, Korean, Russian, Spanish, and Vietnamese.

(3) For languages in which the department does not offer certification licensure, the department must administer examinations to applicants for licensure as a licensed authorized interpreter.

(4) At a minimum, the department's licensure for certified and authorized interpreters must provide for a medical or social services endorsement.

(5) For applications for licensure as a licensed translator, the department must administer examinations in at least the following languages: Cantonese Chinese, Mandarin Chinese, Korean, Russian, Spanish, and Vietnamese.

NEW SECTION. **Sec.**  Nothing in this chapter will be construed to prohibit or restrict the provision of spoken language interpretation and translation services by individuals who are providing services within their authorized scope of practice and who are licensed, certified, qualified, authorized, or registered under other laws of this state including, but not limited to, chapters 2.43 and 28A.183 RCW and RCW 28A.410.271.

NEW SECTION. **Sec.**  Beginning January 1, 2026, it is unlawful for any individual:

(1) To act or hold themselves out as a licensed interpreter or use the title of "licensed interpreter," unless the individual holds a valid license under this chapter, except if the individual is currently authorized under chapter 2.43 or 28A.183 RCW or working as a bilingual employee under RCW 74.04.025; or

(2) To act or hold themselves out as a licensed translator or use the title "licensed translator" unless the individual holds a valid license under this chapter.

NEW SECTION. **Sec.**  (1) Individuals holding an active certification from the certification commission for healthcare interpreters or by the national board of certification for medical interpreters are eligible for the relevant licensure under this chapter without taking an examination.

(2)(a) Other than individuals included in (b) of this subsection, if an individual has an active interpreter or translator credential issued by the department of social and health services prior to January 1, 2025, the individual is eligible for the relevant licensure renewal under this chapter before the expiration date of the individual's current credential without examination.

(b) Individuals who received a credential issued by the department of social and health services based solely on having submitted a passing score on a written exam administered by the certification commission for healthcare interpreters or the national board of certification for medical interpreters are not eligible for the relevant licensure renewal under this chapter without passing the department's examination.

(c) Individuals who have an active certification by the department of social and health services in Cambodian or Laotian are eligible for renewal under this chapter as a licensed certified interpreter before the expiration date of the individual's credential regardless of whether the department is offering certification in Cambodian or Laotian.

(3) By July 1, 2024, the department of social and health services must transmit to the department all materials related to interpreters and translators certified and authorized by the department of social and health services, as requested by the department.

NEW SECTION. **Sec.**  (1) The director must establish, by rule, the requirements and fees for renewal of a license issued pursuant to this chapter.

(2) At a minimum, the requirements for license renewal must include:

(a) Completion of continuing education, including on ethics; and

(b) Renewal of the license after a four-year period.

(3) Failure to renew the license invalidates the license and all privileges granted by the license.

(4) The department must work cooperatively with community colleges and other private or public educational institutions and organizations to encourage training and continuing education activities to be available in both eastern and western Washington locations.

NEW SECTION. **Sec.**  (1) The department, the department of social and health services, the administrative office of the courts, the professional educator standards board, and the office of the superintendent of public instruction may collaborate and share data as necessary to carry out the licensure requirements of this chapter.

(2) By July 1, 2024, the department of social and health services must transmit all data, materials, and technology from its language testing and certification program to the department, including examination materials from prior to March 1, 2020, except that any materials for bilingual employee examinations in compliance with RCW 74.04.025 do not need to be transmitted.

(3) The department 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 interpreter services that went unfilled for the department of social and health services, the department of children, youth, and families, the health care authority, the department of labor and industries, and the procurement process in RCW 39.26.300.

NEW SECTION. **Sec.**  (1) A licensed interpreter and translator advisory committee is created within the department on January 1, 2026. The committee consists of 14 members in accordance with this subsection.

(a) Three members who provide spoken language interpretation or translation services in Washington state and who:

(i) Prior to January 1, 2025, were certified or authorized by the department of social and health services; and

(ii) Beginning January 1, 2025, are licensed by the department under this chapter.

(b) One member from a community organization that provides direct services to limited English speaking consumers.

(c) Two members who are a medical provider or represent organizations who utilize state-paid interpreter services to provide health care services to injured workers or medicaid enrollees.

(d) Three individuals representing an exclusive collective bargaining representative of spoken language interpreters in the state. The individuals may represent the same union.

(e) One member each from the Washington state office of equity established in RCW 43.06D.020, the department of social and health services, the health care authority, the department of labor and industries, and the department of enterprise services.

(2) The director must appoint all members of the advisory committee. All members must be familiar with the practice of spoken language interpreter services and able to provide the department with expertise and assistance in carrying out the duties of this chapter. The agency members must be appointed by their respective agency directors and then referred to the department for appointment to the advisory committee.

(3) The department must consult regularly with the advisory committee on issues related to interpreter and translator licensure and renewal.

NEW SECTION. **Sec.**  The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licenses under this chapter.

**Sec.**  RCW 43.24.150 and 2017 c 281 s 40 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

(a) Chapter 18.11 RCW, auctioneers;

(b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

(c) Chapter 18.145 RCW, court reporters;

(d) Chapter 18.165 RCW, private investigators;

(e) Chapter 18.170 RCW, security guards;

(f) Chapter 18.185 RCW, bail bond agents;

(g) Chapter 18.280 RCW, home inspectors;

(h) Chapter 19.16 RCW, collection agencies;

(i) Chapter 19.31 RCW, employment agencies;

(j) Chapter 19.105 RCW, camping resorts;

(k) Chapter 19.138 RCW, sellers of travel;

(l) Chapter 42.45 RCW, notaries public;

(m) Chapter 64.36 RCW, timeshares;

(n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;

(o) Chapter 18.300 RCW, body art, body piercing, and tattooing;

(p) Chapter 79A.60 RCW, whitewater river outfitters;

(q) Chapter 19.158 RCW, commercial telephone solicitation; ((~~and~~))

(r) Chapter 19.290 RCW, scrap metal businesses; and

(s) Chapter 18.--- RCW (the new chapter created in section 15 of this act), interpreters and translators.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

**Sec.**  RCW 74.04.025 and 2023 c 94 s 2 are each amended to read as follows:

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

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

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with language access providers, local agencies, or other community resources.

(4) The department shall certify, authorize, and qualify language access providers as needed to maintain an adequate pool of providers such that residents can access state services. The department shall require the successful completion of oral and written tests in accordance with established standards to ensure that all language access providers are fluent in English and a primary non-English language. Testing shall include evaluation of language competence, interpreting performance skills, understanding of the interpreter's role, and knowledge of the department's policies regarding confidentiality, accuracy, impartiality, and neutrality. Except as needed to certify, authorize, or qualify bilingual personnel per subsection (2) of this section, the department will only offer spoken language interpreter testing in the following manner:

(a) To individuals speaking languages for which ten percent or more of the requests for interpreter services in the prior year for department employees and the health care authority on behalf of limited English-speaking applicants and recipients of public assistance that went unfilled through the procurement process in RCW 39.26.300;

(b) To spoken language interpreters who were decertified or deauthorized due to noncompliance with any continuing education requirements; and

(c) To current department certified or authorized spoken language interpreters seeking to gain additional certification or authorization.

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

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

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

(8) Nothing in this section prohibits the department from developing and administering a program to meet the requirements and standards established under chapter 94, Laws of 2023.

(9) No testing or certification authority may be awarded to a private entity with a financial interest in the ((~~direct~~)) provision of interpreter services.

(10) As used in this section:

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for state agencies, injured worker, or crime victim appointments through the department of labor and industries, or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or a state agency. "Language access provider" does not mean a manager or employee of a broker or a language access agency.

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

**Sec.**  RCW 74.04.025 and 2023 c 94 s 2 are each amended to read as follows:

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

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

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with language access providers, local agencies, or other community resources.

(4) ((~~The department shall certify, authorize, and qualify language access providers as needed to maintain an adequate pool of providers such that residents can access state services. The department shall require the successful completion of oral and written tests in accordance with established standards to ensure that all language access providers are fluent in English and a primary non-English language. Testing shall include evaluation of language competence, interpreting performance skills, understanding of the interpreter's role, and knowledge of the department's policies regarding confidentiality, accuracy, impartiality, and neutrality. Except as needed to certify, authorize, or qualify bilingual personnel per subsection (2) of this section, the department will only offer spoken language interpreter testing in the following manner:~~

~~(a) To individuals speaking languages for which ten percent or more of the requests for interpreter services in the prior year for department employees and the health care authority on behalf of limited English-speaking applicants and recipients of public assistance that went unfilled through the procurement process in RCW 39.26.300;~~

~~(b) To spoken language interpreters who were decertified or deauthorized due to noncompliance with any continuing education requirements; and~~

~~(c) To current department certified or authorized spoken language interpreters seeking to gain additional certification or authorization.~~

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

((~~(6)~~)) (5) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English-speaking persons. Basic informational pamphlets shall be translated into all primary languages.

((~~(7)~~)) (6) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and complying with the requirements of all such written communications.

((~~(8) Nothing in this section prohibits the department from developing and administering a program to meet the requirements and standards established under chapter 94, Laws of 2023.~~

~~(9)~~)) (7) No testing or certification authority for bilingual employees may be awarded to a private entity with a financial interest in the ((~~direct~~)) provision of interpreter services.

((~~(10)~~)) (8) As used in this section:

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for state agencies, injured worker, or crime victim appointments through the department of labor and industries, or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or a state agency. "Language access provider" does not mean a manager or employee of a broker or a language access agency.

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

NEW SECTION. **Sec.**  Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec.**  Section 13 of this act expires December 31, 2024.

NEW SECTION. **Sec.**  Section 14 of this act takes effect January 1, 2025.

**--- END ---**