

SSB 5995 - S AMD 525
By Senator Saldaña

ADOPTED 02/02/2024

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

26 NEW SECTION. **Sec. 2.** The definitions in this section apply
27 throughout this chapter unless the context clearly requires
28 otherwise.

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

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

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 3.** The department must:

21 (1) Adopt rules necessary to implement this chapter;

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

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

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

29 (5) Beginning January 1, 2029, issue licenses to applicants who
30 have met the department's requirements for obtaining a license and
31 deny licenses to applicants who do not meet the requirements;

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

34 (7) Provide staffing and administrative support to the advisory
35 committee created in section 10 of this act;

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

1 (9) By July 1, 2029, adopt rules for licensure renewal, including
2 for approval of continuing education activities licensees must
3 complete as part of the individual's license renewal;

4 (10) Establish by rule the procedures for an appeal of an
5 examination failure;

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

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

13 NEW SECTION. **Sec. 4.** (1) Initially, the department must adopt
14 the tests created by the language and testing certification program
15 at the department of social and health services under RCW 74.04.025
16 as the examinations. The department may update any examination only
17 after consulting with the advisory committee created in section 10 of
18 this act.

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

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

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

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

33 NEW SECTION. **Sec. 5.** Nothing in this chapter will be construed
34 to prohibit or restrict the provision of spoken language
35 interpretation and translation services by individuals who are
36 providing services within their authorized scope of practice and who
37 are licensed, certified, qualified, authorized, or registered under
38 other laws of this state including, but not limited to, chapters 2.43

1 and 28A.183 RCW and RCW 28A.410.271, or by individuals holding an
2 active certification from the certification commission for healthcare
3 interpreters or the national board of certification for medical
4 interpreters.

5 NEW SECTION. **Sec. 6.** Beginning January 1, 2029, it is unlawful
6 for any individual:

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

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

15 NEW SECTION. **Sec. 7.** (1) Individuals holding an active
16 certification from the certification commission for healthcare
17 interpreters or by the national board of certification for medical
18 interpreters are exempt from the licensing requirement under this
19 chapter, but may obtain the relevant licensure under this chapter
20 without taking an examination.

21 (2) (a) Other than individuals included in (b) of this subsection,
22 if an individual has an active interpreter or translator credential
23 issued by the department of social and health services prior to
24 January 1, 2029, the individual is eligible for the relevant
25 licensure renewal under this chapter before the expiration date of
26 the individual's current credential without examination.

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

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

1 regardless of whether the department is offering certification in
2 Cambodian or Laotian.

3 (3) By July 1, 2028, the department of social and health services
4 must transmit to the department all materials related to interpreters
5 and translators certified and authorized by the department of social
6 and health services, as requested by the department.

7 NEW SECTION. **Sec. 8.** (1) The director must establish, by rule,
8 the requirements and fees for renewal of a license issued pursuant to
9 this chapter.

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

12 (a) Completion of continuing education or training, including on
13 ethics; and

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

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

17 NEW SECTION. **Sec. 9.** (1) The department, the department of
18 social and health services, the administrative office of the courts,
19 the professional educator standards board, and the office of the
20 superintendent of public instruction may collaborate and share data
21 as necessary to carry out the licensure requirements of this chapter.

22 (2) By January 1, 2025, the department of social and health
23 services must transmit all data, materials, and technology from its
24 language testing and certification program to the department,
25 including examination materials from prior to March 1, 2020, except
26 that any materials for bilingual employee examinations in compliance
27 with RCW 74.04.025 do not need to be transmitted.

28 (3) The department must post online a resource page that includes
29 links to information that must be maintained by the relevant state
30 agency on the number of requests for spoken language interpreter
31 services that went unfilled for the department of social and health
32 services, the department of children, youth, and families, the health
33 care authority, the department of labor and industries, and the
34 procurement process in RCW 39.26.300.

35 NEW SECTION. **Sec. 10.** (1) A licensed interpreter and translator
36 advisory committee is created within the department on July 1, 2025.
37 The committee consists of members in accordance with this subsection.

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

3 (i) Prior to January 1, 2029, were certified or authorized by the
4 department of social and health services; and

5 (ii) Beginning January 1, 2029, are licensed by the department
6 under this chapter;

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

9 (c) Three members who are health care providers, including at
10 least one member representing a community health center and one
11 member representing a university-based public hospital, who utilize
12 state-paid interpreter services to provide health care services to
13 injured workers or medicaid enrollees;

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

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

21 (f) Two members representing a community and technical college.
22 One member must be from a college east of the summit of the Cascade
23 mountains and one member must be from a college west of the summit of
24 the Cascade mountains.

25 (2) The director must appoint all members of the advisory
26 committee. All members must be familiar with the practice of spoken
27 language interpreter services and able to provide the department with
28 expertise and assistance in carrying out the duties of this chapter.
29 The agency members under subsection (1)(e) of this section must be
30 appointed by their respective agency directors and then referred to
31 the department for appointment to the advisory committee. The members
32 under subsection (1)(f) of this section must be appointed by the
33 executive director of the state board for community and technical
34 colleges and then referred to the department for appointment to the
35 advisory committee.

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

1 NEW SECTION. **Sec. 11.** The uniform regulation of business and
2 professions act, chapter 18.235 RCW, governs unlicensed practice, the
3 issuance and denial of licenses, and the discipline of licenses under
4 this chapter.

5 **Sec. 12.** RCW 43.24.150 and 2017 c 281 s 40 are each amended to
6 read as follows:

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

- 12 (a) Chapter 18.11 RCW, auctioneers;
- 13 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 14 (c) Chapter 18.145 RCW, court reporters;
- 15 (d) Chapter 18.165 RCW, private investigators;
- 16 (e) Chapter 18.170 RCW, security guards;
- 17 (f) Chapter 18.185 RCW, bail bond agents;
- 18 (g) Chapter 18.280 RCW, home inspectors;
- 19 (h) Chapter 19.16 RCW, collection agencies;
- 20 (i) Chapter 19.31 RCW, employment agencies;
- 21 (j) Chapter 19.105 RCW, camping resorts;
- 22 (k) Chapter 19.138 RCW, sellers of travel;
- 23 (l) Chapter 42.45 RCW, notaries public;
- 24 (m) Chapter 64.36 RCW, timeshares;
- 25 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- 26 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- 27 (p) Chapter 79A.60 RCW, whitewater river outfitters;
- 28 (q) Chapter 19.158 RCW, commercial telephone solicitation;
- 29 (~~and~~)
- 30 (r) Chapter 19.290 RCW, scrap metal businesses; and
- 31 (s) Chapter 18.--- RCW (the new chapter created in section 13 of
32 this act), interpreters and translators.

33 Moneys in the account may be spent only after appropriation.
34 Expenditures from the account may be used only for expenses incurred
35 in carrying out these business and professions licensing activities
36 of the department. Any residue in the account must be accumulated and
37 may not revert to the general fund at the end of the biennium.
38 However, during the 2013-2015 fiscal biennium the legislature may

1 transfer to the state general fund such amounts as reflect the excess
2 fund balance in the account.

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

8 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act
9 constitute a new chapter in Title 18 RCW."

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10 On page 1, line 2 of the title, after "translators;" strike the
11 remainder of the title and insert "amending RCW 43.24.150; and adding
12 a new chapter to Title 18 RCW."

EFFECT: (1) Provides that individuals holding an active certification from the certification commission for healthcare interpreters or by the national board of certification for medical interpreters: (a) Are not prohibited from providing interpretation and translation services; and (b) are exempt from the licensing requirement, but may obtain a license without an exam.

(2) Modifies certain advisory committee members to three health care providers, with at least one member representing a community health center and one member representing a university-based public hospital, who utilize state-paid interpreter services for health care services to injured workers or medicaid enrollees, rather than 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.

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