

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5304

Chapter 94, Laws of 2023

68th Legislature
2023 Regular Session

LANGUAGE ACCESS PROVIDERS—TESTING

EFFECTIVE DATE: July 23, 2023

Passed by the Senate March 8, 2023
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 5, 2023
Yeas 94 Nays 4

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved April 14, 2023 10:04 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5304** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 14, 2023

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5304

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Saldaña, Nguyen, Nobles, Valdez, and C. Wilson)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to testing individuals who provide language
2 access to state services; amending RCW 74.04.025; creating new
3 sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that quality,
6 competent interpretive services for limited English-speaking
7 Washingtonians is a vital public policy priority. The legislature
8 finds that informal or erroneous interpretation can result in
9 significant personal consequences. Therefore, the legislature intends
10 to require that interpreters be able to pass both written and oral
11 certification exams to ensure quality, competent services for all
12 Washingtonians.

13 **Sec. 2.** RCW 74.04.025 and 2018 c 253 s 2 are each amended to
14 read as follows:

15 (1) The department, the authority, and the office of
16 administrative hearings shall ensure that bilingual services are
17 provided to non-English-speaking applicants and recipients. The
18 services shall be provided to the extent necessary to assure that
19 non-English-speaking persons are not denied, or unable to obtain or

1 maintain, services or benefits because of their inability to speak
2 English.

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

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

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

27 (a) To individuals speaking languages for which ten percent or
28 more of the requests for interpreter services in the prior year for
29 department employees and the health care authority on behalf of
30 limited English-speaking applicants and recipients of public
31 assistance that went unfilled through the procurement process in RCW
32 39.26.300;

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

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

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

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

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

17 (8) Nothing in this section prohibits the department from
18 developing and administering a program to meet the requirements and
19 standards established under this act.

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

23 (10) As used in this section:

24 (a) "Language access provider" means any independent contractor
25 who provides spoken language interpreter services for state agencies,
26 injured worker, or crime victim appointments through the department
27 of labor and industries, or medicaid enrollee appointments, or
28 provided these services on or after January 1, 2009, and before June
29 10, 2010, whether paid by a broker, language access agency, or a
30 state agency. "Language access provider" does not mean a manager or
31 employee of a broker or a language access agency.

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

34 NEW SECTION. Sec. 3. (1) The department shall convene a
35 language access work group. The purpose of the work group is to study
36 and make recommendations to the legislature regarding interpretive
37 service certification policies and programs for limited and non-
38 English-speaking Washingtonians. The work group shall hold its first

1 meeting on or before August 1, 2023, and shall submit its final
2 report on or before December 1, 2023.

3 (2) The work group shall make recommendations necessary to
4 support language access and interpretative services that shall
5 include, at a minimum:

6 (a) Criteria necessary to demonstrate that certified language
7 access providers have the skills necessary to ensure quality and
8 accurate services;

9 (b) Strategies for increasing access to language access providers
10 in rural communities and for languages of lesser demand;

11 (c) Strategies for workforce resiliency including adequate
12 workload and compensation;

13 (d) Standards of ethics and professional responsibility; and

14 (e) Investments needed to implement the plan for online testing
15 described in this section.

16 (3)(a) The president of the senate shall appoint one member from
17 each of the two largest caucuses of the senate to the work group.

18 (b) The speaker of the house of representatives shall appoint one
19 member from each of the two largest caucuses of the house of
20 representatives to the work group.

21 (c) The remaining members of the work group shall be selected by
22 the department of social and health services and shall include
23 individuals who:

24 (i) Are geographically diverse and represent people with a
25 variety of language barriers; and

26 (ii) Represent at least the following groups: Interpreters
27 working in medical settings, interpreter unions; families with
28 language access barriers; community-based organizations supporting
29 families with language access barriers; leadership of the department
30 of social and health services; professionals with experience
31 delivering interpreter certification services online; and other
32 parties the department of social and health services deems relevant.

33 (d) Staff support for the work group shall be provided by the
34 department of social and health services.

35 (4) In addition to the recommendations in this section, the work
36 group shall develop an implementation plan for an online testing
37 system for language access providers. The plan must require
38 candidates to demonstrate written and oral proficiency in both
39 English and another language in accordance with nationally recognized
40 standards and ethics.

1 (5) This section expires June 30, 2024.

Passed by the Senate March 8, 2023.

Passed by the House April 5, 2023.

Approved by the Governor April 14, 2023.

Filed in Office of Secretary of State April 14, 2023.

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