

By: Strama

H.B. No. 1341

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of an advisory committee to establish  
3 qualifications for certain health care translators and  
4 interpreters.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 531, Government Code, is amended by  
7 adding Subchapter M to read as follows:

8 SUBCHAPTER M. ADVISORY COMMITTEE ON QUALIFICATIONS FOR HEALTH CARE  
9 TRANSLATORS AND INTERPRETERS

10 Sec. 531.451. DEFINITIONS. In this subchapter:

11 (1) "Advisory committee" means the Advisory Committee  
12 on Qualifications for Health Care Translators and Interpreters.

13 (2) "Health care" means medical care, surgical care,  
14 hospital care, or any remedial care provided to diagnose, prevent,  
15 alleviate, or cure a patient's injury or illness, including mental  
16 health care.

17 (3) "Health care interpreter" means a person who is  
18 trained to orally communicate with a person with limited English  
19 proficiency by accurately conveying oral health care related  
20 statements into English and the language of the person with limited  
21 English proficiency.

22 (4) "Health care practitioner" means an individual who  
23 furnishes patient health care services under a license,  
24 certification, or registration issued by this state.

1           (5) "Health care translator" means a person who is  
2 trained to communicate in writing with a person with limited  
3 English proficiency by accurately translating written health care  
4 related statements into English and the language of the person with  
5 limited English proficiency.

6           (6) "Person with limited English proficiency" means a  
7 person who:

8                   (A) because of the person's place of birth or  
9 culture, speaks a language other than English; and

10                   (B) does not speak English adequately enough to  
11 communicate effectively with a health care practitioner.

12           Sec. 531.452. APPLICABILITY OF OTHER LAW. Except as  
13 otherwise provided by this subchapter or a rule adopted by the  
14 executive commissioner, the advisory committee is subject to  
15 Chapter 2110.

16           Sec. 531.453. APPLICATION OF SUNSET ACT. The Advisory  
17 Committee on Qualifications for Health Care Translators and  
18 Interpreters is subject to Chapter 325, Government Code (Texas  
19 Sunset Act). Unless continued in existence as provided by this  
20 chapter, the committee is abolished September 1, 2017.

21           Sec. 531.454. ESTABLISHMENT. The executive commissioner  
22 shall establish the Advisory Committee on Qualifications for Health  
23 Care Translators and Interpreters.

24           Sec. 531.455. MEMBERS. (a) The Advisory Committee on  
25 Qualifications for Health Care Translators and Interpreters is  
26 composed of not less than 10 members appointed by the executive  
27 commissioner as provided by this section.

1           (b) The advisory committee must include:

2                   (1) one member who is a representative of a  
3 professional Translators and Interpreters Association;

4                   (2) one member who is a health care interpreter;

5                   (3) one member who is a representative of a mental  
6 health services provider;

7                   (4) one member who is a risk manager for a hospital;

8                   (5) one member who represents the insurance industry;

9                   (6) one member who represents a business entity that  
10 provides translators and interpreters to health care  
11 practitioners;

12                   (7) one member who represents an organization that  
13 provides services to immigrants and refugees; and

14                   (8) one member who is a representative of an institute  
15 of higher education.

16           (c) The remaining members of the advisory committee must  
17 include at least one health care practitioner and additional  
18 members, as determined by the executive commissioner, who represent  
19 the interests of consumers.

20           Sec. 531.456. DUTIES. (a) The advisory committee shall  
21 establish and recommend qualifications for health care  
22 interpreters and health care translators that include:

23                   (1) for a person to be qualified as a health care  
24 interpreter or a health care translator, requiring the person to:

25                           (A) fluently interpret another language and  
26 convey that language into English and English into the other  
27 language:

1                   (B) have successfully completed at least 60 hours  
2 of training that includes training in anatomy, physiology, and  
3 medical interpretation, interpreter ethics; and

4                   (C) have practical experience as an interpreter  
5 or translator; and

6                   (2) for a person to be certified as a health care  
7 interpreter, requiring the person, in addition to meeting the  
8 requirements under Subsection (1), to pass a written and oral exam  
9 on medical terminology in English and at least one other language.

10                  (b) The advisory committee shall advise the commission on:

11                   (1) the language proficiency required for  
12 certification as a health care interpreter or health care  
13 translator;

14                   (2) training requirements for health care  
15 interpreters and health care translators;

16                   (3) standards of practice for health care  
17 interpreters and health care translators;

18                   (4) the requirements, content, and administration of  
19 certification examinations for health care interpreters and health  
20 care translators;

21                   (5) the procedures for testing, qualifying, and  
22 certifying health care interpreters and health care translators;  
23 and

24                   (6) reciprocity agreements with other states.

25                  (c) The advisory committee shall:

26                   (1) develop strategies for implementing the  
27 regulation of health care interpreters and health care translators;

1           (2) make recommendations to the commission for any  
2 legislation necessary to establish and enforce qualifications for  
3 health care interpreters and health care translators or for the  
4 adoption of rules by state agencies regulating health care  
5 practitioners, hospitals, physician offices, and health care  
6 facilities that hire health care interpreters or health care  
7 translators; and

8           (3) perform other activities assigned by the  
9 commission related to health care interpreters or health care  
10 translators.

11           Sec. 531.457. COMPENSATION; REIMBURSEMENT. A member of the  
12 advisory committee may not receive compensation, but is entitled to  
13 reimbursement of the travel expenses incurred by the member while  
14 conducting the business of the advisory committee, as provided by  
15 the General Appropriations Act.

16           SECTION 2. Not later than January 1, 2006, the executive  
17 commissioner of the Health and Human Services Commission shall  
18 establish the Advisory Committee on Qualifications for Health Care  
19 Translators and Interpreters as required by Subchapter M, Chapter  
20 531, Government Code, as added by this Act.

21           SECTION 3. This Act takes effect September 1, 2005.