

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters.

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

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

SUBCHAPTER R. ADVISORY COMMITTEE ON QUALIFICATIONS FOR HEALTH CARE TRANSLATORS AND INTERPRETERS

Sec. 531.701. DEFINITIONS. In this subchapter:

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

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

(3) "Health care interpreter" means a person who is trained to communicate with a person who has limited English proficiency or who is deaf or hard of hearing by accurately conveying in English and the language of the person who has limited English proficiency or who is deaf or hard of hearing the meaning of health care related statements made orally.

(4) "Health care practitioner" means an individual who furnishes patient health care services under a license,

1 certificate, or registration issued by this state.

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

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

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

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

13 Sec. 531.702. APPLICABILITY OF OTHER LAW. Except as  
14 otherwise provided by this subchapter or a rule adopted by the  
15 executive commissioner, the advisory committee is subject to  
16 Chapter 2110.

17 Sec. 531.703. APPLICATION OF SUNSET ACT. The Advisory  
18 Committee on Qualifications for Health Care Translators and  
19 Interpreters is subject to Chapter 325 (Texas Sunset Act). Unless  
20 continued in existence as provided by this subchapter, the  
21 committee is abolished and this subchapter expires January 1, 2021.

22 Sec. 531.704. ESTABLISHMENT. The executive commissioner  
23 shall establish the Advisory Committee on Qualifications for Health  
24 Care Translators and Interpreters.

25 Sec. 531.705. MEMBERS. (a) The advisory committee is  
26 composed of not fewer 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 working with people who have limited English proficiency;

6            (3) one member who is a health care interpreter  
7 working with people who are deaf or hard of hearing;

8            (4) one member who is a representative of a mental  
9 health services provider;

10           (5) one member who is a representative of a hospital;

11           (6) one member who represents the insurance industry;

12           (7) one member who represents a business entity that  
13 provides translators and interpreters to health care  
14 practitioners;

15           (8) one member who represents an organization that  
16 provides services to immigrants and refugees; and

17           (9) one member who is a representative of an  
18 institution of higher education.

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

23        Sec. 531.706. DUTIES. (a) The advisory committee shall  
24 establish and recommend qualifications for health care  
25 interpreters and health care translators that include:

26           (1) for a person to be qualified as a health care  
27 translator, requiring the person to:

1           (A) fluently understand a written foreign  
2 language and demonstrate the ability to accurately translate  
3 messages communicated in that language into English and to  
4 accurately translate messages communicated in English into that  
5 language; and

6           (B) have practical experience as a translator or  
7 hold professional certification as a translator; and

8           (2) for a person to be qualified as a health care  
9 interpreter, requiring the person to:

10           (A) fluently understand a spoken foreign  
11 language and demonstrate the ability to accurately interpret  
12 messages communicated in that language into English and to  
13 interpret messages communicated in English into that language; and

14           (B) have practical experience as an interpreter  
15 or hold professional certification or licensure as an interpreter.

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

17           (1) the language proficiency required for  
18 certification as a health care interpreter or health care  
19 translator;

20           (2) training requirements for health care  
21 interpreters and health care translators;

22           (3) standards of practice for health care interpreters  
23 and health care translators;

24           (4) the requirements, content, and administration of  
25 certification examinations for health care interpreters and health  
26 care translators;

27           (5) the procedures for testing, qualifying, and

1 certifying health care interpreters and health care translators;

2 and

3 (6) reciprocity agreements with other states.

4 (c) The advisory committee shall:

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

7 (2) make recommendations to the commission for any  
8 legislation necessary to establish and enforce qualifications for  
9 health care interpreters and health care translators or for the  
10 adoption of rules by state agencies regulating health care  
11 practitioners, hospitals, physician offices, and health care  
12 facilities that hire health care interpreters or health care  
13 translators; and

14 (3) perform other activities assigned by the  
15 commission related to health care interpreters or health care  
16 translators.

17 Sec. 531.707. COMPENSATION; REIMBURSEMENT. A member of the  
18 advisory committee may not receive compensation, but is entitled to  
19 reimbursement of the travel expenses incurred by the member while  
20 conducting the business of the advisory committee, as provided by  
21 the General Appropriations Act.

22 SECTION 2. Not later than January 1, 2010, the executive  
23 commissioner of the Health and Human Services Commission shall  
24 establish the Advisory Committee on Qualifications for Health Care  
25 Translators and Interpreters as required by Subchapter R, Chapter  
26 531, Government Code, as added by this Act.

27 SECTION 3. This Act takes effect September 1, 2009.