

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.

President of the Senate

Speaker of the House

I certify that H.B. No. 233 was passed by the House on May 7, 2009, by the following vote: Yeas 95, Nays 48, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 233 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor