

1-1 By: Rodriguez, et al. (Senate Sponsor - Uresti) H.B. No. 233
1-2 (In the Senate - Received from the House May 8, 2009;
1-3 May 8, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 21, 2009, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 21, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of an advisory committee to establish and
1-9 recommend qualifications for certain health care translators and
1-10 interpreters.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 531, Government Code, is amended by
1-13 adding Subchapter R to read as follows:

1-14 SUBCHAPTER R. ADVISORY COMMITTEE ON QUALIFICATIONS FOR
1-15 HEALTH CARE TRANSLATORS AND INTERPRETERS

1-16 Sec. 531.701. DEFINITIONS. In this subchapter:

1-17 (1) "Advisory committee" means the Advisory Committee
1-18 on Qualifications for Health Care Translators and Interpreters.

1-19 (2) "Health care" means medical care, surgical care,
1-20 hospital care, or any remedial care provided to diagnose, prevent,
1-21 alleviate, or cure a patient's injury or illness, including mental
1-22 health care.

1-23 (3) "Health care interpreter" means a person who is
1-24 trained to communicate with a person who has limited English
1-25 proficiency or who is deaf or hard of hearing by accurately
1-26 conveying in English and the language of the person who has limited
1-27 English proficiency or who is deaf or hard of hearing the meaning of
1-28 health care related statements made orally.

1-29 (4) "Health care practitioner" means an individual who
1-30 furnishes patient health care services under a license,
1-31 certificate, or registration issued by this state.

1-32 (5) "Health care translator" means a person who is
1-33 trained to communicate in writing with a person with limited
1-34 English proficiency by accurately translating into English and the
1-35 language of the person who has limited English proficiency written
1-36 health care related statements.

1-37 (6) "Person who has limited English proficiency" means
1-38 a person who:

1-39 (A) because of the person's place of birth or
1-40 culture, speaks a language other than English; and

1-41 (B) does not speak English adequately to
1-42 communicate effectively with a health care practitioner.

1-43 Sec. 531.702. APPLICABILITY OF OTHER LAW. Except as
1-44 otherwise provided by this subchapter or a rule adopted by the
1-45 executive commissioner, the advisory committee is subject to
1-46 Chapter 2110.

1-47 Sec. 531.703. APPLICATION OF SUNSET ACT. The Advisory
1-48 Committee on Qualifications for Health Care Translators and
1-49 Interpreters is subject to Chapter 325 (Texas Sunset Act). Unless
1-50 continued in existence as provided by this subchapter, the
1-51 committee is abolished and this subchapter expires January 1, 2021.

1-52 Sec. 531.704. ESTABLISHMENT. The executive commissioner
1-53 shall establish the Advisory Committee on Qualifications for Health
1-54 Care Translators and Interpreters.

1-55 Sec. 531.705. MEMBERS. (a) The advisory committee is
1-56 composed of not fewer than 10 members appointed by the executive
1-57 commissioner as provided by this section.

1-58 (b) The advisory committee must include:

1-59 (1) one member who is a representative of a
1-60 professional translators and interpreters association;

1-61 (2) one member who is a health care interpreter
1-62 working with people who have limited English proficiency;

1-63 (3) one member who is a health care interpreter
1-64 working with people who are deaf or hard of hearing;

- 2-1 (4) one member who is a representative of a mental
 2-2 health services provider;
 2-3 (5) one member who is a representative of a hospital;
 2-4 (6) one member who represents the insurance industry;
 2-5 (7) one member who represents a business entity that
 2-6 provides translators and interpreters to health care
 2-7 practitioners;
 2-8 (8) one member who represents an organization that
 2-9 provides services to immigrants and refugees; and
 2-10 (9) one member who is a representative of an
 2-11 institution of higher education.

2-12 (c) The remaining members of the advisory committee must
 2-13 include at least one health care practitioner and additional
 2-14 members, as determined by the executive commissioner, who represent
 2-15 the interests of consumers.

2-16 Sec. 531.706. DUTIES. (a) The advisory committee shall
 2-17 establish and recommend qualifications for health care
 2-18 interpreters and health care translators that include:

2-19 (1) for a person to be qualified as a health care
 2-20 translator, requiring the person to:

2-21 (A) fluently understand a written foreign
 2-22 language and demonstrate the ability to accurately translate
 2-23 messages communicated in that language into English and to
 2-24 accurately translate messages communicated in English into that
 2-25 language; and

2-26 (B) have practical experience as a translator or
 2-27 hold professional certification as a translator; and

2-28 (2) for a person to be qualified as a health care
 2-29 interpreter, requiring the person to:

2-30 (A) fluently understand a spoken foreign
 2-31 language and demonstrate the ability to accurately interpret
 2-32 messages communicated in that language into English and to
 2-33 interpret messages communicated in English into that language; and

2-34 (B) have practical experience as an interpreter
 2-35 or hold professional certification or licensure as an interpreter.

2-36 (b) The advisory committee shall advise the commission on:

2-37 (1) the language proficiency required for
 2-38 certification as a health care interpreter or health care
 2-39 translator;

2-40 (2) training requirements for health care
 2-41 interpreters and health care translators;

2-42 (3) standards of practice for health care interpreters
 2-43 and health care translators;

2-44 (4) the requirements, content, and administration of
 2-45 certification examinations for health care interpreters and health
 2-46 care translators;

2-47 (5) the procedures for testing, qualifying, and
 2-48 certifying health care interpreters and health care translators;
 2-49 and

2-50 (6) reciprocity agreements with other states.

2-51 (c) The advisory committee shall:

2-52 (1) develop strategies for implementing the
 2-53 regulation of health care interpreters and health care translators;

2-54 (2) make recommendations to the commission for any
 2-55 legislation necessary to establish and enforce qualifications for
 2-56 health care interpreters and health care translators or for the

2-57 adoption of rules by state agencies regulating health care
 2-58 practitioners, hospitals, physician offices, and health care
 2-59 facilities that hire health care interpreters or health care
 2-60 translators; and

2-61 (3) perform other activities assigned by the
 2-62 commission related to health care interpreters or health care
 2-63 translators.

2-64 Sec. 531.707. COMPENSATION; REIMBURSEMENT. A member of the
 2-65 advisory committee may not receive compensation, but is entitled to
 2-66 reimbursement of the travel expenses incurred by the member while
 2-67 conducting the business of the advisory committee, as provided by
 2-68 the General Appropriations Act.

2-69 SECTION 2. Not later than January 1, 2010, the executive

3-1 commissioner of the Health and Human Services Commission shall
3-2 establish the Advisory Committee on Qualifications for Health Care
3-3 Translators and Interpreters as required by Subchapter R, Chapter
3-4 531, Government Code, as added by this Act.

3-5 SECTION 3. This Act takes effect September 1, 2009.

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