

By: Rodriguez

H.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of health care interpreters.

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

SECTION 1. Subchapter B, Chapter 12, Health and Safety Code, is amended by adding Section 12.0141 to read as follows:

Sec. 12.0141. HEALTH CARE FOREIGN LANGUAGE INTERPRETERS; REGISTRY. (a) In this section:

(1) "Department" means the Department of State Health Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

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

(4) "Health care foreign language interpreter" means a person who is trained to communicate with a patient who has limited English proficiency by accurately conveying in English and the language of the patient who has limited English proficiency the meaning of health care-related statements made orally.

(5) "Health care practitioner" means an individual who provides human patient health care services under a license, certificate, or registration issued by this state.

(6) "Patient who has limited English proficiency"

1 means a patient who:

2 (A) because of the patient's place of birth or
3 culture, speaks a language other than English; and

4 (B) does not have a high enough level of health
5 literacy in the English language to communicate effectively with a
6 health care practitioner.

7 (b) The department shall establish and maintain a registry
8 of qualified health care foreign language interpreters.

9 (c) The department shall post the registry on the
10 department's Internet website and make the registry available to
11 the public.

12 (d) The executive commissioner by rule shall establish the
13 qualifications for a health care foreign language interpreter to be
14 listed in the registry. The qualifications must include training
15 in ethics and standards of practice for health care interpreting.

16 (e) Except in an emergency during which an interpreter is
17 not immediately available in person or by telecommunication, a
18 person may not act as a health care foreign language interpreter
19 unless the person is registered with the registry.

20 (f) In providing routine health care services to a patient
21 in need of an interpreter, a health care practitioner shall provide
22 a registered health care foreign language interpreter not
23 associated with the patient at no cost to the patient. The health
24 care facility staff shall inform the patient, in the patient's
25 preferred language, that a qualified interpreter will be provided
26 at no cost to the patient. In addition or as an alternative to the
27 registered interpreter, the patient may bring another person to

1 assist with communication.

2 (g) A health care practitioner may not:

3 (1) require a patient to provide a health care foreign
4 language interpreter as a condition of treatment; or

5 (2) use a family member, friend, or associate of a
6 patient as a health care foreign language interpreter for the
7 patient, except in an emergency during which an interpreter is not
8 immediately available in person or by telecommunication.

9 (h) The executive commissioner shall adopt rules as
10 necessary to implement this section. The executive commissioner by
11 rule may establish reasonable fees in amounts sufficient to cover
12 the costs of maintaining the registry.

13 SECTION 2. Chapter 81, Human Resources Code, is amended by
14 adding Section 81.0075 to read as follows:

15 Sec. 81.0075. HEALTH CARE SIGN LANGUAGE INTERPRETERS.

16 (a) In this section:

17 (1) "Department" means the Department of Assistive and
18 Rehabilitative Services.

19 (2) "Executive commissioner" means the executive
20 commissioner of the Health and Human Services Commission.

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

25 (4) "Health care sign language interpreter" means a
26 person who is trained to communicate with a patient who is hearing
27 impaired by accurately conveying with sign language the meaning of

1 health care-related statements made orally.

2 (5) "Health care practitioner" means an individual who
3 provides human patient health care services under a license,
4 certificate, or registration issued by this state.

5 (b) The department shall include a category for qualified
6 health care sign language interpreters in the registry of
7 interpreters maintained by the department under Section 81.006.

8 (c) The department shall post the registry on the
9 department's Internet website and make the registry available to
10 the public.

11 (d) The executive commissioner by rule shall establish the
12 qualifications for a health care sign language interpreter to be
13 listed in the registry. The qualifications must include training
14 in ethics and standards of practice for health care sign language
15 interpreting.

16 (e) Except in an emergency during which an interpreter is
17 not immediately available in person or by visual telecommunication,
18 a person may not act as a health care sign language interpreter
19 unless the person is registered as a health care sign language
20 interpreter with the department's registry.

21 (f) In providing routine health care services to a patient
22 in need of an interpreter, a health care practitioner shall provide
23 a registered health care sign language interpreter not associated
24 with the patient at no cost to the patient. The health care
25 facility staff shall inform the patient, in the patient's preferred
26 language, that a qualified interpreter will be provided at no cost
27 to the patient. In addition or as an alternative to the registered

1 interpreter, the patient may bring another person to assist with
2 communication.

3 (g) A health care practitioner may not:

4 (1) require a patient to provide a health care sign
5 language interpreter as a condition of treatment; or

6 (2) use a family member, friend, or associate of a
7 patient as a health care sign language interpreter for the patient,
8 except in an emergency during which an interpreter is not
9 immediately available in person or by visual telecommunication.

10 (h) The executive commissioner shall adopt rules as
11 necessary to implement this section. The executive commissioner by
12 rule may establish reasonable fees in amounts sufficient to cover
13 the costs of maintaining the registry with respect to health care
14 sign language interpreters.

15 SECTION 3. The executive commissioner of the Health and
16 Human Services Commission shall adopt rules as necessary to
17 implement Section 12.0141, Health and Safety Code, and Section
18 81.0075, Human Resources Code, as added by this Act, not later than
19 January 1, 2012.

20 SECTION 4. (a) Except as provided by Subsection (b) of
21 this section, this Act takes effect September 1, 2011.

22 (b) Section 12.0141, Health and Safety Code, and Section
23 81.0075, Human Resources Code, as added by this Act, take effect
24 September 1, 2012.