

HB 4115 -3 STAFF MEASURE SUMMARY

House Committee On Health Care

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Meeting Dates: 2/6, 2/13

WHAT THE MEASURE DOES:

Directs the Oregon Health Authority (OHA) to create a health care interpreter training program that is free or provided at an affordable cost. Requires OHA to test, qualify and certify health care interpreters. Specifies program must allow a patient or health care provider to access the registry and schedule appointments with qualified or certified health care interpreters. Specifies program policies procedures including investigation and complaint process for health care interpreters. Directs OHA to report to the Interim Committee on Health Care on the program design and implementation costs no later than September 15, 2020. Requires OHA to collaborate with the Bureau of Labor and Industries or the Department of Justice to investigate complaints including potential suspension or revocation of qualified or certified health care interpreters. Establishes requirements when a health care provider shall use a health care interpreter; prohibits an interpretation service company from employing or contracting with an interpreter who is not enrolled in an OHA approved health care interpreter training program. Defines "health care provider" as an individual, coordinated care organization, or other entity licensed or certified to provide health and is reimbursed with public funds. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Health care providers use of untrained health care interpreters (HCIs)
- Health care interpreters as part of the clinical team
- Professionalization of HCIs
- Lack of enforcement with existing state statutes
- Low reimbursement rates among HCIs
- History of the Oregon Council of Health Care Interpreters
- Decision to use HCIs by a health care provider is at their discretion
- Different languages, dialects, and interpretive services
- Washington State's HCI program

EFFECT OF AMENDMENT:

-3 Modifies and restructures measure. Removes "health care providers" and "coordinated care organizations" from whereas statements. Requires OHA to report to the interim House Committee on Health Care on the costs to implement a health care interpreter training program that is free or provided at an affordable cost and establish and maintain a central registry for OHA qualified or certified interpreters. Specifies registry shall allow a health care provider or patient to access registry and schedule appointments with qualified or certified interpreters. OHA to establish in rule, verification process, four-year subscription mechanism and fees, and track Medicaid expenditures for health care interpretation services including portion spent on administrative costs. Directs OHA to adopt procedures to evaluate the quality of health care interpretation services for interpreters listed on registry. Prohibits interpretation service company from employing or contracting with a health care interpreter not listed on the central registry unless certain conditions are met. Authorizes Bureau of Labor and Industries (BOLI) and Industries to establish in rule standards, policies, and processes to hold interpretation service companies accountable. Specifies standards, policies, and processes. Sections 2, 3, and 5-9 become operative July 1, 2022.

REVENUE: *May have revenue impact, but no statement yet issued.*

FISCAL: *May have fiscal impact, but no statement yet issued.*

BACKGROUND:

Health care interpreters facilitate communication between patients with limited English proficiency (LEP) and health care providers, in-person or over the phone. In 2001, a 25-member Health Care Interpreter Council was established to ensure the development of competent and accessible language access services. House Bill 2419 (2015) modified the membership of the Oregon Council of Health Care Interpreters, clarified qualifications and certification requirements for health care interpreters, and specified that the policy of the Legislative Assembly is to require the use of certified or qualified health care interpreters (HCI) whenever possible including American Sign Language interpreters. According to the American Community Survey (2017), approximately 578,000 Oregonians speak a language other than English with more than 200,000 individuals with LEP.

The Oregon Health Authority (OHA) oversees and currently offers two levels of credentials for HCIs, qualification and certification, which both require 80 hours of formal training for certification (40 hours additional to the qualification requirement). The two credentials are valid for three years and require 24 hours of OHA approved continuing education to renewal. OHA has two approved language proficiency testing centers in Oregon. Trained and certified interpreters provide timely and accurate communications between patients and providers, compared with the use of ad hoc interpreters such as patient with family members who act as interpreters. OHA also staffs the 15-members Oregon Council on Health Care Interpreters (OCHCI), which advised the agency on administrative rules and policies for the Health Care Interpreter Program.

House Bill 4115 directs OHA to design a statewide registry of qualified and certified health care interpreters (HCIs) and requires health care providers to use qualified and certified HCIs.