

Senate Bill 584

Sponsored by Senator JAMA (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Health Authority to implement website with functionality to provide online scheduling portal for health care providers that participate in medical assistance to use to contact health care interpreters directly and to process billing. Specifies individuals responsible for designing website. Requires authority to work with members of Oregon Council on Health Care Interpreters and organized labor to assess feasibility of opening up access to website by all health care providers. Directs authority to submit request to Governor for legislative measure to effectuate expansion, if authority determines that expansion of access to website is feasible.

Establishes two-year pilot program to provide financial assistance to health care interpreters.

Requires authority to develop and implement system for tracking state and federal expenditures in this state on interpretation services.

Establishes cause of action for patient or health care interpreter who suffers damages due to failure of interpretation service company or health care provider to comply with requirements for working with health care interpreters.

A BILL FOR AN ACT

1
2 Relating to health care interpreters; creating new provisions; and amending ORS 413.559, 413.563
3 and 414.726.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 414.726 is amended to read:

6 414.726. (1) As used in this section:

7 (a) "Certified health care interpreter" has the meaning given that term in ORS 413.550.

8 (b) "Qualified health care interpreter" has the meaning given that term in ORS 413.550.

9 (2) The Oregon Health Authority shall adopt rules to ensure that a coordinated care organiza-
10 tion, in accordance with ORS 414.572 (2)(e), and any other health care provider that is reimbursed
11 for the cost of health care by the state medical assistance program:

12 (a) Works with a certified health care interpreter or a qualified health care interpreter when
13 interacting with a recipient of medical assistance, or a caregiver of a recipient of medical assist-
14 ance, who has limited English proficiency or who communicates in signed language; and

15 (b) Is reimbursed for the cost of the certified health care interpreter or qualified health care
16 interpreter, **unless the interpreter is reimbursed directly by the authority.**

17 **(3) The authority shall establish and maintain a website with the functionality to:**

18 (a) **Provide an online scheduling portal for health care providers that participate in the**
19 **medical assistance program to enable providers to contact certified health care interpreters**
20 **or qualified health care interpreters directly; and**

21 (b) **Process billing and payments for health care interpreter services scheduled through**
22 **the portal.**

23 **SECTION 2.** The Oregon Health Authority shall assemble a design team for the purpose
24 of developing and establishing the website described in ORS 414.726 (3), consisting of:

25 (1) **The following project sponsors:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) An executive manager from the division of the authority responsible for equity and
2 inclusion; and

3 (b) An executive manager from the Health Policy and Analytics Division of the authority,
4 created under ORS 442.011.

5 (2) The following project core team members:

6 (a) One staff person from the health care interpreter program within the authority;

7 (b) One staff person from the information services department of the authority;

8 (c) One staff person from the authority with expertise in coordinated care organizations;

9 (d) One staff person from the authority with expertise in the fee-for-service system;

10 (e) One staff person from the Health Policy and Analytics Division of the authority with
11 expertise in the medical assistance information system and eligibility processing; and

12 (f) One staff person from the government relations department of the authority.

13 (3) The following external partner project team members:

14 (a) Two members from the Oregon Council on Health Care Interpreters;

15 (b) Two qualified or certified speech-language health care interpreters;

16 (c) One health care interpreter of an indigenous language;

17 (d) Two health care providers;

18 (e) Two staff persons from coordinated care organizations;

19 (f) Two individuals with limited English proficiency or who can represent the interests
20 and perspectives of individuals with limited English proficiency;

21 (g) One staff person from an interpretation service company, as defined in ORS 413.550;

22 (h) One representative of organized labor;

23 (i) One American Sign Language interpreter; and

24 (j) One individual who is deaf or hard of hearing and whose preferred language is Amer-
25 ican Sign Language.

26 **SECTION 3.** (1) No later than January 15, 2028, the Oregon Health Authority shall, in
27 consultation with the Oregon Council on Health Care Interpreters and representatives of
28 organized labor, review the operation of the website described in ORS 414.726 (3) and deter-
29 mine by what date it will be feasible to allow access to the portal by all health care providers.

30 (2) If the authority determines that expanded access to the website is feasible, the au-
31 thority shall submit to the Governor a request for a legislative measure to make statutory
32 changes necessary to expand access to the website effective on the date determined feasible
33 under subsection (1) of this section.

34 **SECTION 4.** The Oregon Health Authority shall apply to the Centers for Medicare and
35 Medicaid Services for approval of a demonstration project under 42 U.S.C. 1315 to secure
36 federal financial participation in the costs of directly reimbursing health care interpreters
37 for health care interpretation services provided to medical assistance recipients.

38 **SECTION 5.** (1) The Oregon Health Authority shall administer a two-year program to
39 provide to health care interpreters who are qualified or certified under ORS 413.558, or health
40 care interpreters for indigenous languages, financial assistance to improve the compensation
41 paid for health care interpretation services. To qualify for the financial assistance, a health
42 care interpreter must verify that the health care interpreter has provided health care in-
43 terpretation services for at least 10 hours per month in the previous six-month period.

44 (2) The authority shall appoint an advisory committee, consisting of two representatives
45 from the Oregon Worker Relief Fund and two representatives of organized labor, to provide

1 **recommendations on the application for financial assistance and the application process for**
 2 **financial assistance described in subsection (1) of this section.**

3 **(3) The authority shall contract with the Oregon Worker Relief Fund to act as a fiscal**
 4 **intermediary and dispense funds through the program to health care interpreters. The pro-**
 5 **gram shall, through two annual disbursements, provide financial assistance to up to 400**
 6 **health care interpreters, for providing 10 appointments per month for 12 months at \$30 per**
 7 **appointment.**

8 **SECTION 6. No later than January 1, 2026, the Oregon Health Authority shall develop**
 9 **and implement a system to track all expenditures from state and federal funds that are spent**
 10 **in this state on providing interpretation services.**

11 **SECTION 7. (1) As used in this section, “health care interpreter,” “health care**
 12 **provider” and “interpretation service company” have the meanings given those terms in ORS**
 13 **413.550.**

14 **(2) A patient or a health care interpreter may bring a civil action in the circuit court of**
 15 **the county where the patient or health care interpreter resides for actual damages incurred**
 16 **by the patient or health care interpreter due to the failure of a health care provider to**
 17 **comply with ORS 413.559 or by the failure of an interpretation service company to comply**
 18 **with ORS 413.563.**

19 **(3) In an action brought under this section the court may award reasonable attorney fees**
 20 **and costs to the plaintiff.**

21 **SECTION 8. ORS 413.559 is amended to read:**

22 413.559. (1) Except as provided in subsection (2) of this section, a health care provider shall
 23 work with a health care interpreter from the health care interpreter registry administered by the
 24 Oregon Health Authority under ORS 413.558 when communicating with a patient who prefers to
 25 communicate in a language other than English, unless the health care provider is a doctor or
 26 clinician who is proficient in the patient’s preferred language.

27 (2) A health care provider who is otherwise required to work with a health care interpreter from
 28 the health care interpreter registry may work with a health care interpreter who is not listed on
 29 the health care interpreter registry only if the provider:

30 (a) Verifies, in the manner prescribed by rule by a board or agency described in ORS 413.561,
 31 that the provider has taken appropriate steps needed to obtain a health care interpreter from the
 32 health care interpreter registry in accordance with rules adopted by the authority under ORS
 33 413.558; or

34 (b) Has offered the patient the services of a health care interpreter from the health care inter-
 35 preter registry and the patient declined the offer and chose a different interpreter.

36 (3) A health care provider shall give personal protective equipment, consistent with established
 37 national standards, to health care interpreters providing services on-site at no cost to the health
 38 care interpreter and may not suggest to the health care interpreter that the health care interpreter
 39 should procure the health care interpreter’s own personal protective equipment as a condition of
 40 working with the health care provider.

41 (4) A health care provider shall maintain records of each patient encounter in which the pro-
 42 vider worked with a health care interpreter from the health care interpreter registry. The records
 43 must include:

- 44 (a) The name of the health care interpreter;
 45 (b) The health care interpreter’s registry number; and

1 (c) The language interpreted.

2 (5) The boards and agencies described in ORS 413.561 shall adopt rules to carry out the pro-
 3 visions of this section[, *which may include additional exemptions under subsection (2) of this*
 4 *section*].

5 **SECTION 9.** ORS 413.563 is amended to read:

6 413.563. (1) An interpretation service company operating in this state:

7 (a) Except as provided in paragraph (b) of this subsection, may not arrange for a health care
 8 interpreter to provide interpretation services in health care settings if the health care interpreter
 9 is not listed on the health care interpreter registry described in ORS 413.558.

10 (b) May arrange for a health care interpreter who is not listed on the health care interpreter
 11 registry to provide interpretation services in health care settings only if:

12 (A) A health care provider represents to the interpretation service company that the health care
 13 provider:

14 (i) Has taken appropriate steps necessary to arrange for a health care interpreter from the
 15 health care interpreter registry in the manner prescribed by rule under ORS 413.559; and

16 (ii) Was unable to arrange for a health care interpreter from the health care interpreter regis-
 17 try; and

18 (B) The interpretation service company does not employ a health care interpreter listed on the
 19 health care interpreter registry who is available to provide interpretation services to the health
 20 care provider.

21 (c) May not represent to a health care provider that a contracted or employed health care in-
 22 terpreter referred by the company is a certified health care interpreter unless the interpreter has
 23 met the requirements for certification under ORS 413.558 and has been issued a valid certification
 24 by the authority.

25 (d) May not require or suggest to a health care interpreter that the health care interpreter
 26 procure the health care interpreter’s own personal protective equipment as a condition of receiving
 27 a referral.

28 (2) An interpretation service company shall maintain records of each encounter in which the
 29 company refers to a health care provider [*worked with*] a health care interpreter from the health
 30 care interpreter registry or a health care interpreter who is not on the registry. The records must
 31 include:

32 (a) The name of the health care interpreter; and

33 (b) The health care interpreter’s registry number, if applicable.

34 **SECTION 10. In addition to and not in lieu of any other appropriation, there is appro-**
 35 **priated to the Oregon Health Authority, for the biennium beginning July 1, 2023, out of the**
 36 **General Fund, the amounts of:**

37 (1) **\$3,398,400, which may be expended for carrying out the provisions of section 5 of this**
 38 **2023 Act; and**

39 (2) **\$1,500,000, which may be expended for carrying out section 6 of this 2023 Act.**

40 **SECTION 11. The Oregon Health Authority shall take all steps necessary to ensure that**
 41 **the website described in ORS 414.726 (3) is in operation no later than January 1, 2025.**

42 **SECTION 12. (1) Section 2 of this 2023 Act is repealed on January 2, 2025.**

43 **(2) Sections 3 and 4 of this 2023 Act are repealed on January 2, 2029.**

44 **(3) Sections 5 and 6 of this 2023 Act are repealed on January 2, 2027.**