



February 5, 2024

The Honorable Members of Oregon State Senate Committee on Health Care

Dear Members of the Oregon State Senate Committee on Health Care,

I am the CEO of Boostlingo, a software company providing technology that enables on-demand remote interpretation. Through our partners, our platform provides remote interpreting services (over the phone and video) to clients across the country and in Oregon, primarily in healthcare.

I am writing this letter to ask you to oppose SB 1578. This bill would direct the Oregon Healthcare Authority (OHA) to establish and maintain an online interpreter scheduling portal for Oregon-based interpreters who provide mandated language access services to patients in Oregon. The intended purpose of the bill is to enhance payment rates for healthcare interpreters in Oregon and improve patient care standards. However, the platform, as imagined, will not attract remote interpreters who are an essential part of the interpreter workforce that provides language access and would likely adversely impact federally protected equal access to healthcare for all Oregonians.

The core issues at stake here are straightforward. This bill attempts to solve legitimate concerns regarding local, Oregon-based interpreters, but fails to take into account that full language access coverage also requires accessing a national network of interpreters. This bill privileges a small number of onsite, mostly Spanish-English interpreters in Oregon's main urban centers, while excluding the majority of the interpreter workforce that makes language access possible in Oregon. In the process, it violates the civil rights of Oregonians to equal access to healthcare and further disadvantages an already stressed interpreter workforce outside of the small group this bill targets.

These are the central issues. The data below maps out why the bill will have this impact.

Language Access is a Federal Mandate

Title VI of the 1964 Civil Rights Acts prohibits federally funded entities from discrimination based on national origin. In U.S. healthcare, the language services industry provides mandated language access to prevent such discrimination under Section 1557 of the Patient Protection and Affordable Care Act, implemented through 45 CFR 92.101. In practice, this means that healthcare entities that receive federal funds must ensure that all patients, regardless of national origin, receive equal access to care. When a patient doesn't speak English, they have the right to a *qualified interpreter at no cost*.

Language Access Coverage and Compliance in Oregon

What does this mean in the case of language access in Oregon? In practice, healthcare providers must provide service in the approximately 130 different languages spoken by Oregonians across the state. The proposed payment portal is aimed at interpreters who have taken OHA-approved training and who have qualified to be part of the Oregon Healthcare Interpreter Registry. Unfortunately, the number of interpreters and languages they work in can only cover a small percentage of the total demand for interpreting services necessary to provide full and equitable language access to Oregonians across the state.



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The data supports this analysis: In 2023, there were more than 3 million interpreting encounters within Oregon, in approximately 150 languages, occurring in every county of the State. For example, in 2021, more than 10,000 encounters occurred in Somali. Only an estimated 35% of those calls were handled by on-site interpreters, with the remaining 65% covered by remote interpreters mostly based outside of Oregon.

Oregon has approximately 1700 health care interpreters certified in fewer than 25 languages on the Registry. These interpreters mainly offer their services in-person within Oregon's urban centers. Oregon simply lacks sufficient onsite and in-state interpreters to meet the statewide demand for health care interpreting services.

Under the current system, Oregon healthcare providers *are able* to provide comprehensive language access through a combination of Oregon-based registry and non-registry (but still qualified) interpreters and by contracting with language service companies that provide qualified remote interpreting services. As things stands, healthcare providers currently shoulder the burden of complying with federal and state language access requirements.

SB 1578 is the first step in creating a state-run interpreter scheduling platform, removing the scheduling processes provided by healthcare providers and language service companies now in place. The State of Oregon will assume the federal liability for providing language access currently managed by healthcare providers, while limiting the ability to access the full interpreter workforce required for compliance.

Finally, the State will have to fund a health care portal that is voluntary, with unproven usefulness or incentives for most healthcare interpreters. Furthermore, the management of the portal will be outsourced to a non-profit and provides no guardrail requirements for experience or competence in handling the complex scheduling and payment processes the portal will have to manage.

Summary

In sum, the ability for Oregon healthcare providers to ensure equal access to healthcare for non-English speaking residents is accomplished through a complex network of interpreters, agencies, remote interpreting technology and scheduling capacities. Some of these resources are available in state, but the majority are sourced nationally, especially the recruitment and development of qualified, professional interpreters across the hundreds of in-demand languages. *No single state can cover its language access requirements without using this nationalized structure.*

This bill would support a small number of Oregon-based resources and effectively exclude access to the much larger pool of resources that make language access possible.

Based on all the above, I respectfully urge you to oppose SB 1578 in its current form.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Forrester".

Bryan Forrester, CEO, Boostlingo



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