

Association of Language Companies – Oregon Task Force

SB 1578 Limits Access to Language Services for LEP Patients

NO ON SB 1578

SB 1578 requires the Oregon Health Authority (OHA) to set up a health care interpreter management system and would have the OHA contract with a nonprofit entity to manage the system. An OHA-run system would be intended to replace an existing system that works to fulfill the civil rights obligation of the health care provider to meet the language access needs of Limited English Proficiency (LEP) patients.

Current System vs. SB 1578

SB 1578 creates a costly, state-run system that will dramatically underperform what Language Service Companies deliver today – and it will come at the expense of thousands of LEP patients in over 130 languages who have a civil right to language access.

The proponents of SB 1578 represent about 1/3 of health care interpreting events – those performed in person and on-site, primarily in Spanish.

But the majority of the interpreting events – about 2/3 – occur remotely in Oregon over 2 million times per year in over 130 languages. The fatal flaw of SB 1578 is that there is only a small fraction of the workforce available in the Oregon Interpreter Registry to fulfill the civil rights obligations of Oregon’s LEP population.

Current System	SB 1578
The current Healthcare interpreter system relies on language service companies to deliver coverage 24/7/365 in service of the LEP patient’s federal civil right to language access.	SB 1578 would create a state-run interpreter scheduling portal to deliver the same service being delivered by language service companies.
Language service companies deliver over 2 million healthcare interpreting events per year in Oregon in over 130 languages. Over 5,500 events per day. In many cases, it is an “emergent” health care event and not a scheduled appointment.	The OHA interpreter registry – which is the foundation of the SB 1578 scheduling portal – has interpreters in only about 50 languages. Many languages only have 1 or 2 interpreters. SB 1578 does not meet the needs of the majority of spoken languages in Oregon.
A language service company will have access to a network of 20,000 qualified linguists to meet the needs of Oregon LEP patients in over 130 languages.	The OHA interpreter registry has access to only about 1,000 interpreters, mostly in Spanish and ASL. The SB 1578 scheduling portal has access to an inadequate workforce to meet the language access needs of Oregon LEP patients in 130 languages.

Current System	SB 1578
Language service companies are held to stringent connection standards to fulfill civil rights obligations: 30 seconds for Spanish, 60 seconds for other common languages, and 90 seconds for all other languages.	TBD: SB 1578 does not address connection standards or how the state-run portal would meet standards.
Language Service Companies have already invested \$10s of millions in the development of their portals to connect health care providers with linguists. These investments have already been made at no cost to taxpayers.	TBD: The costs of a state-run interpreter scheduling portal have not yet been considered.
Language service companies spend millions of dollars annually on portal maintenance and upgrades.	TBD: No consideration yet given to ongoing maintenance costs of state-run portal.
The current healthcare language interpreter system exists for the benefit of Limited English Proficiency (LEP) patients. They have a federal civil right to language access. Today, Oregon language companies meet federal civil rights requirements 2 million times per year in 130 languages by leveraging a national workforce.	TBD: It is not evident how a state-run portal with a small workforce would meet federal civil rights requirements for all but a handful of languages.

Unanswered Questions re: SB 1578

- If SB 1578 passes, and the OHA can't meet federal civil liability requirements, who assumes federal civil rights liability for failure to provide meaningful language access?
- If the answer to the question above is that the state-run scheduling portal in SB 1578 is only voluntary, why would the legislature spend precious resources on an ill-advised IT project that at best, no one will use, and at worst, would ensnare the state in civil rights liability?
- How can the OHA guarantee the round-the-clock coverage required, or the languages required, or the connection times that are currently being delivered – given the inadequacy of the Registry?
- How will SB 1578 convince interpreters in languages of lesser diffusion, or outside the state of Oregon, to undergo the required training and cost to join the Oregon registry and be eligible for the platform when Oregon accounts for such a small percentage of the overall engagements?

A Sampling of OHA Health Care Interpreter Registry...

Haitian Creole:

No Certified/Qualified on OHA Registry (50% of translators in FLA; 2 in OR)

1,280 calls for service in OR
Average connect time = 39 seconds
98.8% connect rate

Dari:

1 Certified/Qualified on OHA Registry (Dari translators concentrated in TX, VA)

1,829 calls for service in OR
Average connect time = 25 seconds
99.9% connect rate

Turkish:

No Certified/Qualified on OHA Registry (1 in OR)

281 calls for service in OR
Average connect time = 29 seconds
94% connect rate

Mam:

1 Certified/Qualified on OHA Registry

315 calls for service in OR
Average connect time = 61 seconds
88% connect rate

Mien:

No Certified/Qualified on OHA Registry (2 in OR)

252 calls for service in OR
Average connect time = 89 seconds
68% connect rate

Kinyarwanda:

No Certified/Qualified on OHA Registry (1 in OR)

323 calls for service in OR
Average connect time = 26 seconds
100% connect rate

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