

By: Rodriguez

H.B. No. 233

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of an advisory committee to establish and
3 recommend qualifications for certain health care translators and
4 interpreters.

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

6 SECTION 1. Chapter 531, Government Code, is amended by
7 adding Subchapter R to read as follows:

8 SUBCHAPTER R. ADVISORY COMMITTEE ON QUALIFICATIONS FOR
9 HEALTH CARE TRANSLATORS AND INTERPRETERS

10 Sec. 531.701. DEFINITIONS. In this subchapter:

11 (1) "Advisory committee" means the Advisory Committee
12 on Qualifications for Health Care Translators and Interpreters.

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

17 (3) "Health care interpreter" means a person who is
18 trained to orally communicate with a person with limited English
19 proficiency by accurately conveying the meaning of oral health care
20 related statements in English and the language of the person with
21 limited English proficiency.

22 (4) "Health care practitioner" means an individual who
23 furnishes patient health care services under a license,
24 certificate, or registration issued by this state.

1 (5) "Health care translator" means a person who is
2 trained to communicate in writing with a person with limited
3 English proficiency by accurately translating written health care
4 related statements into English and the language of the person with
5 limited English proficiency.

6 (6) "Person with limited English proficiency" means a
7 person who:

8 (A) because of the person's place of birth or
9 culture, speaks a language other than English; and

10 (B) does not speak English adequately enough to
11 communicate effectively with a health care practitioner.

12 Sec. 531.702. APPLICABILITY OF OTHER LAW. Except as
13 otherwise provided by this subchapter or a rule adopted by the
14 executive commissioner, the advisory committee is subject to
15 Chapter 2110.

16 Sec. 531.703. APPLICATION OF SUNSET ACT. The Advisory
17 Committee on Qualifications for Health Care Translators and
18 Interpreters is subject to Chapter 325 (Texas Sunset Act). Unless
19 continued in existence as provided by this subchapter, the
20 committee is abolished and this subchapter expires January 1, 2021.

21 Sec. 531.704. ESTABLISHMENT. The executive commissioner
22 shall establish the Advisory Committee on Qualifications for Health
23 Care Translators and Interpreters.

24 Sec. 531.705. MEMBERS. (a) The advisory committee is
25 composed of not less than 10 members appointed by the executive
26 commissioner as provided by this section.

27 (b) The advisory committee must include:

1 (1) one member who is a representative of a
2 professional translators and interpreters association;

3 (2) one member who is a health care interpreter;

4 (3) one member who is a representative of a mental
5 health services provider;

6 (4) one member who is a risk manager for a hospital;

7 (5) one member who represents the insurance industry;

8 (6) one member who represents a business entity that
9 provides translators and interpreters to health care
10 practitioners;

11 (7) one member who represents an organization that
12 provides services to immigrants and refugees; and

13 (8) one member who is a representative of an
14 institution of higher education.

15 (c) The remaining members of the advisory committee must
16 include at least one health care practitioner and additional
17 members, as determined by the executive commissioner, who represent
18 the interests of consumers.

19 Sec. 531.706. DUTIES. (a) The advisory committee shall
20 establish and recommend qualifications for health care
21 interpreters and health care translators that include:

22 (1) for a person to be qualified as a health care
23 interpreter or a health care translator, requiring the person to:

24 (A) fluently interpret another language and
25 convey the message communicated in that language into English and
26 the message communicated in English into the other language;

27 (B) have successfully completed at least 60 hours

1 of training that includes training in anatomy, physiology, medical
2 interpretation, and interpreter ethics; and

3 (C) have practical experience as an interpreter
4 or translator; and

5 (2) for a person to be certified as a health care
6 interpreter, requiring the person, in addition to meeting the
7 requirements under Subdivision (1), to pass a written and oral exam
8 on medical terminology in English and at least one other language.

9 (b) The advisory committee shall advise the commission on:

10 (1) the language proficiency required for
11 certification as a health care interpreter or health care
12 translator;

13 (2) training requirements for health care
14 interpreters and health care translators;

15 (3) standards of practice for health care interpreters
16 and health care translators;

17 (4) the requirements, content, and administration of
18 certification examinations for health care interpreters and health
19 care translators;

20 (5) the procedures for testing, qualifying, and
21 certifying health care interpreters and health care translators;
22 and

23 (6) reciprocity agreements with other states.

24 (c) The advisory committee shall:

25 (1) develop strategies for implementing the
26 regulation of health care interpreters and health care translators;

27 (2) make recommendations to the commission for any

1 legislation necessary to establish and enforce qualifications for
2 health care interpreters and health care translators or for the
3 adoption of rules by state agencies regulating health care
4 practitioners, hospitals, physician offices, and health care
5 facilities that hire health care interpreters or health care
6 translators; and

7 (3) perform other activities assigned by the
8 commission related to health care interpreters or health care
9 translators.

10 Sec. 531.707. COMPENSATION; REIMBURSEMENT. A member of the
11 advisory committee may not receive compensation, but is entitled to
12 reimbursement of the travel expenses incurred by the member while
13 conducting the business of the advisory committee, as provided by
14 the General Appropriations Act.

15 SECTION 2. Not later than January 1, 2010, the executive
16 commissioner of the Health and Human Services Commission shall
17 establish the Advisory Committee on Qualifications for Health Care
18 Translators and Interpreters as required by Subchapter R, Chapter
19 531, Government Code, as added by this Act.

20 SECTION 3. This Act takes effect September 1, 2009.