By: Rodriguez

H.B. No. 233

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

Sec. 531.701. DEFINITIONS. In this subchapter:

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

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

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

(4) "Health care practitioner" means an individual who furnishes patient health care services under a license, certificate, or registration issued by this state.
"Health care translator" means a person who is trained to communicate in writing with a person with limited English proficiency by accurately translating written health care related statements into English and the language of the person with limited English proficiency.

"Person with limited English proficiency" means a person who:

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

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

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

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

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

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

(b) The advisory committee must include:
(1) one member who is a representative of a professional translators and interpreters association;

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

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

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

(5) one member who represents the insurance industry;

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

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

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

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

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

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

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

   (B) have successfully completed at least 60 hours
of training that includes training in anatomy, physiology, medical
interpretation, and interpreter ethics; and

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

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

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

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

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

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

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

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

and

(6) reciprocity agreements with other states.

(c) The advisory committee shall:

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

(2) make recommendations to the commission for any
legislation necessary to establish and enforce qualifications for
health care interpreters and health care translators or for the
adoption of rules by state agencies regulating health care
practitioners, hospitals, physician offices, and health care
facilities that hire health care interpreters or health care
translators; and

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

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

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

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