



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, OSSD LTC

- Preproposal Statement of Inquiry was filed as WSR: 14-03-070; or
- Expedited Rule Making--Proposed notice was filed as WSR: ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

Title of rule and other identifying information: (Describe Subject)

Chapter 388-03 WAC – Certification of DSHS Spoken Language Interpreters, Translators, Employees, and Licensed Agency Personnel (LAPL)

Hearing location(s):

Office Building 2 – Lookout Room
DSHS Headquarters
1115 Washington
Olympia, WA 98504
Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail DSHSRPAURulesCoordinator@dshs.wa.gov
fax (360) 664-6185
by: 5:00 p.m. November 25, 2014

Date: November 25, 2014 Time: 10:00 a.m.

Assistance for persons with disabilities: Contact Jeff Kildahl, DSHS Rules Consultant by TTY (360) 664-6178 or (360) 664-6092 or by email at Kildaja@dshs.wa.gov

Date of intended adoption: Not earlier than November 26, 2014
(Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

- To reflect the changed name of the program;
- To implement agreements reached between OFM and WFSE/AFSCME;
- To specify and implement interpreter pre-certification training requirements;
- To specify and implement interpreter post-certification continuing education requirements; and
- To specify and implement interpreter de-certification process and procedures.

All of the above are changes to the existing chapter 388-03 WAC. Anticipated effects of the proposed changes include program operations that will conform to common industry standards and improved quality of certified interpreters/translators. The ultimate effect of the proposal is to improve the quality of interpreter services to the Limited English Proficient (LEP) population.

Statutory authority for adoption: RCW 74.08.090; 45 CFR Section 80.3(b)(2); RCW 74.04.025; Civil Rights Act of 1964.

Statute being implemented:
RCW 74.04.025

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION: Civil Rights Act of 1964; Reyes vs. Thompson Consent order (1991)

DATE
September 22, 2014

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 01, 2014
TIME: 8:13 AM

WSR 14-20-115

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting...Hungling Fu.....		(360) 664-6035
Implementation...Maria Siguenza		(360) 664-6038
Enforcement...Maria Siguenza.....		(360) 664-6038

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

e-mail

No. Explain why no statement was prepared.

As explained in the Cost-Benefit Analysis, The DSHS Language Testing and Certification program (LTC) has analyzed the existing rules and the proposed rule amendment and concludes that they will impose no costs on small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Hungling Fu

Address: 1115 Washington Street, SE Olympia, WA 98501

Phone: (360) 664-6035

fax: ()

e-mail: fuh@dshs.wa.gov

No: Please explain:

Chapter 388-03 WAC

~~((RULES AND REGULATIONS FOR THE))~~ CERTIFICATION OF DSHS SPOKEN LANGUAGE INTERPRETERS, ((AND)) TRANSLATORS, EMPLOYEES, AND LICENSED AGENCY PERSONNEL (LAPL)

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-010 What is the purpose of these rules? These rules:

(1) Establish the qualifications for department certified and ~~((qualified))~~ authorized interpreters, ((and)) translators, employees, and licensed agency personnel (LAPL); and

(2) Establish the requirements and procedures for administering and evaluating the department's interpreter, ~~((and))~~ translator, employee, and LAPL examinations.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-020 What is the scope of these rules? These rules apply to any person who:

(1) Seeks employment with the department as a bilingual employee;

(2) Wishes to provide services to the department as ((an)) a contracted interpreter or translator; or

(3) ~~((Provides department services to limited English proficient (LEP) clients))~~ Works for a non DSHS county agency/program that contracts with the department to provide services to the department's limited English proficient (LEP) clients, also known as licensed agency personnel (LAPL).

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-030 What definitions are important to understanding these rules? The following definitions are important to this chapter:

"Authorized interpreter ((or translator))" means a person who has ~~((been certified by a certification agency recognized by the department))~~ met the training and language examination requirements for screened languages.

"Certified/authorized bilingual employee" means a department employee who ~~((is certified, as bilingual, by passing))~~ has passed a department ((fluency)) bilingual employee examination ((or a department recognized professional association and is required to use their bilingual skills in their work)) in either a certified or a screened language.

"Certified interpreter ((for spoken languages))" means a person who has met the training requirements and has passed ((any)) one or both of the following ((fluency)) examinations:

(1) ((Department's)) The department's social services interpreter ((or medical interpreter)) certification examination in a certified language; or

(2) ((State of Washington office of the administrator for the courts interpreter certification examination;

(3) Federal courts interpreter certification examination)) The department's medical interpreter certification examination in a certified language.

"Certified languages for interpreters" means any of the languages listed under certified languages on the official LTC website and in the official LTC examination manual.

"Certified languages for translators" means any of the languages listed under certified languages on the official LTC website and in the official LTC examination manual.

"Certified translator ((for spoken languages))" means a person who has ~~((passed any of the following fluency examinations:~~

~~(1) Department's translator certification examination;~~

~~(2) American Translators Association (ATA) accreditation examination)) met the training requirements and has passed the department's translator certification examination in a certified language.~~

~~((**"Code of professional conduct for interpreters and translators"** means department standards that must be met by all interpreters and translators when they provide language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing services to the department.))~~

"Department" means the department of social and health services (DSHS).

"Employee" means a department bilingual employee whose position requires the use of bilingual skills as part of the job functions.

"Examination manual" means the language ~~((interpreter services and translations))~~ testing and certification section's professional language certification examination manual. To obtain a copy of this manual, ~~((telephone or write the LIST office at:~~

~~Department of Social and Health Services
Language Interpreter Services and Translations
P.O. Box 45820
Olympia, WA 98504-5820
(360) 664-6037~~

~~Or visit the LIST web site at: <http://asd.dshs.wa.gov/html/our-list.htm>)~~ visit the LTC website.

"Interpretation" means the ~~((oral or manual transfer of))~~ process of transferring a message orally from one language ~~((to))~~ into another ((language)).

"Language access provider" means, pursuant to RCW 41.56.030(10) and solely for the purpose of public employees' collective bargaining, any independent contractor who provides spoken language interpreter services for department of social and health services appointments or Medicaid enrollee appointments.

"Language ~~((interpreter services and translations))~~ testing and certification (LTC)" ~~((or "LIST"))~~ means the section within the department that is responsible for ~~((administering and enforcing these rules and providing the services contained in this rule))~~ managing the

bilingual skills testing and certification of employees, LAPL, and contracted interpreters and translators.

"Licensed agency personnel (LAPL)" means an employee of a county government agency/program that contracts with the department to provide services to department clients. Per the nature of services LAPL provide to department clients, they are treated as department position cluster 5 employees and are certified as such.

"Limited English proficient (LEP) client" means a person applying for or receiving department services, either directly or indirectly, who, because of a non-English speaking cultural background, cannot readily speak or understand the English language.

"Medical interpreter" means an interpreter who renders language interpretation services in a healthcare setting.

"Position cluster" means a group of DSHS jobs/positions that share the same or similar nature of job functions or responsibilities.

"Recognized interpreter" for spoken languages means a person who is certified by:

(1) The Washington state administrative office of the courts (AOC) as a court interpreter; or

(2) The administrative office of the United States courts as a federal court interpreter; or

(3) A non-profit organization that uses a credible certification program to certify professional interpreters and is recognized by the department; or

(4) Another state or U.S. territory or another country whose certification program is comparable to DSHS certification and based upon similar requirements.

"Recognized translator" for spoken languages means a person who is certified by:

(1) The American translators association (ATA); or

(2) A non-profit organization that uses a credible certification program to certify professional translators and is recognized by the department; or

(3) Another state or U.S. territory or another country whose certification program is comparable to DSHS certification and based upon similar requirements.

"Screened language" means any spoken language or any dialect within a spoken language that is not one of the certified languages.

"Social service interpreter" means an interpreter who renders language interpretation services in settings where human services programs are provided.

(~~"Qualified interpreter for spoken languages" means a person:~~

~~(1) Who has passed a department bilingual fluency screening test in a language other than a department certified language; or~~

~~(2) Is authorized by the department pursuant to WAC 388-03-114 to interpret a language based on certification obtained from another state or country which is comparable to the certification process used by the department for its certified languages.)~~

"Source language" means the language from which an interpretation and/or translation is rendered.

"Target language" means the language into which an interpretation and/or translation is rendered.

"Translation" means the (~~written transfer of a message~~) process of transferring a written message from one language ((to)) into another.

WAC 388-03-050 What is the department's ~~((the))~~ code of professional conduct for ~~((language interpreters and translators))~~ interpreters, translators, employees, and LAPL? The ~~((the))~~ code of conduct ~~((the))~~ is the professional standard established by the department for all ~~((interpreters/translators providing))~~ interpreters, translators, employees, and LAPL who provide language services to department programs and clients. Any violation of this code may disqualify ~~((an interpreter or translator))~~ a provider from providing those services. Specifically, the code addresses:

(1) **Accuracy.** Interpreters/translators must always express the source language message in a thorough and faithful manner. They must:

(a) Omit or add nothing;

(b) Give consideration to linguistic variations in both the source and target languages; and

(c) Conserve the tone and spirit of the source language.

(2) **Cultural sensitivity-courtesy.** Interpreters/translators must be culturally ~~((knowledgeable,))~~ sensitive, and respectful of the individual(s) they serve.

(3) **Confidentiality.** Interpreters/translators must not divulge any information publicly or privately obtained through their assignments, including, but not limited to, information ~~((from))~~ gained through access to documents or other written materials.

~~((4))~~ ~~((Disclosure. Interpreters/translators must not publicly discuss, report, or offer an opinion on current or past assignments, even when the information related to the assignment is not legally considered confidential.~~

~~((5))~~ **Proficiency.** Interpreters/translators must ~~((pass the department's required bilingual fluency certification examinations or screening tests in order to meet the department's))~~ meet the minimum proficiency standard set by DSHS.

~~((6))~~ (5) **Compensation.** Interpreters/translators must:

(a) Not accept additional money, consideration, or favors for services reimbursed by the department ~~((through language services providers;)).~~ The fee schedule agreed to between the contracted language services providers and the department shall be the maximum compensation accepted.

(b) Not use the department's time, facilities, equipment or supplies for private gain or other advantage; and

(c) Not use or attempt to use their position to secure privileges or exemptions.

~~((7))~~ (6) **Nondiscrimination.** Interpreters/translators must:

(a) Always be ~~((neutral,))~~ impartial and unbiased;

(b) Not discriminate on the basis of gender, disability, race, color, national origin, age, ~~((creed, religion,))~~ socio-economic or educational or marital status, religious or political beliefs, or sexual orientation; and

(c) Refuse or withdraw from an assignment, without threat or retaliation, if they are unable to perform the required service in an ethical manner.

~~((8))~~ (7) ~~((Self-evaluation))~~ **Self-representation.** Interpreters/translators must accurately and completely represent their ~~((certification))~~ certifications, training, and experience.

~~((9))~~ **(8) Impartiality-conflict of interest.** Interpreters/translators must disclose to the department any real or perceived conflicts of interest that would affect their professional objectivity. Note: Providing interpreting or translating services to family members or friends may violate the family member or friend's right to confidentiality, ~~((and/or may be a real or perceived))~~ constitute a conflict of interest, or violate a DSHS contract or subcontract.

~~((10))~~ **(9) Professional demeanor.** Interpreters/translators must be punctual, prepared, and dressed ~~((appropriately))~~ in a manner appropriate, and not distracting for the situation.

~~((11))~~ **(10) Scope of practice.** Interpreters/translators must not:

(a) Counsel, refer, give advice, or express personal opinions to ~~((their))~~ the individuals for whom they are interpreting/translating ~~((clients))~~;

(b) Engage in activities with clients that are not directly related to providing interpreting and/or translating services;

(c) Have unsupervised ~~((contact with))~~ access to clients, including but not limited to phoning clients directly, other than at the request of a Washington State employee or contracted service provider (e.g., medical provider); ~~((and))~~

(d) ~~((Have direct telephone contact with clients unless requested by DSHS staff))~~ Market their services to clients, including but not limited to, arranging services or appointments for clients in order to create business for themselves; or

(e) Transport clients for any business, including social service or medical appointments.

~~((12))~~ **(11) Reporting obstacles to practice.** Interpreters/translators must ~~((always))~~ assess at all times their ability to ~~((perform a specific interpreting/translating assignment. If they have any reservations about their ability to competently perform an assignment, they must immediately notify their clients and/or employer and offer to withdraw without threat or retaliation. They may remain on the assignment until more appropriate interpreters/translators can be retained))~~ interpret/translate.

(a) Interpreters/translators must immediately notify the parties if they have any reservations about their competency and offer to withdraw without threat or retaliation;

(b) Interpreters/translators must immediately withdraw from encounters they perceive as a violation of this code.

~~((13))~~ **Ethical violations.** ~~Interpreters/translators must immediately withdraw from assignments that they perceive are a violation of this code. Any violation of this code may disqualify them from providing services to the department.~~

~~((14))~~ **(12) Professional development.** Interpreters/translators ~~((must))~~ are expected to continually develop their skills and knowledge through:

(a) ~~((Formal professional))~~ Professional interpreter/translator training;

(b) ~~((On-going continuing))~~ Continuing education; and

(c) Regular ~~((and frequent))~~ interaction with colleagues and specialists in related fields.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-060 ~~What is the responsibility of the language ((interpreter services and translations (LIST))) testing and certification (LTC) section in certifying ((spoken language interpreters and translators)) and authorizing interpreters, translators, employees, and LAPL?~~ Language ((interpreter services and translations (LIST))) testing and certification (LTC) is the section within DSHS responsible for:

(1) Establishing and publishing systems, methods, and procedures for certifying, screening and/or evaluating the interpretation and/or translation skills of ((bilingual)) employees, LAPL, interpreters and translators who work with department clients, employees, and service providers;

(2) Ensuring that certified/authorized ((or qualified bilingual)) interpreters, translators, employees, and LAPL ((and language service contractors)) are aware of DSHS's code of professional conduct for interpreters, ((and)) translator, employees, and LAPL;

(3) Overseeing that the test development process is empirically sound, the test instruments are valid and reliable, and the test administration procedures and test evaluation criteria are consistent with the standards established by the department;

(4) Coordinating and managing pre-certification/authorization training requirements, post-certification/authorization continuing education requirements, and coordinating the de-certification process for interpreters/translators; and

(5) Maintaining the online interpreter database for public access.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-110 ~~What ((certification/qualification)) requirements apply to ((interpreters and translators)) persons providing language services to DSHS clients?~~ (1) ((To be department certified, any)) Any department staff member serving in a bilingual capacity ((or any contracted interpreter/translator providing bilingual services to department clients)) must pass a bilingual ((fluency test)) skills examination. ((No bilingual duties will be assigned to any staff and no contract will be granted to any contractor without proper certification. Once certified:

(a) ~~Department employees in positions requiring bilingual skills are eligible for assignment pay;~~

(b) ~~Applicants for bilingual positions with the department qualify for those positions if they have also passed the applicable department of personnel employment examination; and~~

(c) ~~Individuals not employed by the department who wish to interpret and/or translate for department clients can be retained by contracted interpreting agencies.)~~

(2) Any candidate seeking employment with the department in a position that requires bilingual skills must pass a bilingual skills examination.

(3) Any employee of a non DSHS county agency/program that contracts with the department to provide services to the department's limited English proficient (LEP) clients (also known as licensed agency personnel) must pass a bilingual skills examination.

(4) Any candidate wishing to provide language services to the department's LEP clients as a contracted interpreter or translator must meet the training requirements and pass a bilingual skills examination.

(5) Interpreters can be certified or ((qualified)) authorized by the department as:

(a) Social services interpreters ((by the department)); and/or

(b) ((Legal interpreters by the office of the administrator for the courts; and/or

(c)) Medical interpreters ((by the department)).

((+3)) (6) Translators can be certified by the department ((or by the American Translators Association (ATA)).

~~(4) When certified and/or qualified, interpreters and translators providing services to department programs and clients must comply with the department's code of professional conduct for interpreters and translators.~~

~~(5) Any violation of the code of professional conduct may disqualify an interpreter or translator from providing services to the department, regardless of whether their contract is directly with the department or indirectly through a language agency serving department clients.) in any of the certified languages.~~

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-112 When ((do)) **am** I ((become a)) **considered certified or ((qualified interpreter or translator)) authorized?** ((1) For certified languages, you are considered certified once you pass the required tests.

~~(2) The effective dates of your certifications are the dates shown on your score report letters.~~

~~(3) If necessary, you can use your score report letters to verify your certification status.~~

~~(4) Your certificates will be mailed to you within a month from the date you pass all examination requirements. It is your responsibility to:~~

~~(a) Inform the LIST section of any change of name and address;~~

~~(b) Check the accuracy of the information presented on your certificate; and~~

~~(c) Contact the LIST section if your certificate is not received within the normal time period.~~

~~(5) For screening languages, you are considered qualified once you pass both the written and oral tests. Instead of a certificate, an authorization letter will be issued to qualified interpreters who pass the required screening tests.)~~

(1) For department employees, candidates for bilingual positions, and LAPL, you are considered certified or authorized once you have passed the required bilingual skills examination for your position cluster. Information regarding position clusters and their respective required examination can be found on the DSHS HRD website.

(2) For medical and social service interpreters in certified languages, you are considered certified once you have taken the required two-hour minimum DSHS interpreter/translator orientation training and the required two-hour minimum interpreter/translator professional ethics training, and you have passed the required written and oral examination for interpreters. If you pass the required examination before you complete the required trainings, your certificate will not be issued to you until you complete the required trainings.

(3) For medical and social service interpreters in screened languages, you are considered authorized once you have taken the required two-hour minimum DSHS interpreter/translator orientation training and the required two-hour minimum interpreter/translator professional ethics training, and you have passed the required written and oral examination. Instead of a certificate, an authorization letter will be issued to you. If you pass the required examination before you complete the required trainings, your authorization letter will not be issued to you until you complete the required trainings.

(4) For document translators in certified languages, you are considered certified once you have taken the required two-hour minimum DSHS interpreter/translator orientation training and the required two-hour minimum interpreter/translator professional ethics training, and you have passed the required document translation examination for translators. If you pass the required examination before you complete the required trainings, your certificate will not be issued to you until you complete the required trainings.

(5) Your certificate/authorization letter will be mailed to you within a month from the date you complete your required trainings and pass all examination requirements, whichever is later. It is your responsibility to:

(a) Check the accuracy of the information presented on your certificate/authorization letter;

(b) Inform the LTC section of any change of your name, phone number, e-mail address, or mailing address;

(c) Request any name change in writing with a copy of a court document attesting to the name change; and

(d) Contact the LTC section if your certificate/authorization letter is not received within the normal time frame.

(6) Your certification/authorization status may be denied/revoked if it is proven that you have committed any of the acts listed in 388-03-170.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-114 Can I (~~become a department certified interpreter or translator~~) provide language services to DSHS without taking a department examination? There are (~~three~~) four ways that you may gain department recognition as an interpreter or translator without taking the department's certification examinations.

(1) If you (~~hold either a state of~~) are certified as an interpreter by either the Washington state administrative office of the (~~administrator for the~~) courts (~~interpreter certificate or a federal court interpreter certificate~~) or the Administrative Office of the United States Courts, the department will recognize you as a (~~certi-~~

fied)) social services interpreter without requiring you to take its social service interpreter examination. However, you must formally submit a written request for recognition, ~~((and attach))~~ a photocopy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(2) If you are certified as a translator by the American Translators Association (ATA) ~~((accredits you as a certified translator))~~, the department will recognize you as a ~~((certified))~~ translator without requiring you to take its translator examination. However, you must formally submit a written request for recognition, ~~((and attach))~~ a photocopy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(3) If you ~~((hold either an interpreter or translator certification from))~~ are certified as an interpreter or translator by another state or U.S. territory or another country that is comparable to DSHS certification and based upon similar requirements, ~~((LIST))~~ the department may recognize your certification. In your written request for DSHS recognition, you must submit a photocopy of your valid official certificate and a copy of the official ~~((test))~~ examination manual containing descriptions of the test development process, the scope of the examination, the knowledge and skills to be evaluated, the test validation approach and related statistics, the evaluation criteria, and the passing benchmark. Your request ~~((should))~~ must be submitted to ~~((LIST))~~ LTC. ~~((LIST))~~ LTC will ~~((decide))~~ evaluate all requests on a case-by-case basis. If LTC determines that your certification meets DSHS certification requirements, a recognition letter will be issued to you, which you will submit with your written request and a copy of your valid official certificate, and a copy of the official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(4) If you are certified as an interpreter or translator by a non-profit organization that uses a credible certification program and is recognized by the department, the department may recognize your certification. In your written request for DSHS recognition, you must submit a photocopy of your valid official certificate and a copy of the official examination manual containing descriptions of the test development process, the scope of the examination, the knowledge and skills to be evaluated, the test validation approach and related statistics, the evaluation criteria, and the passing benchmark. Your request must be submitted to LTC. LTC will evaluate all requests on a case-by-case basis. If LTC determines that your certification meets DSHS certification requirements, a recognition letter will be issued to you, which you will submit with your written request and a copy of your valid official certificate, and a copy of official record attesting to your completion of the required minimum DSHS interpreter/translator orientation and interpreter/translator professional ethics trainings to the entity you contract with for your language services.

(5) DSHS does not recognize any academic interpreter/translator degrees/certificates or training courses as substitutes for its certification/authorization examination requirements.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-115 Who determines if my request for examination exemption is "sufficiently documented"? The department determines if your request is sufficiently documented (except for WAC 388-03-114(1) and 388-03-114(2)). It may request further proof of your qualification. In all cases, the department's decision regarding the sufficiency of your documentation is final.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-116 What if ((the)) my certification documents ((requested by the language interpreter services and translations section)) are in a foreign language? (1) All documents submitted to ((LIST)) LTC in a foreign language must be accompanied by an accurate translation ((in)) into English by a qualified translator other than the holder of the certificate.

(2) Each translated document must bear the affidavit of the translator, sworn to before a notary public, certifying that the:

(a) Translator is competent in both the language of the document and the English language; and

(b) Translation is ((a-true)) an accurate and complete translation of the foreign language original.

(3) Applicants must pay all costs related to translating any documents relevant to their request for department ((certification)) recognition.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-117 What happens to my request for department recognition as an ((interpreter or translator)) interpreter/translator? When ((LIST)) LTC receives your written request for recognition and the required documentation of your qualification, it will:

(1) Process your request as expeditiously as possible; and

(2) ((Give)) If approved, issue you ((written notification of its decision; and)) a letter of recognition; or

(3) ((File your request and enter your name, if your request is approved, into its electronic data base of authorized interpreters and translators)) If not approved, issue you a letter explaining the reason why your request was not approved.

(4) These procedures do not apply to WAC 388-03-114(1) and 388-03-114(2).

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-118 Does the department maintain lists of certified/((qualified)) authorized interpreters and translators? (1) To enable contracted ((language)) agencies and department programs to locate and contact certified and/or ((qualified)) authorized interpreters and translators, the department maintains lists of certified interpreters, certified translators, and ((qualified)) authorized interpreters.

(2) These lists are published and ((distributed to department contracted language agencies, local department offices, LEP cluster coordinators and regional LEP coordinators)) updated regularly to include newly certified and authorized interpreters/translators.

(3) Any interpreter or translator who considers ((some)) certain information on the list to be confidential, such as ((mailing addresses)) physical address and telephone numbers, can request to have ((that)) such information removed ((by writing the Language Interpreter Services and Translations section at: P.O. Box 45820, Olympia, WA 98504-5820)). The request must be made in writing and mail or email it to LTC. However, LTC will provide details regarding interpreters to the extent required by RCW 41.56.510(4).

(4) ((These lists are updated quarterly to include newly certified and qualified interpreters/translators)) Only contracted interpreters and translators are included on these lists. There is no public access to the lists of department bilingual employees or LAPL.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-120 Who can take the department's interpreter/translator certification and screening examinations? (1) You are eligible to take any DSHS interpreter/translator certification or screening examination if you are eighteen years of age or older and:

(a) Currently employed by DSHS in a bilingual position; or

(b) Applying for DSHS positions with bilingual requirements; or

(c) Currently working ((with DSHS programs)) through contracted ((language)) agencies as a social service and/or medical interpreter; or

(d) Wishing to work ((with DSHS programs)) through contracted ((language)) agencies as a social service and/or medical interpreter, or a translator.

(2) There are no formal education and experience requirements for taking an examination. ((If you fit into one of the above listed categories, you are eligible to take an examination.)) However, you must remember that all written and oral tests administered by the department assess language proficiency at a professional interpreter/translator level. The reading level of all tests is at or above grade fourteen, depending on the type of test. Taking some professional hands-on training related to language interpretation/translation prior to taking the test may help you be better prepared for the test.

(3) Screening tests will not substitute for or be substituted ((for)) by any ((certificated)) certified language tests.

(4) LTC provides reasonable accommodations for individuals who have one or more documented disabilities within the meaning of the Americans with Disabilities Act (ADA) of 1990 and/or Washington's law against discrimination (WLAD). If you have a documented disability covered under the ADA and/or WLAD and require test accommodations, you must:

(a) Submit a copy of a qualified medical professional's statement specifying your disability and the specific accommodation required in completing a paper-and-pencil written test and an oral test using audio materials; and

(b) In the Special Instructions box of the test sign-up form, specify your special needs such as special equipment or the amount of extra time required in completing any of the tests. LTC will request and verify supporting documents for your special accommodation. The appointment date and time you selected through online scheduling may need to be adjusted or rescheduled depending on what is required to accommodate your situation.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-122 What type of test is given by the department to certify and ~~((qualify interpreters and translators))~~ authorize persons providing language services to DSHS clients? (1) Certification examinations evaluate bilingual proficiency and ~~((interpreting))~~ interpretation/translation skills by comparing your proficiency and ~~((skill))~~ skills to minimum competency standards.

(2) Minimum competency standards are determined by the nature of the work involved and by experienced practicing ~~((court))~~ interpreters/translators, ~~((social services interpreters/translators,))~~ bilingual professionals, and language specialists.

(3) Five different types of tests are used to evaluate the bilingual proficiency and ~~((interpreting))~~ interpretation/translation skills of the following categories of people:

(a) Department employees and ~~((new recruits))~~ employment candidates with bilingual assignments (employee test);

(b) ~~((Contracted))~~ Social services interpreters providing oral interpretation services to department social service programs (social services interpreter test);

(c) ~~((Contracted translators))~~ Translators providing written document translation services to department social service programs (translator test);

(d) Medical interpreters providing interpretation services to department clients in medical settings (medical interpreter test); and

(e) Licensed agency personnel (LAPL) whose agency is providing contracted services to the department (~~((licensed agency personnel test or LAP))~~ LAPL test).

(4) For a list of the specific types of examinations and languages tested (and other important testing information), see the most recent edition of the "professional language certification examination manual" published ~~((by the language interpreter services and translations section))~~ on the LTC website.

(5) Examinations for interpreters include written and oral components. ~~((Interpreters must pass the written test before they take the~~

~~oral test~~) To satisfy testing requirements, an interpreter must pass both the written and oral test components.

(6) Examinations for ~~((DSHS bilingual))~~ employees and LAPL usually include written and oral components and these can be taken on the same day if the test schedule allows it.

(7) Examinations for translators include only a written document translation component.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-123 What is a screening ~~((test))~~ examination? (1) A screening ~~((test))~~ examination is ~~((a test))~~ an examination administered by the department to candidates who wish to become "~~((qualified))~~ authorized interpreters." ~~((Qualified))~~ Authorized interpreters ~~((, also referred to as noncertificated language interpreters,))~~ are individuals who speak a language ~~((other than the department's seven certificated languages, which are Cambodian, Chinese (either Cantonese or Mandarin), Korean, Laotian, Russian, Spanish and Vietnamese))~~ or a dialect within a language that is not one of the certified languages.

(2) The scope of a screening ~~((test))~~ examination is narrower than ~~((the scope))~~ that of a ~~((certificated))~~ certified language examination. Screening ~~((tests))~~ examinations assess a candidate's English and target language skills but the broader, more comprehensive type of assessment used ~~((in a certificated language))~~ for certified languages examination is not possible ~~((because of))~~ due to limited department resources.

(3) Screening ~~((tests))~~ examinations are only available for social services interpreters and medical interpreters.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-125 How do I register for a certification or screening examination if I am not a department employee or an applicant for a bilingual position with the department? ~~((To register for a certification or screening examination you must follow these steps))~~ You must do the following:

(1) ~~((Call the LIST office and request a copy of the examination manual, an examination application form and a schedule of upcoming test dates))~~ Read the examination manual and other related information on the LTC website. The LTC website can be accessed from any private or public computer with internet access.

(2) ~~((Complete and return the examination application form with the required examination fee))~~ Follow the instructions on the LTC website to register for a test of your choice online. You need to have a valid email address and a valid credit card or debit card to register for a test.

(3) ~~((Wait to receive your examination confirmation letter and))~~ You will receive an email appointment confirmation instantaneously af-

ter you complete the online test registration process. You can access the pretest study package from ((LIST)) the LTC website. If you ((have)) did not ((received your letter and package within fifteen working days after you mailed your application and payment)) receive your test confirmation email a few minutes after you completed the registration process, it is your responsibility to contact the ((LIST)) LTC office. ((It is also your responsibility to inform LIST if your name, mailing address or telephone number changes.))

(4) If you are only registering for the oral test or registering to retake a test, you do not need to call the ((LIST)) LTC office. Simply ((complete the application form enclosed with your test score report letter and return it to LIST with the appropriate fee. A confirmation letter will be mailed to you when LIST receives your application and payment)) follow the steps in subsections (2) and (3) of this section.

(5) Walk-in registration at a test site is not allowed under any circumstances.

(6) Telephone registration is allowed only for department employees, ((and)) applicants for department bilingual positions, and LAPL.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-126 What does ((my)) the pretest package contain? ((Your)) The pretest study package contains ((directions to the testing site and)) a study guide that includes sample test questions, sample oral exercises, a list of important terminology and ((a copy of)) the department's code of professional conduct.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-130 What examination fees must I pay? ((The following examination fees apply to all languages tested by LIST:)) Examination fees are listed in the examination manual on the LTC website.

~~((Testing for certificated languages:-~~

Social services interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Simultaneous test (retake only)	\$25.00 per attempt
Medical interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Translator test	
Written test	\$50.00 per attempt

~~Screening for noncertificated languages:-~~

Social services or medical	
-----------------------------------	--

Written screening	\$30.00 per attempt
Oral screening	\$45.00 per attempt, per language))

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-132 How do I pay my examination fees? ((+1)) You may pay your examination fees with ((a personal check, certified check, cashier check or money order made out to the "department of social and health services." Do not send cash. LIST will not be responsible for lost cash payments sent through the mail.

(2) If your check or money order is for the wrong amount, LIST will return your payment and your application. You will have to resubmit your application with a correctly prepared check or money order.

(3) If your bank returns your personal check to LIST because of insufficient funds, LIST will not send you a score report letter until your check clears the bank.)) a credit card or debit card when you register from the LTC website.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-133 Are my examination fees refundable? (1) ((All examination)) Examination fees are nonrefundable except in the following circumstances:

(a) If ((you die)) an applicant dies before taking the examination, ((your)) their examination fees are refundable to ((your)) their estate; or

(b) If you officially move out of Washington state before taking the examination, your examination fees can be refunded to you upon request.

(2) If you fail to attend your confirmed test session(s) because of an emergency, your test session(s) may be rescheduled upon request but your test fee will not be refunded. ((A rescheduling)) Rescheduling due to an emergency will be done only once and only if the emergency is properly documented. Examples of proper documentation ((would be)) include an official police ((reports)) report or a signed physician ((statements)) statement.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-135 ((What requirements apply to the scheduling of interpreter and translator certification and screening examinations)) Where are the test locations and how frequent are the test sessions?

(1) ((LIST schedules all department interpreter and translator exami-

nations.)) Normally, testing for all languages is conducted ((~~once a month, statewide, from February through November. No testing is offered in December and January due to potential hazardous driving conditions. (See the examination manual for details.)~~)

~~(2) If you require special arrangements for taking your test due to a disability, you should indicate this special need during your initial contact with LIST.~~

~~(3) LIST testing is currently offered at six statewide locations. (See the examination manual for details.) Testing site)) in Eastern and Western Washington. The number of test locations and the frequency of test sessions are determined on the basis of budgetary allotment for the testing program.~~

~~(2) Test locations can change because of scheduling factors and varying demand for testing services. ((To stay informed, you should regularly consult LIST's master test schedule. Also, carefully)) Carefully read your test confirmation letter because it contains specific information on test date, test time, and test location. Current test locations and driving directions to test locations are always published on the LTC website.~~

~~((4) You must attend the test session(s) indicated in your registration confirmation letters. Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to reschedule your examination if you fail to attend your assigned test session(s). If you miss your scheduled examination for reasons other than an emergency, you may schedule another examination by reapplying to take the test and paying the appropriate testing fee.~~

~~(5) All requests for a change in testing schedule must be made within ten calendar days from the date your confirmation letter is sent; otherwise LIST considers your test appointment "confirmed" and your examination fees will not be refunded.))~~

NEW SECTION

WAC 388-03-136 Can I change my test appointment date and time?

(1) You may request a change in your test appointment date and time only if the request is made within ten calendar days from the date your confirmation letter is sent; otherwise LTC considers your test appointment "confirmed" and your examination fees will not be refunded.

(2) Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to re-schedule your appointment free of charge if you fail to attend your confirmed test appointment. If you miss your confirmed test appointment for reasons other than an emergency, you may schedule another appointment date and time by paying the appropriate examination fee.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-138 What procedural requirements apply to administering certification and screening examinations? (1) The department has

a "no-comment, no-return" examination policy. Once an examination is given, it becomes the property of the department and it will not be released to anyone, including test candidates. Such property includes the test booklet, answer sheets, oral test recordings, test grading sheets, and notes taken by the candidate.

(2) The department will not discuss specific examination content, including specific test questions or answers, with test candidates or any other party. Candidates can receive general critiques of their test performance if they submit a written request.

(3) Passing scores for the different examinations are established by the department based on bilingual fluency required by law, testing technicalities and the language needs of the department. Test scores will only be reported to candidates in writing. No score information will be released over the telephone to anyone, including the test candidate.

(4) All interpreter and translator candidates must follow ~~((the))~~ test instructions. ~~((A failure))~~ Failure to follow ~~((the))~~ test instructions may result in an invalid test. Invalid tests will not be scored and, therefore, no test results will be reported to the candidate.

(5) If a candidate arrives late for the written test but decides to ~~((go ahead and take it, they))~~ proceed with taking the test, the candidate will take the test during the remaining time allowed. The lost time resulting from their late arrival will not be made up in additional testing time.

(6) If a candidate arrives late for an oral test, they may lose their ~~((assigned))~~ confirmed time slot. A lost time slot resulting from a late arrival will not be made up.

(7) Tests will not be rescheduled because a candidate arrives late at a testing site except in the case of a bona fide emergency. If you are too late to take the test for some reason other than an emergency, you may ~~((schedule))~~ register for another examination by ~~((re-applying for the test and))~~ paying ~~((the appropriate))~~ another test fee.

(8) No electronic devices such as laptops, tablets, electronic dictionaries, smart phones, cell phones are allowed during the written and oral test.

(9) No reference materials of any kind will be allowed during the written and oral tests. However, hard copy dictionaries are allowed for the document translator examination.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-140 What if a test candidate is suspected of cheating? If a test administrator ~~((suspects cheating during an examination))~~ concludes with reasonable evidence that a candidate cheated during an examination, the accused candidate may be declared ineligible indefinitely for all interpreter and translator certification/~~((qualification))~~ authorization tests administered by the department. You will be notified in writing about the department's decision.

NEW SECTION

WAC 388-03-142 Can I appeal the decision about my ineligibility to take any DSHS test because of cheating? If you are notified that you are ineligible to take any DSHS test because of cheating, you have the right to appeal the decision by using the adjudicative proceeding process in chapter 34.05 RCW and chapter 388-02 WAC.

NEW SECTION

WAC 388-03-144 How do I request an adjudicative hearing about the department's decision to declare me ineligible due to cheating? To request an adjudicative hearing, you must:

(1) File a written application for hearing with the department's board of appeals within twenty-one days of receiving the department's decision to deny you from taking any DSHS test.

(2) Your written application must include:

(a) A copy of the decision that you are contesting; and

(b) A specific statement of the issue(s) and the law involved;
and

(c) Your reasons for contesting the decision.

(3) Your written application for hearing must be delivered to the board of appeals in person, electronically by fax or by certified mail. (See WAC 388-02-0030.)

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapter 34.05 RCW and chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-150 How does the department score my bilingual examinations? (1) Depending on the nature of the test or test section, the department uses either an objective or a holistic scoring method to evaluate your examination.

(2) Please consult the examination manual for the evaluation indicators used by the department for each test or sub-test.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-152 When does the department mail my test scores? Score report letters will be sent to candidates when they finish either portion (written or oral) of the test:

(1) For ((a)) an interpreter written test, your scores should be available within two to four weeks from the date you took the examination.

(2) For ~~((oral tests, you should receive your scores within four to six weeks from the date you took the examination))~~ an interpreter, employee, or LAPL oral test, your scores should be available within four to six weeks from the date you took the examination.

(3) For an employee or LAPL written test and a document translator test, your scores should be available within four to six weeks from the date you took the examination.

~~((3))~~ (4) If you wish your test scores mailed to a specific organization or individual, you must personally notify the department in writing (signature required) and provide the name and mailing address of the organization or individual to whom your score should be sent.

~~((4))~~ (5) If you do not receive your score report ~~((letters))~~ letter within the suggested time ~~((periods))~~ period, you should contact ~~((LIST at (360) 664 6037))~~ LTC via email. The LTC email address can be found on the LTC website.

NEW SECTION

WAC 388-03-153 I have passed my interpreter written test. How long is my written test score valid before I take my oral test? If passed, your written test score is valid for two years from the date of your score report letter. If it has been more than two years since you passed your interpreter written test, you need to re-take the written test and pass it before it can be applied toward your certification/authorization status.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-154 Can I appeal my test scores? You have two months, from the date your test score letter is sent, to appeal your test score. Note:

(1) Your appeal must be submitted to the ~~((department))~~ department's LTC program manager in writing.

(2) Your appeal will not be honored if it is filed beyond the two-month appeal period.

(3) You will not be allowed to reschedule an examination while your score is being appealed.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-156 How many times can I retake a failed test? You can retake a failed examination until you pass it. ~~((However, if you fail a test three times, you must wait six months before taking it a~~

~~fourth time and wait six months between each subsequent attempt.))~~
Each time you retake the test you must pay an examination fee (except for DSHS bilingual staff tests).

NEW SECTION

WAC 388-03-160 How do I maintain my certification or authorization status? (1) If you have been certified or authorized as a department bilingual employee or LAPL, your status does not expire as long as you remain in a designated bilingual position within the position cluster for which you were certified/authorized. Otherwise:

(a) If you moved out of a designated bilingual position and do not use your bilingual skills for four consecutive years or longer, you need to re-test for the position cluster you are re-entering; or

(b) If you are moving into a new designated bilingual position within a new position cluster, you need to meet the test requirements for the position cluster you are entering.

(2) If you have been certified or authorized as an interpreter or translator and are not a department employee, you can maintain your certification or authorization status by:

(a) Earning a minimum of twenty credit hours of DSHS approved continuing education (CE) every four years. A current list of DSHS recognized continuing education and/or professional development courses is published on the LTC website; or

(b) Retake the examination within four years from the date you were certified/authorized if you do not earn a minimum of twenty credit hours of DSHS recognized continuing education during this time frame. Once you pass all test requirements, a new certificate or authorization letter will be issued to you with a new expiration date. Your name and contact information will then be included for publication.

NEW SECTION

WAC 388-03-162 How does the department keep track of my continuing education credit hours? Before your certification or authorization status expires, you need to send a written request to LTC to renew your certification or authorization status. In your written request, you must include a photo copy of your official transcript or certificate of completion that specifies the date, the content, and the number of credit hours earned in a particular class/course/training activity. You should only report DSHS approved CE credits. The information you send us will be verified before it is recorded in determining the renewal of your certification or authorization status. Once renewed, a new certificate or authorization letter will be issued to you with a new expiration date. Your name and contact information will then be included for publication.

NEW SECTION

WAC 388-03-164 What happens if I do not meet the requirements for maintaining my certification or authorization status? If you do not meet the requirements as specified under 388-03-160, your certification or authorization status will expire after the expiration date on your certificate or authorization letter. Your name will be removed from the list of certified or authorized interpreters/translators. Once your certification or authorization status has expired, you must meet all requirements specified under WAC 388-03-112 before it can be renewed.

NEW SECTION

WAC 388-03-166 What about certificates/authorization letters issued prior to the effective date of the revised chapter 388-03 WAC? Section 388-03-160 applies to all certified/authorized/recognized interpreters/translators, regardless of when their certificates/authorization letters were issued. The expiration date for certificates/authorization letters is four years from the effective date of the revised Chapter 388-03 WAC if the requirement of WAC 388-03-160 is not met.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-170 Can the department deny or revoke my certification or ~~((qualification))~~ authorization status? The department may deny or revoke either your certification or ~~((qualification))~~ authorization status if it is proven by the authorized entity or the entity that contracts with you that you committed ~~((one or both))~~ any of the following acts:

(1) You have not been truthful when dealing with the department;
or

(2) You have violated any provision of the department's code of professional conduct that is determined to be creating major negative impacts on the department or the profession; or

(3) You have committed any act that constitutes a felony or misdemeanor related to your DSHS language service assignments; or

(4) You have committed any fraud, dishonesty, or corruption related to your DSHS language service assignments; or

(5) You continued to violate any provision of the department's code of professional conduct after receipt of notification to discontinue; or

(6) You continued to falsely or deceptively advertise your language service after receipt of notification to discontinue; or

(7) It is determined that you are grossly incompetent as a language access provider.

Alternatively, if the department determines that you engaged in misconduct but that the misconduct is not one of the acts described

above, the department will alert you to your misconduct and notify you to discontinue such misconduct.

Once you have been de-certified/de-authorized due to any of the proven acts listed above, you will be ineligible indefinitely for re-certification/re-authorization.

NEW SECTION

WAC 388-03-171 Can the department deny or revoke my certification or authorization status as a department bilingual employee? The department may deny or revoke either your certification or authorization status if it is proven that you committed any of the acts listed in WAC 388-03-170. Revocation request for a department bilingual employee must be filed with LTC by the human resources division (HRD).

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-172 What procedures must the department follow if it denies or revokes my certification or ((qualification)) authorization status? If it is alleged that you have ((not been truthful when dealing with the department or that you have violated the department's code of professional conduct, the department,)) committed any of the acts listed in WAC 388-03-170, before denying or revoking your certification or ((qualification,)) authorization status, the department must:

(1) have received an official request from the entity that contracts with you to have your certification/authorization status revoked;

(2) ((Immediately investigate the allegations made against you)) Have received the findings of the investigation conducted by the authorized entity or the entity that contracts with you. You must be interviewed as part of the investigation process. The findings of the investigation must include definite conclusions about the alleged violation(s); ((and))

((2) Within sixty days of receiving the allegation, determine if you committed the alleged violations; and))

(3) Within ((five)) thirty days of ((reaching its decision, give)) receiving the official revocation request and investigation findings, send you written notification ((of)) regarding the final decision of your certification or authorization status. The department's notification must be ((delivered)) sent to you by certified mail; and

(4) Remove your name from the department's database and the published online searchable list of certified/authorized interpreters/translators, if your certification/authorization status has been revoked.

(5) If a revocation request is made by a third party while an investigation of an allegation is not feasible, the department retains the right and authority to deny or revoke a certification or authorization status without an investigation.

NEW SECTION

WAC 388-03-173 What is the required time frame to file a revocation request? Any request for revocation must be officially filed with LTC within two years of the alleged occurrence of misconduct. Otherwise, the request shall be dismissed as untimely.

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-174 Can I appeal the ((department's)) decision to deny or revoke my certification or ((qualification)) authorization? If ~~((the department denies or revokes))~~ your certification or ~~((qualification))~~ authorization is denied or revoked, you have the right to appeal ~~((its))~~ the decision by using the adjudicative proceeding process in chapter 34.05 RCW and chapter ~~((388-08))~~ 388-02 WAC. ~~((However, the department encourages you to first try to resolve your dispute through a less formal process like mediation.))~~

AMENDATORY SECTION (Amending WSR 00-06-014, filed 2/22/00, effective 3/24/00)

WAC 388-03-176 How do I request an adjudicative hearing? To request an adjudicative hearing, you must:

(1) File a written application for hearing with the department's board of appeals within twenty-one days of receiving the department's decision to deny or revoke your certification or ~~((qualification))~~ authorization.

(2) Your written application must include:

(a) A copy of the ~~((department's))~~ decision that you are contesting; and

(b) A specific statement of the issue(s) and the law involved; and

(c) Your reasons for contesting the ~~((department's))~~ decision.

(3) Your written application for hearing must be delivered to the board of appeals in person, electronically by fax or by certified mail. (See WAC 388-02-0030.)

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapter 34.05 RCW ~~((, Administrative Procedure Act))~~ and chapter 388-02 WAC.