

DSHS Response to Public Comment on Medical Interpreter Testing and Certification in Washington State

The Department of Social and Health Services was mandated by [Substitute Senate Bill 5304](#) to “convene a language access work group to study and make recommendations to the legislature regarding interpretive service certification policies and programs for limited and non-English-speaking Washingtonians.” The work group met between July 25 and October 3, 2023.

DSHS appreciates the community’s commitment to language access and communication. Accordingly, it provided an opportunity for public comment regarding medical interpreter testing and certification in Washington State from October 23 - 27, 2023, while the work group’s draft report to the Legislature was undergoing an internal review. DSHS invited public comment although it was neither mandated nor envisioned by the bill.

To notify the public of the opportunity to provide comment, DSHS:

- Posted a notice on the [Language Access Work Group](#) website,
- Emailed the 76 work group participants,
- Had a notice posted in a weekly email to nearly 17,000 DSHS staff,
- Had a notice posted on DSHS’ home page (dshs.wa.gov), and
- Contacted community-based organizations.

The table below shows the list of names of private individuals who submitted a comment during the period for public comment on medical interpreter testing and certification in Washington State.

Comment #	Commenter	Status
01	Erin Neff-Minyard	community member
02	Kathy Furtado	community member
03	Arleen Marston	community member
04	Esther Bieche	community member
05	Martina Naich	community member
06	Liz Baxter	community member, work group participant
07	Joana Ramos	community member, work group participant
08	Emily Brice	community member

DSHS is grateful to everyone who shared their thoughts during the public comment period. Each comment was carefully considered, and updates were made to the draft report where appropriate and/or possible. Feedback in public comments helped to make the report better. Thank you.

The following are summaries of comments received as well as DSHS' responses. The full comments can be found on the [Public Comment](#) page of the Language Access Work Group website.

Comment 01 – A commenter requests the work group be extended.

Response – Thank you for your comment. DSHS convened the work group in accord with what the Legislature saw fit to stipulate in [Substitute Senate Bill 5304](#).

Comment 02 – A commenter endorsed the use of auto-translation tools available online, such as Google Translate.

Response – Thank you for your comment and for your appreciation. Employing artificial intelligence in language access is an important topic to address, as seen in the following response.

Use of AI, such as with machine translation,^{*} is becoming more prevalent in everyday life. Some may wonder if AI can be used to communicate with persons who speak a primary language other than English – instead of humans – thereby saving money.

While AI can be a useful tool, negative aspects should also be considered as AI relates to the language access provider industry,¹ such as:

- Loss of human connection.
- Inaccurate interpretations.
- Lack of cultural sensitivity.
- Ethical and privacy concerns.
- Displacement of human interpreters.
- Technical limitations and reliability.
- Bias and discrimination.

The U.S. Department of Justice provides guidance for states to follow. The DOJ's 2023 Language Access Plan states that machine translation should not be used "without human review and quality control. In particular, machine translation is discouraged when information communicated is vital to a person's rights or benefits; when accuracy is essential; or when the source materials use non-literal language (like slang or metaphors), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy."²

Similarly, a 2023 language access training offered by the federal government discouraged using AI to translate websites.³ That training highlighted concerns such as reduced accuracy and changed meaning. It suggested that organizations using machine translation software "should have a human translator proofread all content containing vital information." The training materials further noted that "website content that is translated and checked by qualified human translators is more likely to be accurate and locatable by [primary language other than English] users."

Given the concerns regarding using AI to translate general things such as websites, how much more should there be concerns when communicating medical information, which can be delicate and nuanced? Human lives are at stake. More must be considered than just cost. Accordingly, the final report

* Google Translate uses "AI-powered...neural machine translation (NMT)." Source: Google AI, *Our Principles*, <https://ai.google/responsibility/principles>

of the Language Access Work Group does not consider the topic of AI replacing humans and eliminating the need for a language testing and certification program.

Comment 03 – A commenter highlighted the need for translation review to ensure accuracy.

Response – Thank you for your comment. While the Language Access Work Group was formed to make recommendations to the Legislature regarding testing and certifying medical interpreters in Washington State, the participants drew attention to the need for a more expansive solution, including quality translations. Your insight is greatly valued, and work group participants share similar concerns.

Comment 04 – A commenter opposes seeing people described as having or being Limited English Proficiency (LEP).

Response – Thank you for your comment. The final report of the Language Access Work Group uses the term Primary Language Other Than English (PLOTE) instead of Limited English Proficiency.

Comment 05 – The commenter expresses the desire for easy to access interpretation classes and assessments to be administered by someone who speaks the Chuukese language to increase the pool of qualified Chuukese interpreters providing language access to the growing Chuukese community.

Response – Thank you for your comment. Your insight is greatly valued, and work group participants share similar concerns regarding languages of lesser demand.

Comment 06 – A commenter recommends Washington become the first state to remove the term “Limited English Proficiency” (LEP).

Response – Thank you for your comment and for your appreciation. The final report of the Language Access Work Group uses the term Primary Language Other Than English (PLOTE) instead of Limited English Proficiency.

Comment 07 – A commenter provided feedback regarding the draft Language Access Work Group report to the Legislature.

Response – Thank you for your thoughtful comments regarding the draft report to the Legislature and for your appreciation. Your remarks were given due consideration, and updates were made to the draft where appropriate and/or possible.

Comment 08 – A commenter provided feedback regarding the draft Language Access Work Group report to the Legislature.

Response – Thank you for your thoughtful comments regarding the draft report to the Legislature. Your remarks were given due consideration, and updates were made to the draft where appropriate and/or possible.

¹ Mache, Pratik. “AI Challenges to the Interpreting Industry.” *Medium* (June 2023) <https://medium.com//@pratikmache/ai-challenges-to-the-interpreting-industry-c8ebbdddf8bb>

² U.S. Department of Justice, Civil Rights Division, *Language Access Plan* (2023), <https://www.justice.gov/d9/2023-08/DOJ-Language-Access-Plan-August-2023.pdf>

³ U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties, et al., *Language Access During the COVID-19 Pandemic & Other Health Emergencies, Training for Recipients of Federal Financial Assistance* (2023), <https://www.dhs.gov/sites/default/files/2023-07/lep-covid-ppt-handout.pdf>