



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Social and Health Services, Operations Support and Services Division

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)".

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Rules Coordinator
Agency: Department of Social and Health Services
Address: PO Box 45850, Olympia, WA, 98504-5850
or Deliver to: 1115 Washington, Olympia, WA 98504
E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov Fax: 360-664-6185

AND RECEIVED BY 5:00 p.m. August 4, 2015

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

1. Add the definition of "Language Specialist" to WAC 388-03-030;
2. Delete "Per the nature of services LAPL provide to department clients, they are treated as department position 5 employees and are certified as such" from the definition of "Licensed agency personnel (LAPL)" from WAC 388-03-030;
3. Delete the second "employees" in WAC 388-03-060(2); and
4. Repeal WAC 388-03-124.

The rulemaking meets the expedited rulemaking criteria because it relates only to internal DSHS operations or employee actions and cannot be violated by anyone outside DSHS. There is no requirement that DSHS employees need to register for testing. No impacts are anticipated.

Reasons supporting proposal: Proposal supports internal DSHS operations.

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

Statute being implemented:
RCW 74.04.025

Is rule necessary because of a:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:
Title VI of the Civil Rights Act of 1964; Reyes vs Thompson
Consent Order

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 29, 2015
TIME: 9:22 AM

WSR 15-12-067

DATE
May 27, 2015

NAME (TYPE OR PRINT)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

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	Human Services Building (Office Building 2)	(360) 664-6035
Implementation....Maria Siguenza	Human Services Building (Office Building 2)	(360) 664-6038
Enforcement.....Maria Siguenza	Human Services Building (Office Building 2)	(360) 664-6038

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

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

"Authorized interpreter" means a person who has met the training and language examination requirements for screened languages.

"Certified/authorized bilingual employee" means a department employee who has passed a department bilingual employee examination in either a certified or a screened language.

"Certified interpreter" means a person who has met the training requirements and has passed one or both of the following examinations:

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

(2) 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 web site and in the official LTC examination manual.

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

"Certified translator" means a person who has met the training requirements and has passed the department's translator certification examination in a certified language.

"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 testing and certification section's professional language certification examination manual. To obtain a copy of this manual, visit the LTC web site.

"Interpretation" means the process of transferring a message orally from one language into another.

"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 specialist" means a high school or above language instructor who possesses a BA or higher academic degree majoring in language/linguistics studies of any language.

"Language testing and certification (LTC)" means the section within the department that is responsible for 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 health care 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 national interpreter certification body as a health care interpreter and is recognized by the department; or

(4) A nonprofit organization that uses a credible certification program to certify professional interpreters and is recognized by the department; or

(5) 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 nonprofit 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.

"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 process of transferring a written message from one language into another.

AMENDATORY SECTION (Amending WSR 15-07-008, filed 3/6/15, effective 4/6/15)

WAC 388-03-060 What is the responsibility of the language testing and certification (LTC) section in certifying and authorizing interpreters, translators, employees, and LAPL? Language 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 employees, LAPL, interpreters and translators who work with department clients, employees, and service providers;

(2) Ensuring that certified/authorized interpreters, translators, employees, and LAPL are aware of DSHS's code of professional conduct for interpreters, translators, (~~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 precertification/authorization training requirements, postcertification/authorization continuing education requirements, and coordinating the decertification process for interpreters/translators; and

(5) Maintaining the online interpreter data base for public access.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-03-124

How do I register for a certification or screening examination if I am a department employee or an applicant for a bilingual position with the department?