



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
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AND RECEIVED BY 5:00 p.m. January 18, 2016

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

1. Add "(c) Continuing education credits (CEC) earned before January 1, 2015 will not be accepted, even if the CEC were DSHS approved." under WAC 388-03-160(2) to clarify the beginning date that CEC are accepted for certification status maintenance.
2. Correct the typo "proessional" to "professional" in 388-03-114(2).

The rulemaking meets the expedited rulemaking criteria because it is a rule that relates only to internal DSHS operations and cannot be violated by anyone outside DSHS. No negative impacts are anticipated, provides allowance for affected persons to receive credit for continuing education credits back to January 1, 2015.

Reasons supporting proposal: Proposal is a result of a bargaining session between DSHS and the union representing affected persons.

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: November 05, 2015

TIME: 12:39 PM

WSR 15-23-007

DATE
November 4, 2015

NAME (TYPE OR PRINT)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rule Coordinator

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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

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

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 retest for the position cluster you are reentering; 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, of which at least one credit hour per year must be in ethics training. A current list of DSHS recognized continuing education and/or professional development courses is published on the LTC web site; 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.

(c) Continuing education credits (CEC) earned before January 1, 2015 will not be accepted, even if the CEC were DSHS approved.

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

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

(1) If you are certified as an interpreter by either the Washington state administrative office of the courts or the Administrative Office of the United States Courts, the department will recognize you as a social services interpreter without requiring you to take its social service interpreter examination. However, you must formally submit a written request for recognition, 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 an interpreter by either the Certification Commission for Healthcare Interpreters (CCHI) or the National Board of Certification for the Medical Interpreters (NBCMI), the department will recognize you as a medical interpreter without requiring

you to take its medical interpreter examination. However, you must formally submit a written request for recognition, 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~~) professional ethics trainings to the entity you contract with for your language services.

(3) If you are certified as a translator by the American Translators Association (ATA), the department will recognize you as a translator without requiring you to take its translator examination. However, you must formally submit a written request for recognition, 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.

(4) If you 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, 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 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.

(5) If you are certified as an interpreter or translator by a nonprofit 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.

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