



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 02, 2019

TIME: 8:53 AM

WSR 19-08-072

**Agency:** Department of Social and Health Services, Services and Enterprise Support Administration

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The department is amending WAC 388-03-160 to help mitigate a potential shortage of certified or authorized interpreters and translators that could occur when the credentials of interpreters and translators who have not yet completed the requirements to maintain their certifications or authorizations expire on April 6, 2019. A temporary reinstatement of expired credentials will allow interpreters and translators more time to provide services to department Limited English Proficient clients while they seek to establish new certifications or authorizations.

**Citation of rules affected by this order:**

New: None  
 Repealed: None  
 Amended: WAC 388-03-160  
 Suspended: None

**Statutory authority for adoption:** RCW 74.08.090, 45 CFR Section 80.3(b)(2), RCW 74.04.025, Civil Right Act of 1964, Reyes vs. Thompson Consent Order

**Other authority:** None.

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** The deadline for interpreters and translators to meet the requirements to maintain their certifications or authorizations is April 6, 2019. There is not enough time for the department to go through the regular rule making process before a potentially large number of interpreters and translators lose their credentials.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_  
Pilot rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_  
Other alternative rule making: New \_\_\_\_ Amended 1 Repealed \_\_\_\_

<b>Date Adopted:</b> March 28, 2019	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**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.

(3) If your certification or authorization status expires under WAC 388-03-164, between April 6, 2019 and July 28, 2019, your certification or authorization is temporarily reinstated.

(a) The temporary reinstatement extends your certification or authorization status until the reinstatement expires on July 29, 2019.

(b) The reinstatement period does not allow you to earn missing continuing education or other renewal requirements that were due upon your original certification or authorization expiration date.

(c) During or after the temporary reinstatement period, you must follow the testing process specified in WAC 388-03-112 to earn a new certification or authorization.