



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 updating chapter 388-03 WAC with the following changes:

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 cluster 5 employees and are certified as such." from the definition of "Licensed agency personnel (LAPL)" in WAC 388-03-030;
3. Delete the second occurrence of the word "employees" in WAC 388-03-060(2); and
4. Repeal WAC 388-03-124.

Citation of existing rules affected by this order:

Repealed: WAC 388-03-124
 Amended: WAC 388-03-030, WAC 388-03-060
 Suspended: None

Statutory authority for adoption:

RCW 74.04.025, RCW 74.08.090, 45 CFR Section 80.3(b)(2), Title VI of the Civil Rights Act of 1964

Other authority:

Reyes vs Thompson Consent Order

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR **15-12-067** on May 29, 2015 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: NA

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

August 5, 2015

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: August 18, 2015

TIME: 10:45 AM

WSR 15-17-092

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	<u>2</u>	Repealed	<u>1</u>

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	<u>1</u>

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?