

BILL ANALYSIS

Senate Research Center
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H.B. 233
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately one-third of people in Texas speak a language other than English. Currently, federal law requires that people with limited English proficiency have meaningful access to programs and services. Federal guidance stresses that interpreters need to be trained and competent. However, there are no specific guidelines for interpreters to follow.

One study at a pediatric outpatient clinic found an average of 31 errors per clinical encounter. There was no significant difference between untrained hospital interpreters and ad hoc interpreters (such as family, friends, minor children, strangers) in the average number of errors committed per encounter.

Some health care settings recognize the need to ensure that their interpreters can translate in a medical setting, but this is not consistent throughout Texas.

H.B. 233 requires the executive commissioner of the Health and Human Services Commission to establish an Advisory Committee on Qualifications for Health Care Translators and Interpreters.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.702, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 531, Government Code, by adding Subchapter R, as follows:

SUBCHAPTER R. ADVISORY COMMITTEE ON QUALIFICATIONS FOR HEALTH CARE TRANSLATORS AND INTERPRETERS

Sec. 531.701. DEFINITIONS. Defines "advisory committee," "health care," "health care interpreter" (interpreter), "health care practitioner" (practitioner), "health care translator" (translator), and "person who has limited English proficiency."

Sec. 531.702. APPLICABILITY OF OTHER LAW. Provides that except as otherwise provided by this subchapter or a rule adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner), the Advisory Committee on Qualifications for Health Care Translators and Interpreters (committee) is subject to Chapter 2110 (State Agency Advisory Committees).

Sec. 531.703. APPLICATION OF SUNSET ACT. Provides that the committee is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by this subchapter, the committee is abolished and this subchapter expires January 1, 2021.

Sec. 531.704. ESTABLISHMENT. Requires the executive commissioner to establish the committee.

Sec. 531.705. MEMBERS. (a) Provides that the committee is composed of not fewer than 10 members appointed by the executive commissioner as provided by this section.

(b) Sets forth the required members of the committee (members).

(c) Requires that the remaining members include at least one practitioner and additional members, as determined by the executive commissioner, who represent the interests of consumers.

Sec. 531.706. DUTIES. (a) Requires the committee to establish and recommend qualifications for interpreters and translators that include:

(1) for a person to be qualified as a translator, requiring the person to fluently understand a written foreign language and demonstrate the ability to accurately translate messages communicated in that language into English and to accurately translate messages communicated in English into that language and have practical experience as a translator or hold professional certification as a translator; and

(2) for a person to be qualified as an interpreter, requiring the person to fluently understand a spoken foreign language and demonstrate the ability to accurately interpret messages communicated in that language into English and to interpret messages communicated in English into that language and have practical experience as an interpreter or hold professional certification or licensure as an interpreter.

(b) Requires the committee to advise the Health and Human Services Commission (HHSC) on certain subjects.

(c) Requires the committee to develop strategies for implementing the regulation of interpreters and translators; make recommendations to HHSC for any legislation necessary to establish and enforce qualifications for interpreters and translators or for the adoption of rules by state agencies regulating practitioners, hospitals, physician offices, and health care facilities that hire interpreters or translators; and perform other activities assigned by HHSC related to interpreters or translators.

Sec. 531.707. COMPENSATION; REIMBURSEMENT. Prohibits a member of the committee from receiving compensation, but entitles a member to reimbursement of the travel expenses incurred by the member while conducting the business of the committee, as provided by the General Appropriations Act.

SECTION 2. Requires the executive commissioner, not later than January 1, 2010, to establish the committee as required by Subchapter R, Chapter 531, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2009.