MEDICAL LANGUAGE INTERPRETER ACT

2009 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill enacts the Medical Language Interpreter Act, within the Division of Occupational and Professional Licensing Act.

Highlighted Provisions:

This bill:

- defines terms;
- provides that a person who renders language interpretation services between a health care provider who speaks English and another person (medical interpreter services), in Spanish, Russian, Bosnian, Somali, Mandarin Chinese, Cantonese, or Navajo may voluntarily obtain certification as a certified medical language interpreter;
- provides that a person may provide medical interpreter services without obtaining the certification described in the preceding paragraph;
- describes the requirements that a person must comply with in order to obtain certification;
- makes it a class A misdemeanor to represent or hold oneself out as a certified medical language interpreter when not certified under the provisions of this bill;
permits the division to charge a fee to recover the costs of administering the

certification examination and issuing the certificate described in this bill;

grants rulemaking authority to the division; and

allows the Department of Health and the Department of Human Services to give

priority to contracting with companies that use certified medical language

interpreters.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2009.

Utah Code Sections Affected:

ENACTS:

58-78-101, Utah Code Annotated 1953
58-78-102, Utah Code Annotated 1953
58-78-201, Utah Code Annotated 1953
58-78-202, Utah Code Annotated 1953
58-78-203, Utah Code Annotated 1953
58-78-301, Utah Code Annotated 1953
58-78-302, Utah Code Annotated 1953
58-78-401, Utah Code Annotated 1953
58-78-402, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 58-78-101 is enacted to read:

CHAPTER 78. MEDICAL LANGUAGE INTERPRETER ACT


58-78-101. Title.

This chapter is known as the "Medical Language Interpreter Act."
Enrolled Copy

Section 2. Section 58-78-102 is enacted to read:


As used in this chapter:

(1) "Certified medical language interpreter" means a medical language interpreter who has received a certificate from the division under this chapter.

(2) "Health care provider" means a person licensed under:

(a) Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(b) Title 58, Chapter 16a, Utah Optometry Practice Act;

(c) Title 58, Chapter 17b, Pharmacy Practice Act;

(d) Title 58, Chapter 24a, Physical Therapist Practice Act;

(e) Title 58, Chapter 31b, Nurse Practice Act;

(f) Title 58, Chapter 31c, Nurse Licensure Compact;

(g) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;

(h) Title 58, Chapter 44a, Nurse Midwife Practice Act;

(i) Title 58, Chapter 57, Respiratory Care Practices Act;

(j) Title 58, Chapter 60, Mental Health Professional Practice Act;

(k) Title 58, Chapter 61, Psychologist Licensing Act;

(l) Title 58, Chapter 67, Utah Medical Practice Act;

(m) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(n) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;

(o) Title 58, Chapter 70a, Physician Assistant Act;

(p) Title 58, Chapter 71, Naturopathic Physician Practice Act;

(q) Title 58, Chapter 73, Chiropractic Physician Practice Act; or

(r) Title 58, Chapter 77, Direct-entry Midwife Act.

(3) "Medical language interpreter" means a person who, for compensation, performs verbal language interpretation services between a health care provider who speaks English and another person for the purpose of assisting the person in seeking or obtaining medical advice, diagnoses, or treatment.
"National standards of practice" means the National Standards of Practice, published by the National Council on Interpreting in Health Care.

Section 3. Section 58-78-201 is enacted to read:

**Part 2. Certification**

58-78-201. Certification.

(1) The division shall issue to a person who qualifies under this chapter a certificate as a certified medical language interpreter.

(2) A certificate described in Subsection (1) shall specify the language that the person is certified for.

(3) This chapter prohibits a person from representing or holding oneself out as a certified medical language interpreter if the person does not have a certificate described in Subsection (1).

Section 4. Section 58-78-202 is enacted to read:


(1) The certification provided under this chapter is voluntary.

(2) This chapter does not prohibit a person from acting as a medical language interpreter, if the person does not have a certificate described in Subsection 58-78-201(1).

Section 5. Section 58-78-203 is enacted to read:

58-78-203. Qualifications for certification.

A person qualifies as a certified medical language interpreter if the person:

(1) acts as a medical language interpreter between English and at least one of the following languages:

(a) Spanish;
(b) Russian;
(c) Bosnian;
(d) Somali;
(e) Mandarin Chinese;
(f) Cantonese; or
(g) Navajo;

(2) passes an examination administered by, or under contract with, the division, that tests:

(a) the following areas, with respect to the language for which the person applies for certification:

(i) basic language fluency;

(ii) basic medical terminology, including the ability to:

(A) name human body parts;

(B) name internal human organs;

(C) describe basic medical symptoms; and

(D) describe basic medical instructions, including dosage amounts and frequency; and

(iii) basic cultural competency relating to medical care beliefs and practices that are common to people who speak that language;

(b) knowledge and understanding of the national standards of practice; and

(c) a basic understanding of medical confidentiality requirements, including the confidentiality requirements of the federal Health Insurance Portability and Accountability Act;

(3) signs a statement agreeing to abide by the national standards of practice; and

(4) pays the fee described in Section 58-78-401.

Section 6. Section 58-78-301 is enacted to read:

## Part 3. Unlawful Conduct

58-78-301. Unlawful conduct.

In addition to the definition in Subsection 58-1-501(1), "unlawful conduct" includes representing or holding oneself out as a certified medical language interpreter when not certified under this chapter.

Section 7. Section 58-78-302 is enacted to read:

58-78-302. Penalty for unlawful conduct.

A person who violates the unlawful conduct provisions described in Section 58-78-301
is guilty of a class A misdemeanor.

Section 8. Section 58-78-401 is enacted to read:

Part 4. Miscellaneous

58-78-401. Fees -- Rulemaking authority.

(1) The division may charge a fee, established under Section 63J-1-303, to recover the costs of:

(a) administering the examination described in Section 58-78-203; and

(b) issuing the certificate described in Subsection 58-78-201(1).

(2) The division may make rules, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to accomplish the requirements of this chapter.

Section 9. Section 58-78-402 is enacted to read:

58-78-402. Priority for certified medical language interpreter.

The Department of Health and the Department of Human Services may give priority to contracting with companies that use certified medical language interpreters.

Section 10. Effective date.

This bill takes effect on July 1, 2009.