

28 ▶ allows the Department of Health and the Department of Human Services to give
29 priority to contracting with companies that use certified medical language
30 interpreters.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill takes effect on July 1, 2009.

35 **Utah Code Sections Affected:**

36 ENACTS:

- 37 **58-78-101**, Utah Code Annotated 1953
- 38 **58-78-102**, Utah Code Annotated 1953
- 39 **58-78-201**, Utah Code Annotated 1953
- 40 **58-78-202**, Utah Code Annotated 1953
- 41 **58-78-203**, Utah Code Annotated 1953
- 42 **58-78-301**, Utah Code Annotated 1953
- 43 **58-78-302**, Utah Code Annotated 1953
- 44 **58-78-401**, Utah Code Annotated 1953
- 45 **58-78-402**, Utah Code Annotated 1953



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

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

49 **CHAPTER 78. MEDICAL LANGUAGE INTERPRETER ACT**

50 **Part 1. General Provisions**

51 **58-78-101. Title.**

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

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

54 **58-78-102. Definitions.**

55 As used in this chapter:

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

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

- 59 (a) Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 60 (b) Title 58, Chapter 16a, Utah Optometry Practice Act;
- 61 (c) Title 58, Chapter 17b, Pharmacy Practice Act;
- 62 (d) Title 58, Chapter 24a, Physical Therapist Practice Act;
- 63 (e) Title 58, Chapter 31b, Nurse Practice Act;
- 64 (f) Title 58, Chapter 31c, Nurse Licensure Compact;
- 65 (g) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;
- 66 (h) Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 67 (i) Title 58, Chapter 57, Respiratory Care Practices Act;
- 68 (j) Title 58, Chapter 60, Mental Health Professional Practice Act;
- 69 (k) Title 58, Chapter 61, Psychologist Licensing Act;
- 70 (l) Title 58, Chapter 67, Utah Medical Practice Act;
- 71 (m) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 72 (n) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;
- 73 (o) Title 58, Chapter 70a, Physician Assistant Act;
- 74 (p) Title 58, Chapter 71, Naturopathic Physician Practice Act;
- 75 (q) Title 58, Chapter 73, Chiropractic Physician Practice Act; or
- 76 (r) Title 58, Chapter 77, Direct-entry Midwife Act.

77 (3) "Medical language interpreter" means a person who, for compensation, performs
 78 verbal language interpretation services between a health care provider who speaks English and
 79 another person for the purpose of assisting the person in seeking or obtaining medical advice,
 80 diagnoses, or treatment.

81 (4) "National standards of practice" means the National Standards of Practice,
 82 published by the National Council on Interpreting in Health Care.

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

84 **Part 2. Certification**

85 **58-78-201. Certification.**

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

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

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

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

94 **58-78-202. Certification is voluntary.**

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

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

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

99 **58-78-203. Qualifications for certification.**

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

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

103 (a) Spanish;

104 (b) Russian;

105 (c) Bosnian;

106 (d) Somali;

107 (e) Mandarin Chinese;

108 (f) Cantonese; or

109 (g) Navajo;

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

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

114 (i) basic language fluency;

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

116 (A) name human body parts;

117 (B) name internal human organs;

118 (C) describe basic medical symptoms; and

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

120 (iii) basic cultural competency relating to medical care beliefs and practices that are

121 common to people who speak that language;

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

123 (c) a basic understanding of medical confidentiality requirements, including the

124 confidentiality requirements of the federal Health Insurance Portability and Accountability Act;

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

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

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

128 **Part 3. Unlawful Conduct**

129 **58-78-301. Unlawful conduct.**

130 In addition to the definition in Subsection 58-1-501(1), "unlawful conduct" includes

131 representing or holding oneself out as a certified medical language interpreter when not

132 certified under this chapter.

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

134 **58-78-302. Penalty for unlawful conduct.**

135 A person who violates the unlawful conduct provisions described in Section 58-78-301

136 is guilty of a class A misdemeanor.

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

138 **Part 4. Miscellaneous**

139 **58-78-401. Fees -- Rulemaking authority.**

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

141 costs of:

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

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

144 (2) The division may make rules, pursuant to Title 63G, Chapter 3, Utah

145 Administrative Rulemaking Act, to accomplish the requirements of this chapter.

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

147 **58-78-402. Priority for certified medical language interpreter.**

148 The Department of Health and the Department of Human Services may give priority to

149 contracting with companies that use certified medical language interpreters.

150 Section 10. **Effective date.**

151 This bill takes effect on July 1, 2009.

Legislative Review Note
as of 1-29-09 12:13 PM

Office of Legislative Research and General Counsel

H.B. 144 - Medical Language Interpreter Act

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill would generate additional revenue to the General Fund of \$7,500 in FY 2010 and \$1,500 in FY 2011. Commerce Service Fund spending affects the annual transfer to the General Fund.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$1,500	\$1,500
General Fund, One-Time	\$0	\$0	\$0	\$0	\$6,000	\$0
Total	\$0	\$0	\$0	\$0	\$7,500	\$1,500

Individual, Business and/or Local Impact

Local governments may benefit by having certified interpreters. Businesses and Individuals may be impacted due to changes in the proposed statute.
