

Chapter 80a Medical Language Interpreter Act

Part 1 General Provisions

58-80a-101 Title.

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

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-102 Definitions.

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 24b, Physical Therapy Practice Act;
 - (e) Title 58, Chapter 31b, Nurse Practice Act;
 - (f) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;
 - (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, Utah 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.
- (4) "National certification organization" means one of the following national organizations that certifies medical interpreters:
 - (a) the National Board of Certification for Medical Interpreters; or
 - (b) the Certification Commission for Healthcare Interpreters.
- (5) "National standards of practice" means the National Standards of Practice, published by the National Council on Interpreting in Health Care.

Amended by Chapter 136, 2019 General Session

Part 2 Board

58-80a-201 Certified Medical Language Interpreter Advisory Board.

The division shall notify the Health and Human Services Interim Committee if it determines that there is a need to create, by statute, a Certified Medical Language Interpreter Advisory Board.

Enacted by Chapter 127, 2010 General Session

Part 3 Certification

58-80a-301 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).

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-302 Certification is voluntary.

- (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 58-80a-301(1).

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-303 Qualifications for certification.

- (1) An individual qualifies as a tier 1 certified medical language interpreter if the individual:
 - (a) acts as a medical language interpreter between English and at least one other language;
 - (b) passes an oral and written examination:
 - (i) administered by:
 - (A) the division;
 - (B) a person under contract with the division;
 - (C) a national certification organization; or
 - (D) a person approved by the division by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) that tests:
 - (A) basic language fluency with respect to the language for which the individual applies for certification;
 - (B) basic medical terminology with respect to the language for which the individual applies for certification, including the ability to name human body parts, name internal human organs,

describe basic medical symptoms, and describe basic medical instructions, including dosage amounts and frequency;

- (C) basic cultural competency relating to medical care beliefs and practices that are common to people who speak the language for which the individual applies for certification;
 - (D) knowledge and understanding of the national standards of practice; and
 - (E) a basic understanding of medical confidentiality requirements, including the confidentiality requirements of the federal Health Insurance Portability and Accountability Act;
- (c) signs a statement agreeing to abide by the national standards of practice; and
 - (d) pays the fee described in Section 58-80a-305.
- (2) If an oral examination under Subsection (1)(b) is not available in the language for which an individual applies for certification, the individual may qualify as a tier 2 certified medical language interpreter if the individual passes the written portion of an examination under Subsection (1)(b) and completes all other requirements under Subsection (1).

Amended by Chapter 305, 2017 General Session

58-80a-304 Term of certification -- Expiration -- Renewal.

- (1) Notwithstanding Section 58-1-308, the division shall issue each certification under this chapter in accordance with a three-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as two years to stagger the renewal cycles that the division administers.
- (2) Each certification automatically expires on the expiration date shown on the certification unless the certified medical language interpreter renews the certification in accordance with Section 58-1-308.

Amended by Chapter 305, 2017 General Session

58-80a-305 Fees -- Rulemaking authority.

- (1) The division may charge a fee, established under Section 63J-1-504, to recover the costs of:
 - (a) administering the examination described in Section 58-80a-303; and
 - (b) issuing the certificate described in Subsection 58-80a-301(1).
- (2) The division may make rules, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to accomplish the requirements of this chapter.

Renumbered and Amended by Chapter 127, 2010 General Session

Part 4
Certification Denial and Discipline

58-80a-401 Grounds for denial of certification -- Disciplinary proceedings.

Grounds for refusing to issue a certification to an applicant, for refusing to renew the certification of a certified medical language interpreter, for revoking, suspending, restricting, or placing on probation the certification of a certified medical language interpreter, for issuing a public or private reprimand to a certified medical language interpreter, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 127, 2010 General Session

Part 5 Unlawful and Unprofessional Conduct

58-80a-501 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.

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-502 Penalty for unlawful conduct.

A person who violates the unlawful conduct provisions described in Section 58-80a-501 is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-503 Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) conduct which is detrimental to the interests of the public;
- (2) willful or negligent betrayal or disclosure of confidential information about which the certified medical language interpreter becomes knowledgeable as a result of or incidental to the certified medical language interpreter's practice as a certified medical language interpreter;
- (3) false or deceptive representation of a certified medical language interpreter's skills, competence, capability, or resources as a certified medical language interpreter;
- (4) offering, undertaking, or agreeing to undertake an assignment as a certified medical language interpreter for which the certified medical language interpreter is not qualified or which the certified medical language interpreter cannot complete as agreed in a professional manner;
- (5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner which negatively affects the ability of the certified medical language interpreter to competently practice as a certified medical language interpreter;
- (6) willfully and intentionally making any false or fraudulent interpretation, statement, or representation in the performance of the certified medical language interpreter's duties;
- (7) any conduct contrary to the recognized standards and ethics of the profession of a certified medical language interpreter;
- (8) gross incompetence in practice as a certified medical language interpreter;
- (9) violation of any provision of this chapter or rules promulgated to regulate the practice of certified medical language interpreters; or
- (10) conviction of a felony or any other crime which is considered by the division to represent activity detrimental to the public interest as that interest is reflected in the person continuing to practice as a certified medical language interpreter.

Enacted by Chapter 127, 2010 General Session

Part 6
Miscellaneous

58-80a-601 Priority for certified medical language interpreter.

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

Amended by Chapter 329, 2023 General Session