

MEDICAL LANGUAGE INTERPRETER ACT

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: Allen M. Christensen

6	Cosponsors:	Brian S. King	Phil Riesen
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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;

- 32           ▶ permits the division to charge a fee to recover the costs of administering the
- 33 certification examination and issuing the certificate described in this bill;
- 34           ▶ grants rulemaking authority to the division; and
- 35           ▶ allows the Department of Health and the Department of Human Services to give
- 36 priority to contracting with companies that use certified medical language
- 37 interpreters.

**38 Monies Appropriated in this Bill:**

39           None

**40 Other Special Clauses:**

41           This bill takes effect on July 1, 2009.

**42 Utah Code Sections Affected:**

43 ENACTS:

- 44           **58-78-101**, Utah Code Annotated 1953
- 45           **58-78-102**, Utah Code Annotated 1953
- 46           **58-78-201**, Utah Code Annotated 1953
- 47           **58-78-202**, Utah Code Annotated 1953
- 48           **58-78-203**, Utah Code Annotated 1953
- 49           **58-78-301**, Utah Code Annotated 1953
- 50           **58-78-302**, Utah Code Annotated 1953
- 51           **58-78-401**, Utah Code Annotated 1953
- 52           **58-78-402**, Utah Code Annotated 1953



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

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

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

57   **Part 1. General Provisions**

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

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

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

61 **58-78-102. Definitions.**

62 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 116 (g) Navajo;
- 117 (2) passes an examination administered by, or under contract with, the division, that
- 118 tests:
- 119 (a) the following areas, with respect to the language for which the person applies for
- 120 certification:
- 121 (i) basic language fluency;
- 122 (ii) basic medical terminology, including the ability to:
- 123 (A) name human body parts;
- 124 (B) name internal human organs;
- 125 (C) describe basic medical symptoms; and
- 126 (D) describe basic medical instructions, including dosage amounts and frequency; and
- 127 (iii) basic cultural competency relating to medical care beliefs and practices that are
- 128 common to people who speak that language;
- 129 (b) knowledge and understanding of the national standards of practice; and
- 130 (c) a basic understanding of medical confidentiality requirements, including the
- 131 confidentiality requirements of the federal Health Insurance Portability and Accountability
- 132 Act;
- 133 (3) signs a statement agreeing to abide by the national standards of practice; and
- 134 (4) pays the fee described in Section 58-78-401.

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

136 **Part 3. Unlawful Conduct**

137 **58-78-301. Unlawful conduct.**

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

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

140 certified under this chapter.

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

142 **58-78-302. Penalty for unlawful conduct.**

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

144 is guilty of a class A misdemeanor.

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

146 **Part 4. Miscellaneous**

147 **58-78-401. Fees -- Rulemaking authority.**

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

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

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

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

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

155 **58-78-402. Priority for certified medical language interpreter.**

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

158 Section 10. **Effective date.**

159 This bill takes effect on July 1, 2009.