

MEDICAL LANGUAGE INTERPRETER

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill recodifies the Medical Language Interpreter Act and amends the act by providing for expiration and renewal of certification, denial of certification, and for disciplinary actions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recodifies the Medical Language Interpreter Act;
- ▶ provides for a term of certification for, and for expiration and renewal of certification as, a certified medical language interpreter;
- ▶ provides for disciplinary proceedings against, and for denial of certification as, a certified medical language interpreter; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

58-80a-201, Utah Code Annotated 1953

58-80a-304, Utah Code Annotated 1953

30 **58-80a-401**, Utah Code Annotated 1953

31 **58-80a-503**, Utah Code Annotated 1953

32 RENUMBERS AND AMENDS:

33 **58-80a-101**, (Renumbered from 58-80-101, as enacted by Laws of Utah 2009, Chapter
34 49)

35 **58-80a-102**, (Renumbered from 58-80-102, as enacted by Laws of Utah 2009, Chapter
36 49)

37 **58-80a-301**, (Renumbered from 58-80-201, as enacted by Laws of Utah 2009, Chapter
38 49)

39 **58-80a-302**, (Renumbered from 58-80-202, as enacted by Laws of Utah 2009, Chapter
40 49)

41 **58-80a-303**, (Renumbered from 58-80-203, as enacted by Laws of Utah 2009, Chapter
42 49)

43 **58-80a-305**, (Renumbered from 58-80-401, as enacted by Laws of Utah 2009, Chapter
44 49)

45 **58-80a-501**, (Renumbered from 58-80-301, as enacted by Laws of Utah 2009, Chapter
46 49)

47 **58-80a-502**, (Renumbered from 58-80-302, as enacted by Laws of Utah 2009, Chapter
48 49)

49 **58-80a-601**, (Renumbered from 58-80-402, as enacted by Laws of Utah 2009, Chapter
50 49)

51

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

53 Section 1. Section **58-80a-101**, which is renumbered from Section 58-80-101 is
54 renumbered and amended to read:

55 **CHAPTER 80a. MEDICAL LANGUAGE INTERPRETER ACT**

56 **Part 1. General Provisions**

57 **[58-80-101]. 58-80a-101. Title.**

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

59 Section 2. Section **58-80a-102**, which is renumbered from Section 58-80-102 is
60 renumbered and amended to read:

61 **[58-80-102]. 58-80a-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 24b, Physical ~~[Therapist]~~ Therapy 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.

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

90 Section 3. Section **58-80a-201** is enacted to read:

91 **Part 2. Board**

92 **58-80a-201. Certified Medical Language Interpreter Advisory Board.**

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

96 Section 4. Section **58-80a-301**, which is renumbered from Section 58-80-201 is
97 renumbered and amended to read:

98 **Part 3. Certification**

99 **[58-80-201]. 58-80a-301. Certification.**

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

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

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

107 Section 5. Section **58-80a-302**, which is renumbered from Section 58-80-202 is
108 renumbered and amended to read:

109 **[58-80-202]. 58-80a-302. Certification is voluntary.**

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

111 (2) This chapter does not prohibit a person from acting as a medical language
112 interpreter, if the person does not have a certificate described in Subsection [58-80-201]
113 58-80a-301(1).

114 Section 6. Section **58-80a-303**, which is renumbered from Section 58-80-203 is
115 renumbered and amended to read:

116 ~~[58-80-203]~~. **58-80a-303. Qualifications for certification.**

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

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

120 (a) Spanish;

121 (b) Russian;

122 (c) Bosnian;

123 (d) Somali;

124 (e) Mandarin Chinese;

125 (f) Cantonese; or

126 (g) Navajo;

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

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

131 (i) basic language fluency;

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

133 (A) name human body parts;

134 (B) name internal human organs;

135 (C) describe basic medical symptoms; and

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

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

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

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

141 confidentiality requirements of the federal Health Insurance Portability and Accountability

142 Act;

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

144 (4) pays the fee described in Section [~~58-80-401~~] 58-80a-305.

145 Section 7. Section **58-80a-304** is enacted to read:

146 **58-80a-304. Term of certification -- Expiration -- Renewal.**

147 (1) The division shall issue each certification under this chapter in accordance with a
148 two-year renewal cycle established by rule. The division may by rule extend or shorten a
149 renewal cycle by as much as one year to stagger the renewal cycles that the division
150 administers.

151 (2) Each certification automatically expires on the expiration date shown on the
152 certification unless the certified medical language interpreter renews the certification in
153 accordance with Section 58-1-308.

154 Section 8. Section **58-80a-305**, which is renumbered from Section 58-80-401 is
155 renumbered and amended to read:

156 [~~58-80-401~~]. **58-80a-305. Fees -- Rulemaking authority.**

157 (1) The division may charge a fee, established under Section 63J-1-504, to recover the
158 costs of:

159 (a) administering the examination described in Section [~~58-80-203~~] 58-80a-303; and

160 (b) issuing the certificate described in Subsection [~~58-80-201~~] 58-80a-301(1).

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

163 Section 9. Section **58-80a-401** is enacted to read:

164 **Part 4. Certification Denial and Discipline**

165 **58-80a-401. Grounds for denial of certification -- Disciplinary proceedings.**

166 Grounds for refusing to issue a certification to an applicant, for refusing to renew the
167 certification of a certified medical language interpreter, for revoking, suspending, restricting,
168 or placing on probation the certification of a certified medical language interpreter, for issuing
169 a public or private reprimand to a certified medical language interpreter, and for issuing a

170 cease and desist order shall be in accordance with Section 58-1-401.

171 Section 10. Section **58-80a-501**, which is renumbered from Section 58-80-301 is
172 renumbered and amended to read:

173 **Part 5. Unlawful and Unprofessional Conduct**

174 ~~[58-80-301].~~ **58-80a-501. Unlawful conduct.**

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

178 Section 11. Section **58-80a-502**, which is renumbered from Section 58-80-302 is
179 renumbered and amended to read:

180 ~~[58-80-302].~~ **58-80a-502. Penalty for unlawful conduct.**

181 A person who violates the unlawful conduct provisions described in Section
182 ~~[58-80-301]~~ 58-80a-501 is guilty of a class A misdemeanor.

183 Section 12. Section **58-80a-503** is enacted to read:

184 **58-80a-503. Unprofessional conduct.**

185 "Unprofessional conduct" includes:

186 (1) conduct which is detrimental to the interests of the public;

187 (2) willful or negligent betrayal or disclosure of confidential information about which
188 the certified medical language interpreter becomes knowledgeable as a result of or incidental
189 to the certified medical language interpreter's practice as a certified medical language
190 interpreter;

191 (3) false or deceptive representation of a certified medical language interpreter's skills,
192 competence, capability, or resources as a certified medical language interpreter;

193 (4) offering, undertaking, or agreeing to undertake an assignment as a certified
194 medical language interpreter for which the certified medical language interpreter is not
195 qualified or which the certified medical language interpreter cannot complete as agreed in a
196 professional manner;

197 (5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner

198 which negatively affects the ability of the certified medical language interpreter to competently
199 practice as a certified medical language interpreter;

200 (6) willfully and intentionally making any false or fraudulent interpretation, statement,
201 or representation in the performance of the certified medical language interpreter's duties;

202 (7) any conduct contrary to the recognized standards and ethics of the profession of a
203 certified medical language interpreter;

204 (8) gross incompetence in practice as a certified medical language interpreter;

205 (9) violation of any provision of this chapter or rules promulgated to regulate the
206 practice of certified medical language interpreters; or

207 (10) conviction of a felony or any other crime which is considered by the division to
208 represent activity detrimental to the public interest as that interest is reflected in the person
209 continuing to practice as a certified medical language interpreter.

210 Section 13. Section **58-80a-601**, which is renumbered from Section 58-80-402 is
211 renumbered and amended to read:

212 **Part 6. Miscellaneous**

213 **~~[58-80-402].~~ 58-80a-601. Priority for certified medical language**
214 **interpreter.**

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