



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**

Public Health Division

800 NE Oregon Street  
Portland, OR 97232-2162

**Voice (971) 673-1222**

**FAX (971) 673-1299**

**TTY (971) 673-0372**

Date: July 13, 2010

To: Interested Parties

From: David Cardona, Coordinator  
Health Care Interpreter Program  
Office of Multicultural Health and Services



Subject: Temporary Rulemaking – OAR 333-002-0040 & 0060 – “Health Care Interpreter Language Proficiency Testing and Certification”

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A temporary rulemaking for the amendment of Oregon Administrative Rules (OAR) 333-002-0040 and 333-002-0060 related to health care interpreters has been filed, effective July 15, 2010 through January 10, 2011. These amendments are necessary in order for the Department to implement the rules to meet National Standards of Practice of Health Care Interpreters (HCI) and to enable us to contract with testing centers in order for the State of Oregon to be in compliance with the qualification portion of the rule (testing language proficiency of interpreters) and to work towards contracting with a national testing center(s) to implement the certification portion of rule.

For more details, please see the Statement of Need and Justification and the full text of the temporary rules at the following website: [http://www.oregon.gov/DHS/ph/omh/intrprtr/333-002\\_Urgent\\_Ammend.pdf](http://www.oregon.gov/DHS/ph/omh/intrprtr/333-002_Urgent_Ammend.pdf). In the rule text, additions to the text are underlined and deletions are shown using ~~strikethrough~~ text.

If you have questions or would like a paper copy of these temporary rules, please call David Cardona at 971-673-1286.

Thank you for your continued support.

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**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Temporarily amending Oregon Administrative Rules in chapter 333, division 2 related to health care interpreters

Rule Caption: Health Care Interpreter Language Proficiency Testing and Certification

Statutory Authority: ORS 409.623

Other Authority:

Stats. Implemented: ORS 409.621, 409.623

Need for the Temporary Rule(s): To be in compliance with State of Oregon Health Care Interpreter Law –

The current administrative rules require the Department to develop language proficiency testing and certification in six languages but due to budgetary limitations and also due to the fact that there are limited subject matter experts in health care interpreting in this state, the Department hasn't been in compliance with the law since it was created in 2006. After conducting a national request for qualification of language proficiency testing centers, the Department was able to identify several vendors that may be able to test our health care interpreters with little or no cost for the state of Oregon, but we can not move forward if we don't amend the existing rules to enable us to contract out for testing. In addition, the Department has identified the Board of Certification of Medical Interpreters as being a possible partner. This is the only national organization that has developed, tested and validated a Health Care Interpreter Certification test in Spanish that we could use immediately. Moreover, they are willing to participate with the Department to develop five additional tests in the other languages required by the law besides Spanish (Cantonese, Korean, Mandarin, Russian, and Vietnamese) at a very low cost (\$15,000) per test since they will use the same template they have already developed for the Spanish test. However, the Department is concerned that if we don't move quickly we may lose the existing funding that we have allocated for the implementation of the law due to reductions of the budget across DHS. Therefore, we are requesting an emergency amendment to the rule to enable us to move forward immediately with the implementation of the rule and to be in compliance with our own state law. There is also a concern that we need to be in compliance with Title VI of the federal law and also assist with the Joint Commission recommendations given to all federally funded institutions in regard to using qualified health care interpreters.

Documents Relied Upon, and where they are available:

OAR 333-002-0040 and OAR 333-002-0060 available at the DHS website.

<http://www.oregon.gov/DHS/ph/omh/intrprtr/333-002FiledNov16-06.pdf>

Justification of Temporary Rule(s):

The Department finds that failure to act promptly will result in serious prejudice to the public interest, the Department, health care interpreters, health care providers, hospitals and clinics, health care administration systems and ultimately may affect the limited English proficient patients that the Department serves in the state of Oregon. The patient may not receive adequate health care due to poor communication with their health care provider that may result in harm to the patients' health care outcomes. This may occur when utilizing an unqualified health care interpreter who has not received proper education and training, and who does not have proper credentials attesting to their interpreting skills and abilities. These rules need to be adopted promptly in order for DHS to implement the rules to meet National Standards of Practice of Health



OREGON ADMINISTRATIVE RULES  
DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION  
CHAPTER 333

DIVISION 2

STANDARDS FOR REGISTRY ENROLLMENT, QUALIFICATION AND  
CERTIFICATION OF HEALTH CARE INTERPRETERS

333-002-0040

**Eligibility Standards for Registry Enrollment, Qualification and Certification**

(1) Applicants seeking enrollment in the Health Care Interpreter registry must:

- (a) Be at least 18 years of age;
- (b) Submit applicable forms and fees (as established in OAR 333-002-0035);
- (c) Successfully complete the Health Care Interpreter orientation session provided by the Department;
- (d) ~~Agree to a~~ bide by the National Code of Ethics for Interpreters in Health Care as established by OAR 333-002-0100; ~~and~~
- (e) ~~Agree to a~~ bide by the National Standards of Practice for Interpreters in Health Care as established by OAR 333-002-0110; ~~and~~
- (f) Must have a high school diploma or a General Education Diploma (GED) from an accredited school in the United States of America; or an equivalent diploma from another country that which shall be validated by the issuing country's embassy or consulate in the United States.

(2) In addition to complying with the requirements set out in section (1) of this rule, applicants seeking qualification must be able to:

- (a) Provide written verification of at least ~~460~~ 460 hours of formal training as defined in OAR 333-002-0060;
- (b) Provide verifiable evidence of ~~20030~~ 20030 hours of working experience; and
- (c) Demonstrate health care interpreting knowledge by passing a qualification skill evaluation offered by a language proficiency testing center approved by the Department ~~the Department~~ as defined in OAR 333-002-0070.

(3) In addition to complying with the requirements set out in section (1) of this rule, applicants seeking certification must be able to:

- (a) Provide written verification of at least ~~460~~ 460 hours of formal training as defined in OAR 333-002-0060;
- (b) Provide verifiable evidence of one year of working experience ~~30 hours of experience as a health care interpreter~~; and
- (c) Demonstrate health care interpreting proficiency by passing a certification test offered by an approved testing center approved by the Department ~~skill evaluation and assessment offered by the Department~~ as defined in OAR 333-002-0070.

(4) The Department will accept formal training from entities outside of Oregon who can demonstrate that their criteria are equal to or exceed Oregon criteria as established by this division and Department policy. ~~Applicants holding written verification from outside entities do not need to retake training however; they must satisfy the requirements as set~~

~~forth in sections (1), (2) and (3) of this rule.~~ The Department shall keep a list of approved training centers where the applicant may receive the required education.

Stat. Auth.: ORS 409.623

Stats. Implemented: ORS 409.621, 409.623

### **333-002-0060**

#### **Training Requirement and Working Experience Requirement**

(1) Qualified and Certified Health Care Interpreter applicants must provide written verification of the successful completion of formal training at a Department approved training center. Required subjects include Medical Terminology, Anatomy, Physiology, Concepts and Modes of Health Care Interpreting, and Health Care Interpreting Ethics. Applicants must meet or exceed the minimum training requirements for the credential being sought.

(2) Each Qualified and Certified Health Care Interpreter applicant must complete at least ~~460~~ hours of Department approved training, including a minimum of:

(a) ~~Thirty-two~~<sup>32</sup>~~52~~ hours of integrated Medical Terminology, Anatomy and Physiology, Introductory Health Care Interpreting Concepts, and Modes; and

(b) Eight hours of Health Care Interpreting Ethics.

(c) Each Qualified Health Care Interpreter applicant must show proof of 200 working hours as a health care interpreter by providing a notarized letter from an employer where the applicant has previously worked.

(d) Each Certified Health Care Interpreter applicant must show proof of 2040 working professional hours as a health care interpreter by providing a notarized letter from an employer where the applicant has previously worked.

Stat. Auth.: ORS 409.623

Stats. Implemented: ORS 409.621, 409.623