

Oregon Health Care Interpreter Program Changes

In 2021, the Oregon legislature changed the requirements for health care interpreting services in Oregon, by passing [HB 2359](#). The new law:

- ▶ Makes it mandatory that health care providers who are reimbursed with public funds work with a qualified or certified health care interpreter (HCI) who is listed on the central registry. The law allows some exceptions for working with an HCI not listed on the central registry when:
 - The health care provider is proficient in the preferred language of the person with limited English proficiency,
 - The person with limited English proficiency has an interpreter they prefer to work with who is not on the central registry, or
 - The health care provider tried to find an interpreter using the central registry, but no interpreters were available.
- ▶ Outlines the recordkeeping requirements for health care providers and for interpreting service companies when they work with an HCI. These requirements include documenting the full name of the interpreter, the central registry number (if applicable), and the language that was interpreted.
- ▶ Requires that health care providers supply appropriate personal protective equipment at no cost to the HCI for onsite interpreting services.
- ▶ Directs the Oregon Health Authority (OHA) to develop policies and processes to improve:
 - The quality, consistency, availability, and affordability of HCI training,
 - HCI qualification and certification standards, and
 - Accuracy and usability of the central registry.
- ▶ Directs OHA, as well as the state boards that license and certify health care professionals, to develop rules to enforce these new requirements for health care interpreting services.

Accordingly, OHA has updated its rules to reflect the new law. These final rules go into effect on July 1, 2022 and may be accessed in the [May edition of the Oregon Bulletin](#).

In addition, working closely with the Oregon Council on Health Care Interpreters, the Oregon Department of Justice, health systems, and other community partners, OHA has identified further changes to reduce costs associated with being on the central registry and minimize administrative burdens associated with health care interpreting services. These changes are intended to increase the numbers of qualified and certified HCIs on the central registry and include:

- ▶ Removing all central registry application and renewal fees,
- ▶ Making arrangements for free or low cost HCI training,
- ▶ Updating training and experience requirements to maintain and improve HCI quality standards,
- ▶ Changing the requirement to move from qualified to certified HCI status from mandatory to optional and leaving that decision to the HCIs themselves,
- ▶ Giving health care providers and interpreting service companies time to transition to the new requirements for working with HCIs from the central registry when interpreting remotely, and
- ▶ Removing the requirement that HCIs pass a background check in order to be included as a qualified or certified HCI on the central registry.

Do these changes mean that health care providers in Oregon may only work with registered HCIs?

Usually working with HCIs on the central registry is required, but there are some exceptions. Health care providers and interpreting service companies are required to attempt to find an HCI who is on the Oregon HCI central registry. If no interpreter on the central registry is available, providers and interpreting service companies must document the steps they took to work with someone on the central registry. Once they have completed these steps, they may then work with an interpreter who is not on the central registry who they have determined is appropriate to meet the interpreting needs of the individual with limited English proficiency.

Also, an HCI from the central registry is not required if the health care provider is proficient in the preferred language of the person with limited English proficiency, or if the person with limited English proficiency has an interpreter they prefer to work with who is not on the central registry.

Will these changes lead to a shortage of HCIs in Oregon?

OHA intends to monitor access closely but does not expect there to be a shortage of HCIs or a reduction in meaningful access to language assistance services. There are currently more than 1,000 interpreters on the Oregon HCI central registry. Many of these HCIs reported recently that they have significant availability to provide additional interpreting services.

In addition, while these changes to the law require health care providers and interpreting services companies to attempt to find an HCI on the central registry to work with, they also provide a pathway for working with an HCI who is not on the central registry, when necessary.

What steps does a health care provider or interpreting service company need to take when arranging for an HCI and what do the rules mean by “good faith effort”?

OHA plans to collaborate with the Oregon Council on Health Care Interpreters to develop additional guidance on how health care providers and interpreting service companies can demonstrate they meet the good faith effort requirement. In the meantime, health care providers and interpreting service companies should be ready to share with OHA, or with the appropriate licensing or certification board, the policies and procedures they have developed for locating and working with HCIs on the central registry and the steps they take when none are available. These processes should include:

- ▶ Steps they take for finding an HCI for a health care appointment,
- ▶ The overall efforts they are making to reduce their reliance on HCIs who are not on the central registry, and
- ▶ How those quality improvement efforts are increasing the number of health care interpreting appointments scheduled with HCIs from the central registry.

What are the next steps for an interpreter who is not currently on the Oregon HCI central registry?

To encourage interested HCIs to join the Oregon HCI central registry, OHA has removed all application fees and streamlined the application requirements. HCIs both inside and outside of Oregon are welcome to submit a free application at any time. In addition, HCIs who are not sure if they currently meet the requirements to become qualified or certified in Oregon may reach out to the HCI program for assistance. HCIs who already have a nationally recognized HCI credential may

already meet the minimum requirements to be added to the central registry or may only need some additional training hours to become qualified or certified in Oregon. OHA may be able to arrange for free or low-cost training options in these circumstances.

What does the removal of the background check requirement mean for HCIs?

During the rule development process, OHA heard from partners that the background check created a barrier for HCIs to apply to the central registry. In order to address these concerns and help meet the agency's equity goals, OHA will no longer require background checks for inclusion as a qualified or certified HCI on the central registry. This change will go into effect on July 1, 2022.

Individuals or organizations who employ or contract with HCIs can still require background checks or have other requirements the HCI will need to comply with prior to providing interpreting services. HCIs should work directly with these entities to determine any employer or contract specific requirements.

Are there different requirements for remote interpreting?

The requirements are the same for onsite and remote interpreting, but there will be a 1-year transition period allowed for working with HCIs from the central registry when interpreting remotely. Prior to the changes made by HB 2359, some health care providers and interpreting service companies relied on health care interpreters who provide interpreting services from outside of Oregon. Many of these interpreters may have not yet applied to be on the Oregon central registry. OHA recognizes the transition may take time and is accordingly allowing up to one year, until July 1, 2023, to make the transition for interpreters providing services remotely.

Health care providers and interpreting service companies should note that the recordkeeping requirements specified in HB 2359 will go into effect on September 1, 2022. OHA may request this information and will use it to assess progress on transitioning to working with HCIs on the central registry. Recordkeeping requirements include:

- ▶ The full name of the HCI,
- ▶ The HCI's central registry number, if applicable, and,
- ▶ The language being interpreted.

Document accessibility: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations*, large print, or braille. Contact Edna at Edna.Nyamu@dhsosha.state.or.us or 503-381-0710.

*This document will be available soon in Spanish on the [HCI Program website](#).

For more information:

Oregon Health Authority

Office of Equity and Inclusion

<https://www.oregon.gov/oha/oei/Pages/HCI-Program.aspx>

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