

OREGON HEALTH AUTHORITY, OFFICE OF EQUITY AND INCLUSION

DIVISION 2

HEALTH CARE INTERPRETER PROGRAM

333-002-0000

Purpose

- (1) These rules establish the Health Care Interpreter program, a central registry, and a process for certification and qualification of health care interpreters for persons with limited English proficiency.
- (2) These rules help the Oregon Health Authority comply with Title VI of the Civil Rights Act of 1964 which mandates that no person in the United States shall, on grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.
- (3) Any individual providing health care interpreting services, either on-site or remotely may elect to participate in the Health Care Interpreter program.

Stat. Auth.: ORS 413.550

Stats. Implemented: ORS 413.550, 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0010

Definitions

As used in chapter 333, division 2 the following definitions apply:

- (1) "Applicant" means any individual who applies for qualification or certification as a health care interpreter under OAR 333-002-0050.
- (2) "Authority" means the Oregon Health Authority.
- (3) "Central registry" means the record maintained by the Authority of enrolled individuals recognized as approved certified or qualified health care interpreters.
- (4) "Certified health care interpreter" means an individual who has been issued a valid letter of certification by the Authority under these rules to perform health care interpreting services.
- (5) "Formal training" means instruction obtained in an academic setting, seminars, in-service instruction, or by other means of substantive distance learning.
- (6) "Health care interpreting services" means the provision of services to limited English proficient individuals through the process of fully understanding and analyzing a spoken or signed message, then faithfully rendering the message into another spoken or signed language in order to ensure access to any medical, surgical or hospital intervention including physical, oral or behavioral health treatment.

- (7) "Interpreting knowledge" means an entry-level range of interpreting knowledge and skills that includes but is not limited to: language fluency, ethics, cultural competency, terminology, integrated interpreting skills and translation of simple instructions.
- (8) "Interpreting skills and ability" means the demonstrated capacity to perform interpreting modes and apply medical interpreting ethics, cultural competency, terminology, integrated interpreting skills, and translation of simple instructions.
- (9) "Limited English proficient" means the legal concept referring to a level of English proficiency that is insufficient to ensure equal access to public services without an interpreter.
- (10) "Person with limited English proficiency" means a person who, by reason of place of birth or culture, speaks a language other than English and does not speak English with adequate ability to communicate effectively with a health care provider.
- (11) "Qualified health care interpreter" means an individual who has been issued a valid letter of qualification by the Authority under these rules.
- (12) "Translation" means the conversion of written text into a corresponding written text in a different language.
- (13) "Written verification" means providing proof in a way that establishes the authenticity of submitted documents in a reasonably reliable manner and may include official transcripts, a certificate of completion, or an endorsement from an agency or institution whose training curriculum is approved by the Authority.

Stat. Auth.: ORS 413.550

Stats. Implemented: ORS 413.550, 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0020

Health Care Interpreting Services

Any individual providing health care interpreting services as defined in this division may voluntarily meet the eligibility standards established in OAR 333-002-0040 and be:

- (1) Added to the central registry; and
- (2) Issued a valid letter of certification or qualification by the Authority.

Stat. Auth.: ORS 413.550

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0030

Central Registry

- (1) The Authority shall maintain a central registry of individuals who are certified or qualified to provide health care interpreting services as provided in OAR 333-002-0020.
- (2) The Oregon Health Authority shall maintain a list of languages for which health care interpreter certification or qualification is available.

(3) The Authority shall maintain and publish a list of Authority approved training centers where applicants may receive the education required for certification or qualification.

(4) Certified or qualified health care interpreters may withdraw from the registry by providing written notification to the Authority.

Stat. Auth.: ORS 413.550

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f

333-002-0035

Fees

Applicants for enrollment or renewal shall submit a processing fee in the amount of \$25 with the required application or renewal materials.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0040

Eligibility Standards for Registry Enrollment, Certification and Qualification

(1) Individuals enrolled in the Health Care Interpreter (HCI) registry shall:

(a) Be at least 18 years of age.

(b) Have a high school diploma or a GED from an accredited school in the United States of America or an equivalent diploma from another country.

(c) Not be on the Medicaid Exclusion list.

(d) Pass a background check in accordance with ORS 181A.200, OAR chapter 125-divison 7 and OAR chapter 943 Division 007.

(e) Abide by the National Code of Ethics and National Standards of Practice for Interpreters in Health Care.

(f) Abide by the Registry of Interpreters for the Deaf Code of Professional Conduct, if applicable.

(g) Submit the required forms and documentation to become a certified or qualified health care interpreter as defined by these rules.

(2) Applicants seeking to become a qualified health care interpreter for a spoken language or languages shall:

(a) Comply with the requirements set out in section (1) of this rule;

(b) Provide written verification of at least 60 hours of formal training as defined in OAR 333-002-0060, unless they meet the requirements outlined in section 3 of this rule; and

(c) Demonstrate health care interpreting knowledge by passing a skill evaluation offered by an Authority approved language proficiency testing center on the Authority maintained list provided

for in OAR 333-002-0070, or meet equivalent language proficiency requirements set by the Authority.

(3) Educators and trainers of health care interpreters who have worked in the field for two consecutive years at any time from January 2, 2010 to the present may receive credit for 40 hours of the 60 hour requirement by providing valid documentation of time spent training health care interpreters from an established registry or institution.

(4) Applicants seeking to become a qualified healthcare interpreter for American Sign Language shall:

(a) Comply with the requirements set out in section (1) of this rule; and

(b) Provide written verification of certification in American Sign Language interpreting from the Registry of Interpreters for the Deaf.

(5) Applicants seeking to become a certified healthcare interpreter in a spoken language or languages shall:

(a) Comply with the requirements set out in section (1) and (2) of this rule; and

(b) Pass an approved certification test at a medical interpreter certification testing center on the Authority maintained list provided for in OAR 333-002-0070.

6) Applicants seeking to become a certified healthcare interpreter in American Sign Language shall:

(a) Comply with the requirements set out in section (1) and (4) of this rule; and

(b) Provide written verification of at least 60 hours of formal training from an Authority approved training center as defined in OAR 333-002-0060.

(7) The Authority may accept formal training from entities outside of Oregon that demonstrate their criteria are equal to or exceed Oregon's criteria as established by these rules.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 15, 2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 1-10-11; Administrative correction 1-25-11; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0050

Application Procedure

(1) Upon request, the Authority shall provide an application packet or a link to the Health Care Interpreter (HCI) application to any individual seeking certification or qualification as an HCI.

(2) Applicants shall submit required forms and supplemental materials, including proof of formal training, and any required fees to the Authority.

(3) To meet testing requirements, applicants shall authorize an Authority approved testing center to provide the Authority with a copy of their test results.

(a) Requests for language proficiency testing or certification testing shall be made directly to the approved testing center.

(b) Required testing fees shall be paid directly to the approved testing center.

(c) Test results shall become part of the applicant's permanent record.

- (4) Supplemental materials in languages other than English shall be accompanied by:
- (a) An accurate translation of those documents into English; and
 - (b) A translator's certificate, from a translator other than the applicant and not related to the applicant by blood or marriage, stating that the documents provided are a true and accurate translation.
 - (c) The applicant shall pay for any translation costs for documents required by the Authority.
- (5) If the Authority determines that the application is not complete or that the required documentation is not acceptable, the Authority shall notify the applicant within 30 days of receipt.
- (6) Applicants may withdraw from the process at any time by providing written notification to the Authority.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0060

Training and Work Experience Requirement

Applicants seeking Health Care Interpreter (HCI) certification or qualification shall provide written verification of the successful completion of at least 60 hours of Authority approved formal training, including a minimum of:

- (1) Fifty-two hours of integrated medical terminology, anatomy and physiology, introductory health care interpreting concepts and modes; and
- (2) Eight hours of Health Care Interpreting Ethics.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 15, 2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 1-10-11; Administrative correction 1-25-11; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0070

Approval of Testing Centers, Skill Evaluation and Assessment

- (1) The Authority shall enter into a memorandum of agreement with medical interpreter certification testing centers and language proficiency testing centers establishing the manner and means for testing Oregon applicants for health care interpreter certification and qualification, and including a process for sharing testing information with the Authority and the applicant.
- (2) Authority approved medical interpreter testing centers shall test interpreting skills and ability.
- (3) The Authority shall maintain and make readily available to the public a list of approved medical interpreter certification testing centers and language proficiency testing centers.

- (4) The Authority may proctor testing and determine testing locations if the approved testing centers do not have their own testing centers and the ability to verify the applicant's identity before testing.
- (5) Government issued photo identification showing the name and address of the applicant such as a valid driver's license, state identification card, military identification, current passport, or immigration or naturalization documents shall be presented before an individual enters an evaluation or assessment.
- (6) An applicant whose conduct interferes with or disrupts the testing process may be dismissed and disqualified from future evaluations and assessments. Such conduct includes but is not limited to the following behaviors:
- (a) Giving or receiving evaluation or assessment data, either directly or indirectly, during the testing process.
 - (b) Failing to follow written or oral instructions related to conducting the evaluation or assessment, including termination times and procedures.
 - (c) Introducing unauthorized materials during any portion of the evaluation or assessment.
 - (d) Attempting to remove evaluation or assessment materials or notations from the testing site.
 - (e) Falsifying or misrepresenting educational credentials or other information required for admission to the evaluation or assessment.
- (7) Test questions, scoring keys, and other data used to administer evaluations and assessments are exempt from disclosure under ORS 192.410 through 192.505.
- (8) The Authority may release statistical information regarding evaluation or assessment pass or fail rates by group, evaluation or assessment type, and subject area to any interested party.
- (9) Applicants needing accommodation because of a disability may apply to the testing center for accommodations to complete an evaluation or assessment.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0080

Skill Evaluation or Assessment Appeal

- (1) Applicants who fail to pass a test at an Authority approved testing center may appeal the results with the testing center directly and pay any fees associated with the appeal.
- (2) The testing center's determination is final.
- (3) Applicants have no appeal rights with the Authority.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0120

Continuing Education

- (1) To qualify for registry renewal, certified and qualified health care interpreters shall sign and submit the Authority designated form and verification showing the individual has completed the required continuing education.
- (2) To maintain eligibility for registry renewal, certified and qualified health care interpreters shall complete 24 hours of Authority approved continuing education during the 36 month registry period, including:
 - (a) Six hours of continuing education on health care interpreter ethics.
 - (b) Six hours of continuing education on interpretation skills.
 - (c) An additional 12 hours that cover any topics accepted for continuing education by the Authority certification testing centers.
- (3) Continuing education records shall be maintained by registered health care interpreters for a minimum of three years.
- (4) Continuing education hours taken in excess of the required number in a renewal period may not be carried over to the next renewal period.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0140

Letter of Qualification

- (1) If the Authority determines that the qualification requirements in OAR 333-002-0040, 333-002-0050, and 333-002-0060 and any applicable renewal requirements have been met, a letter of qualification shall be issued.
- (2) Letters of qualification are valid for 36 months from the date of issue and are not renewable for languages for which certification is available.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0150

Letter of Certification

- (1) If the Authority determines that the certification requirements in OAR 333-002-0040, 333-002-0050 and 333-002-0060 and any applicable renewal requirements have been met a letter of certification shall be issued.
- (2) Letters of certification are valid for 36 months from the date of issue and are renewable.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0170

Certification and Qualification Renewal

- (1) Certified or qualified health care interpreters who intend to maintain enrollment in the registry shall renew their certification or qualification every 36 months.
- (2) Applicants for renewal may not renew a qualification if certification is available in the qualified language or languages.
- (3) At least 45 days before the expiration of certification or qualification, an applicant for renewal shall provide:
 - (a) A completed Authority renewal form and background check application.
 - (b) Any applicable fees.
 - (c) A signed copy of the Authority provided commitment form acknowledging that the applicant has read and agrees to abide by the National Code of Ethics for Interpreters in Health Care or the Registry of Interpreters for the Deaf Code of Professional Conduct, as applicable.
 - (d) Written verification showing the individual has maintained eligibility for registry renewal by completing the continuing education required:
 - (A) For qualification, the continuing education required by OAR 333-002-0120.
 - (B) For certification, the continuing education required by OAR 333-002-0120 and any additional hours required to maintain national certification during the preceding three years.
- (4) The date of submission shall be considered to be the date materials are received by the Authority by fax, mail, email or hand delivery.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0190

Denial, Revocation, Suspension or Refusal to Renew Status for Certification and Qualification

- (1) The Authority shall deny, revoke, suspend or refuse to renew a letter of certification or qualification if:
 - (a) An applicant for an initial certification or qualification fails to meet the eligibility standards of OAR 333-002-0040.
 - (b) An applicant for certification or qualification renewal fails to comply with the requirements of OAR 333-002-0170.
 - (c) An applicant submits information that cannot be verified.

- (d) An applicant engages in conduct or practices found by the Authority to be in violation of the National Code of Ethics for Interpreters in Health Care, the National Standards of Practice for Interpreters in Health Care, or the Registry of Interpreters for the Deaf Code of Professional Conduct, as applicable.
- (2) The Authority may deny, revoke, suspend, or refuse to renew a certification or qualification, or impose remedial education or corrective actions on an applicant or registry enrollee, if the individual engages in any of the following conduct:
- (a) Representing that the applicant or enrollee is an Oregon certified or qualified health care interpreter without having been issued a valid letter of certification or qualification by the Authority.
 - (b) Knowingly giving false information to the Authority.
 - (c) Violating the credentialing process by:
 - (A) Falsifying or misrepresenting education credentials or other information required for admission to an evaluation or assessment.
 - (B) Having an impersonator take an evaluation or assessment on the applicant or enrollee's behalf.
 - (C) Impersonating an applicant or enrollee.
 - (d) Having a credential to provide health care interpreting services in another state, territory or country, or issued by another certifying entity denied, revoked or suspended based on behavior by the individual similar to acts described in this rule.
 - (e) Being convicted of a state or federal crime which demonstrably relates to the provision of health care interpreting services in this or any other state, territory or country.
 - (f) Allowing the use of an Authority issued credential by a non-credentialed person.
 - (g) Presenting another person's credential as the applicant or enrollee's own credential.
 - (h) Impersonating another Oregon certified or qualified HCI.
 - (i) Practicing health care interpreting services under a false or assumed name.
 - (j) Using or attempting to use a credential that has been revoked, suspended, or lapsed.
 - (k) Practicing or offering to practice beyond the scope of the National Code of Ethics or National Standards of Practice for Interpreters in Health Care, or the Registry of Interpreters for the Deaf Code of Professional Conduct, as applicable.
 - (l) Engaging in false, deceptive or misleading advertising of the applicant or enrollee's certification or qualification credentials.
 - (A) False, deceptive or misleading advertising includes but is not limited to advertising health care interpreting services using the terms "Oregon qualified" or "Oregon certified" health care interpreter in any private or public communication or publication when not credentialed by the Authority.
 - (B) Advertising includes telephone directory listings, business cards, social media networking, or any other source of public communication.
 - (m) Failing to comply or cooperate with an Authority request in any way, including but not limited to a credentialing action or disciplinary proceeding, including:
 - (A) Failing to submit requested papers or documents.
 - (B) Failing to submit a written response to complaints filed with the Authority.

- (C) Failing to respond to requests for information issued by the Authority whether or not the applicant or enrollee is accused in the proceeding.
- (n) Failing to comply with an “assurance to desist” the applicant or enrollee entered into with the Authority.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0210

Complaints

- (1) Any affected individual or their representative may submit a complaint against a certified or qualified health care interpreter (HCI).
- (2) The Authority shall accept a complaint in writing, in a verbal report or in any other format that contains enough information to allow the Authority to investigate the report.
- (3) The Authority shall ask the complainant or affected individual to sign a release of information indicating authorization for the Authority to access information to assist the investigation.
- (4) If the complaint justifies an investigation, the Authority shall notify the respondent of the allegations and allow for response within a reasonable time with the required deadline for response provided in the notification.
- (3) A summary of the complaint allegations shall be made available to the accused HCI.
- (5) The Authority shall evaluate the complaint using available evidence.
- (6) The complainant, the affected individual and the respondent shall be notified of the outcome in writing.
- (7) The Authority may revoke, suspend, or refuse to renew a certification or qualification, or impose remedial education or corrective actions for substantiated complaints that meet the criteria in OAR 333-002-0190.
- (8) Reports of discrimination based on protected class shall be submitted and investigated under the requirements of OAR 943 Section 5.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

333-002-0230

Hearings

An individual who wishes to contest the denial, non-renewal, suspension or revocation of their registry enrollment, qualification or certification may request a contested case hearing. The contested case hearing process is conducted in accordance with ORS 183.441 through 183.497

and the Attorney General's Uniform and Model Rules of Procedure for the Office of Administrative Hearings, OAR 137-003-0501 through 137-003-0700.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11