Introducing Assembly Bill No. 1263

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to add Chapter 13 (commencing with Section 3599.50) to Division 4 of Title 1 of the Government Code, and to add Article 4.6 (commencing with Section 14146) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL’S DIGEST


Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law provides for increased administrative funding for translation and interpretation services provided in connection with the enrollment, retention, and use of services under the Medicaid Program.

This bill would require the department to establish the Medi-Cal Patient-Centered Communication program (CommuniCal), to be administered by a 3rd-party administrator, to, commencing July 1, 2014, provide and reimburse for medical interpretation services to Medi-Cal beneficiaries who are limited English proficient (LEP). This bill would establish the CommuniCal Program Fund in the State Treasury, which would consist of moneys dedicated to the CommuniCal program, to be used upon appropriation by the Legislature to the department solely to fund the CommuniCal program.
Existing law provides for the certification of administrative hearing interpreters and medical examination interpreters for purposes of administrative adjudications.

This bill would require the State Personnel Board to be the certifying body for CommuniCal certified medical interpreters (CCMIs), to establish a certifying examination for those interpreters, and to maintain a registry of those persons who pass the exam, as specified. Commencing July 1, 2014, the bill would require Spanish-language interpreters to pass the exam and be listed on the registry in order to be eligible to provide services under CommuniCal. The bill would require the State Personnel Board, by July 1, 2014, to determine appropriate testing, training, and experience standards for other language interpreters to also be placed on the registry as CCMIs, as specified. The bill would also require the State Personnel Board to establish and charge fees that do not exceed reasonable costs for applicants to take the exam and be certified and listed in the registry and would require the State Personnel Board to adopt quality standards and medical interpretation certification requirements through regulations. The bill would require the Department of Human Resources to notify the individual of the acceptance or denial of his or her inclusion on the registry within 10 days of the submission of the application.

The Ralph C. Dills Act provides for employer-employee relations between the state and its employees, as specified, including, among other things, the right of state employees to form, join, and participate in the activities of employee organizations for the purpose of representation on all matters of employer-employee relations, as specified.

This bill would provide that CCMIs would have the right to form, join, and participate in the activities of a labor organization of their own choosing for the purpose of representation of specified employer-employee matters. The bill would provide that CCMIs would not be considered state employees for purposes of the bill, but would have the right to be represented by an exclusive labor organization of their own choosing for the purpose of collective bargaining with the state on matters of mutual concern, as specified.

The bill would provide that upon application by petition, authorization cards, or union membership cards of a labor organization adequately showing that a majority of CCMIs in the state desire to be represented exclusively by that labor organization, and no other labor organization is currently certified as the exclusive representative, the Public
Employment Relations Board shall certify and grant exclusive representation to that labor organization, and would establish other election procedures to be administered by that board.

The bill would require that any agreement resulting from collective bargaining be legally binding upon the state and committed to writing, and would further require that, upon the completion of discussions and collective bargaining, any agreement be reduced to writing and be presented to the appropriate administrative, legislative, or other governing body in the form of a binding agreement, resolution, bill, law, or other form required for adoption.

The bill would provide that, after the certification of a labor organization, the state shall approve and have deducted, upon authorization in the case of dues deduction, from the appropriate reimbursement or other payment to the employee the monthly amount of dues or service fees as certified by an executive officer of the labor organization, and shall transmit the amount to the treasurer of the labor organization.


_The people of the State of California do enact as follows:_

1 SECTION 1. The Legislature finds and declares all of the following:
2 (a) California has long been recognized as one of the most racially and linguistically diverse states; the state is home to residents who speak over 200 languages.
3 (b) Approximately one in five Californians is limited English proficient (LEP) and identifies as speaking English less than very well.
4 (c) Language access and the right to interpretation services is required under Title VI of the federal Civil Rights Act of 1964, the Dymally-Alatorre Bilingual Services Act of 1973 (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code), the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code), Section 11135 of the Government Code, Section 1259 of the Health and Safety Code, and California civil rights law.
(d) The demand for medical interpretation services by Medi-Cal beneficiaries is significant, with 45.2 percent of Medi-Cal beneficiaries speaking a language other than English.

(e) The state will experience an even greater demand for language services as health care reform measures are implemented over the next few years and 35 percent of Californians expected to become newly eligible for Medi-Cal as a result of the federal Patient Protection and Affordable Care Act (Public Law 111-148) will speak English less than well.

(f) In California, language assistance services are provided in an uncoordinated manner that lacks transparency and accountability, and a majority of services are currently provided ad hoc by family members and friends or untrained staff.

(g) California has the opportunity to meet the growing demand early on by accessing millions of dollars in federal matching funds to provide medical interpretation services to LEP Medi-Cal beneficiaries.

(h) Professional medical interpretation services help reduce avoidable medical errors and provider malpractice liability for physicians and other health care providers.

(i) A coordinated program to offer medical interpreter services will improve health care outcomes for LEP Californians and help control health care costs that result from a lack of access to preventative and primary care.

SEC. 2. It is the intent of the Legislature to do all of the following:

(a) Create the CommuniCal program, which shall provide reliable access to language interpretation for Medi-Cal beneficiaries who are limited English proficient.

(b) Establish a mechanism for accessing federal Medicaid matching funds to provide a majority of the funding for the CommuniCal program.

(c) Enable trained and qualified interpreters to meet the demand for language services for a significant portion of the estimated three million Medi-Cal beneficiaries with limited English proficiency.

(d) Facilitate accurate and timely communication between limited-English-proficient patients and their health care providers, which will improve quality of care, reduce medical errors, increase patient understanding and compliance with health diagnoses and
care plans, and reduce the cost of health care by eliminating waste, such as unnecessary tests and other care.

SEC. 3. Chapter 13 (commencing with Section 3599.50) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 13. COMMUNICAL CERTIFIED MEDICAL INTERPRETERS

Article 1. Certification and Registration of CommuniCal Medical Interpreters

3599.50. (a) For purposes of this chapter, the following definitions apply:

1. “CommuniCal” means the Medi-Cal Patient-Centered Communication program established pursuant to Article 4.6 (commencing with Section 14146) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

2. “CommuniCal certified medical interpreter” or “CCMI” means an interpreter who has been certified pursuant to Section 3599.51.

3. “Certifying body” means the State Personnel Board.

4. “Exam” means the CommuniCal Certified Medical Interpreter Exam.

(b) Notwithstanding any other law, the State Personnel Board shall serve as the CommuniCal certified medical interpreter (CCMI) certifying body. The certifying body shall select an examination through which competency will be tested and provide for the certification of Spanish-language medical interpretation within 120 days of the implementation of this bill. The examination shall be known as the CommuniCal Certified Medical Interpreter Exam. It shall have both an oral and a written component. The oral component shall be conducted in person in each of the major metropolitan areas in the State of California.

3599.51. (a) The certifying body shall select a nonprofit organization to administer the exam. The nonprofit organization shall have a statewide presence. A list of all interpreters who pass the exam shall be maintained by the certifying body and shall be known as the CommuniCal Certified Medical Interpreter Registry. A CCMI is someone who has passed the exam, is listed on the registry, and has been issued a certificate by the certifying body.
attesting that the person is a CommuniCal Certified Medical Interpreter.

(b) (1) Commencing July 1, 2014, in order to be eligible to
provide services under CommuniCal, Spanish-language interpreters
shall be required to pass the exam and be listed on the registry.

(2) For those languages of lesser diffusion or languages for
which a recognized medical interpreter exam has not been created,
the certifying body shall determine, by July 1, 2014, with certified
medical interpreters and their exclusive representatives, appropriate
testing, training, and experience standards for interpreters to also
be placed on the registry and listed as CommuniCal Certified
Medical Interpreters.

(3) In order to meet anticipated demand for services under
CommuniCal, the state shall certify any of the following individuals
as certified interpreters and place them on the registry:

(A) An individual who can demonstrate that as of January 1,
2014, he or she has worked for a minimum of two years as a
in-person medical interpreter.

(B) An individual who has graduated from an accredited medical
interpreter training program at a college or university before
January 1, 2014.

(4) The Department of Human Resources shall notify the
individual of the acceptance or denial of his or her inclusion on
the registry within 10 days of the submission of the application.

(5) The effective date of the registry shall be January 1, 2014.

3599.52. (a) The certifying body shall establish and charge
fees, which do not exceed the reasonable costs, for applicants to
take the exam. The certifying body shall establish and charge a
single fee that does not exceed the reasonable costs for certification
and listing on the registry. The purpose of these fees is to cover
the annual projected costs of carrying out this article.

(b) Each CCMI shall pay a registry and certification fee, not to
exceed the reasonable costs, for the renewal of the certification
and continued listing on the registry. The registry and certificate
fee shall be due on July 1 of each year.

(c) The certifying body shall establish, maintain, administer,
and publish annually an updated registry of CCMIIs. The certifying
body may remove the name of a person from the registry if any of
the following conditions occurs:

(1) The person is deceased.
(2) The person notifies the board that the person is unavailable for work.
(3) The person does not submit a registry and certification fee or renewal fee as required by subdivision (b).
(4) The person fails to meet the quality standards and medical certification requirements established pursuant to Section 3599.53.
(d) For the 2013–14 fiscal year only, the fee for certification and listing on the registry pursuant to paragraph (3) of subdivision (b) of Section 3599.51 is waived.

3599.53. The certifying body shall adopt quality standards and medical interpretation certification requirements through regulations, which shall include, but not be limited to, maintaining patient confidentiality and familiarity or experience working with medical terminology. It shall determine the testing requirements for certification in each language and create a list of those languages where standards permit registration of the interpreter.

3599.54. The exclusive representative of CCMIs and a recognized nonprofit organization shall partner to create and administer a training program for medical interpreters, in order to prepare interpreters for the exam or other certification standards established for languages of lesser diffusion and provide continuing education for those CCMIs placed on the registry. A community advisory committee shall be established to make recommendations on interpreter certification and services.

3599.55. The relationship of CCMIs to all parties and recipients of service is one of independent contractor, unless otherwise specified by law.

3599.56. Only interpreters certified pursuant to this article shall be represented by the union a labor organization for purposes of collective bargaining pursuant to Article 2 (commencing with Section 3610).

Article 2. Collective Bargaining for CommuniCal Certified Medical Interpreters

3610. (a) CCMIs shall have the right to form, join, and participate in the activities of a labor organization of their own choosing for the purpose of representation on all matters specified in this section. The state action antitrust exemption to the application of federal and state antitrust laws is applicable to the
activities of CCMIs and their exclusive representatives authorized
under this article or other applicable law.
(b) CCMIs shall have the right to be represented by an exclusive
labor organization of their own choosing for the purpose of
collective bargaining with the State of California on matters of
mutual concern, including, but not limited to, the following:
(1) Development, maintenance, and application of the registry.
(2) The setting of reimbursements and rates for state-funded
medical interpreter programs.
(3) The allocation, process, procedure, distribution,
methodology, and manner of payment of interpreter
reimbursements and rates.
(4) Professional development, certification and training,
recruitment and retention of qualified interpreters, and language
access quality standards.
(5) Dispute resolution mechanisms binding on third-party
administrators and their subcontractors of state-funded interpreter
programs.
(6) Mechanisms and funding to improve state-funded medical
interpreter programs and the stability, funding, rules, regulations,
and operation of state-funded medical interpretation programs.
(7) Scheduling systems of interpreter services under state-funded
interpreter programs.
(8) mediums and modes of delivery of interpretation services
under state-funded medical interpretation programs.
(9) The improvement and expansion of quality medical
interpretation services.
(10) The collection and disbursement of established dues or
fees to the exclusive representative of CCMIs.
(c) This section shall not apply to work performed as an
employee of an employer.
(d) The appropriate bargaining unit for CCMIs shall be a
statewide unit of eligible CCMIs.
(e) CCMIs are not public employees and this article does not
create an employer-employee relationship between CCMIs and
the state or patient-centered communication brokers for any
purpose, including, but not limited to, state employee eligibility
for health or retirement benefits, or vicarious liability in tort.
3611. A labor organization as referenced in this section is
defined as a labor organization described in Section 501(c)(5) of
the Internal Revenue Code which has as its primary purpose the
representation of public service providers in their relations with
state and other public entities.
3612. Upon request by a labor organization that is signed by
20 percent of CCMIs, the certifying body shall furnish to the labor
organization a list of all CCMIs including full names, telephone
numbers, e-mail addresses, and mailing or home addresses within
five days of the request.
3613. (a) Upon application by petition, authorization cards,
or union membership cards of a labor organization adequately
showing that a majority of CCMIs in the state desire to be
represented exclusively by that labor organization, and no other
labor organization is currently certified as the exclusive
representative, the Public Employment Relations Board (PERB)
shall certify and grant exclusive representation of the CCMIs to
the labor organization for the purposes set forth in this section.
(b) Upon application by petition, authorization cards, or union
membership cards of a labor organization adequately showing that
less than a majority but at least 30 percent of CCMIs desire to be
represented exclusively by that labor organization, and no other
labor organization is currently certified as the exclusive
representative, the matter to determine representation shall be set
for a mail ballot election administered by PERB pursuant to its
rules and regulations for administering elections. If a PERB
regulation or rule conflicts with this section, this section shall
control.
(c) PERB shall accept, review, and certify all valid applications
submitted pursuant to subdivisions (a) and (b) pursuant to its rules
and regulations. If a PERB regulation or rule conflicts with this
section, this section shall control.
(d) Any representation election shall be a mail ballot election.
(e) Within 10 days of receipt of an adequate petition,
authorization cards, or union membership cards necessitating an
election, PERB shall conduct a preelection conference with the
labor organization and the state prior to scheduling an election for
the purpose of clarifying issues, obtaining stipulations, executing
a directed election order or consent election agreement, and taking
other actions to expedite the process. The labor organization and
the state shall engage in a good faith effort to reach a consent
election agreement stipulating the parties to appear on the ballot,
the form of the ballot, the CCMIs eligible to vote, the rules
governing the election, and the date, time, and other specifics of
the mail ballot election. The state shall be represented by the
Department of Personnel Administration and the State Department
of Health Care Services.

3614. No other labor organization shall be permitted to
intervene in an election unless prior to the pre-election conference,
by petition, authorization cards, or union membership cards, the
intervening labor organization adequately shows at least 30 percent
of CCMIs in the state as of January 1 of the year the application
is made desire to be represented exclusively by the intervening
labor organization.

3615. PERB shall proceed to determine all issues or matters
in dispute. The determination and a directed election order or
consent election agreement between the labor organization and
the state shall be made within seven days of the conference.

3616. (a) PERB shall initiate a mail ballot election within 10
days of the execution of a directed election order or consent
election agreement. The election shall provide for an affirmative
vote for employee representation by the petitioning employee
organization. The proposition receiving the votes of a majority of
all valid votes cast shall win the election. Should no option receive
an absolute majority vote of all valid votes cast, a runoff vote
between the two options receiving the highest number of votes
shall occur within seven days.

(b) A pre-election meeting shall occur with the labor organization
and the state 30 minutes prior to the mailing of ballots for the
purpose of resolving any final issues prior to the commencement
of the mail ballot election.

(c) The election shall be conducted in accordance with the
procedures established and approved pursuant to the consent
election agreement or directed election order.

(d) The supervising official from PERB shall determine the date
and time ballots must be received for tabulation, which date shall
not be sooner than 10 days or more than 20 days from the date the
voting commences. PERB shall be charged with validating the
ballots against a list of CCMIs provided by the State Personnel
Board.

(e) A labor organization certified by PERB as receiving a
majority of all valid votes cast is the exclusive representative of
all CCMIs in the state for purposes set forth in this section. All CCMIs who are eligible for the bargaining unit pursuant to Section 3610 subsequent to certification of the labor organization shall be part of the bargaining unit and represented by the certified labor organization.

3617. Discussions and collective bargaining between the certified labor organization and the state and its designated agents in the Department of Personnel Administration and the State Department of Health Care Services shall commence within 30 days upon certification and at any time thereafter upon request of the labor organization.

3618. The state and its designated agents in the Department of Personnel Administration and the State Department of Health Care Services shall be required to meet with the certified labor organization before any regulation is proposed, promulgated, set, or otherwise presented concerning any of the purposes for collective bargaining set forth in Section 3610.

3619. Any agreement resulting from collective bargaining shall be legally binding upon the state and committed to writing. Upon the completion of discussions and collective bargaining, any agreement shall be reduced to writing and be presented to the appropriate administrative, legislative, or other governing body in the form of a binding agreement, resolution, bill, law, or other form required for adoption. Nothing herein shall prevent the parties from agreeing to and effecting those provisions of an agreement which have received legislative approval or those provisions which do not require legislative action.

3620. Nothing in this article shall affect the right of a CCMI to authorize a dues or service fee deduction from his or her reimbursement.

3621. (a) After the certification of a labor organization, the state shall approve and have deducted, upon authorization in the case of dues deduction, from the appropriate reimbursement or other payment to members of the labor organization the monthly amount of dues or service fees as certified by an executive officer of the labor organization and shall transmit the amount to the treasurer of the labor organization.

(b) After the certification of a labor organization, the state shall approve and have deducted from the appropriate reimbursement or other payment to nonmembers a reasonable fair share service
fee for the cost of representing them in negotiations, contract
administration, subsidy rates, benefits, payment systems, training
opportunities, and other matters related to those purposes listed in
subdivision (b) of Section 3610. This fair share service fee shall
not exceed the annual dues paid by members of the labor
organization. The state shall transmit the amount of the fair share
fee to the treasurer of the labor organization.

3622. Dues or fair share service fee obligations shall continue
in effect as long as the labor organization is the recognized
bargaining representative, notwithstanding the expiration of any
agreement between the state and the recognized labor organization.

3623. (a) The state through its designated agents in the
Department of Personnel Administration and the State Department
of Health Care Services shall meet and collectively bargain in good
faith with representatives of a certified labor organization and shall
consider fully the proposals made by the labor organization on
behalf of CCMIs. “Meet and collectively bargain in good faith”
means that the state and its designated agent and representatives
of a certified labor organization shall have the mutual obligation
to collectively bargain within a reasonable length of time in order
to freely exchange information, opinions, and proposals.

(b) The state shall not interfere with, intimidate, restrain, coerce,
or discriminate against CCMIs due to the exercise of their rights
under this section. A complaint alleging any violation of this
section shall be processed as an unfair practice charge by PERB
pursuant to its rules and regulations. The initial determination as
to whether the charge of unfair practice is justified and, if so, the
appropriate remedy necessary to effectuate the purposes of this
section, shall be a matter within the exclusive jurisdiction of PERB.
PERB shall apply and interpret unfair labor practices consistent
with existing judicial interpretations of this section. If a PERB
practice, regulation, interpretation, or rule conflicts with this
section, this section shall control.

3624. Any charging party, respondent, or intervenor aggrieved
by a final decision or order of PERB in an unfair practice case,
except a decision of PERB not to issue a complaint in such a case,
and any party to a final decision or order of PERB in a
representation, recognition, or election matter that is not brought
as an unfair practice case, may petition for a writ of extraordinary
relief from that decision or order pursuant to Section 3520.
3625. Execution of a valid written agreement between the state and the certified labor organization shall bar the filing of an application or petition for certification of a majority representative for the length of the agreement except as otherwise provided in this article. No application or petition for certification shall be valid within one year of any prior certification.

3626. Should any court declare any other provision of this chapter void, invalid, illegal, or unconstitutional, the remaining provisions shall remain in full force.

3627. (a) The state shall not encourage or discourage membership in a labor organization and shall not discriminate against any CCMI on the basis of union activity, concerted action, union membership, age, sex, race, religious beliefs, color, national origin, sexual orientation, gender identity, or disability in accordance with and as required by applicable state and federal law. A CCMI shall not be subject to punitive action, or threatened with punitive action, for the exercise of lawful action as an elected, appointed, or recognized representative of any bargaining unit.

(b) Unless otherwise stated in this article, the state may adopt reasonable rules and regulations after consultation in good faith with representatives of a certified labor organization for the administration of CCMI employer-employee relations under this article. In the case of any conflict between rules and regulations enacted pursuant to this article, including those subdivisions adopting PERB rules, regulations, or procedures, the provisions of this section shall control.

3628. Nothing in this chapter may be construed to interfere with CCMI rights and responsibilities under federal law.

SEC. 4. Article 4.6 (commencing with Section 14146) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 4.6. CommuniCal

14146. For the purposes of this article, the following definitions shall apply:

(a) “CommuniCal” means the Medi-Cal Patient-Centered Communication program.

(b) “CommuniCal certified medical interpreter” or “CCMI” means an interpreter certified under the CommuniCal program
pursuant to Article 1 (commencing with Section 3599.50) of
Chapter 13 of Division 4 of Title 1 of the Government Code.
(c) “Department” means the State Department of Health Care
Services.
(d) “Medi-Cal managed care organizations” or “MMCOs” means
all models of Medi-Cal managed care, including county-organized
health systems, geographic managed care, and two-plan models.
(e) “Patient-centered communication broker” or “broker” means
the third-party administrator for the CommuniCal program.
14146.10. (a) The department shall establish the CommuniCal
program to provide and reimburse for certified medical
interpretation services to Medi-Cal beneficiaries who are limited
English proficient (LEP).
(b) Commencing July 1, 2014, CommuniCal shall offer medical
interpreter services to Medi-Cal providers serving Medi-Cal
beneficiaries on either a fee-for-service or managed care basis
pursuant to this article. The department shall adopt policies to
prohibit duplicate payments to CCMIs and Medi-Cal MMCOs for
beneficiaries enrolled in an MMCO.
(c) A health care provider or entity entering into a Medi-Cal
provider agreement or a Medi-Cal managed care contract with the
state, including MMCOs and their subcontracting plans, and
fee-for-service providers, may utilize CommuniCal to provide
medical interpreter services to Medi-Cal beneficiaries.
(d) All contracts between MMCOs and their subcontractors,
including health providers and other health plans, shall include
provisions describing access to CommuniCal medical interpreter
services.
(e) The department shall pursue all available sources of federal
funding to establish and operate CommuniCal and shall seek any
federal approvals necessary to implement this article.
14146.11. CommuniCal shall include the provision of
in-person, telephonic, and video medical interpretation services.
To meet language access requirements and ensure patient safety,
in-person interpreter services shall be the preferred mode of
medical interpretation in the following instances whenever
possible:
(a) Family meetings regarding medical care.
(b) Medical encounters involving difficult or agitated patients.
(c) Medical encounters to make treatment decisions.
(d) Obtaining informed consent involving review of documents.
(e) Any medical encounter that, in the physician’s judgment, 
requires in-person interpretation for the health, safety, or well-being 
of the patient.
(f) Psychiatric encounters.
(g) End-of-life discussions.

14146.12. (a) CommuniCal shall be administered by a 
patient-centered communication broker.
(b) The department shall create and administer a competitive 
Request for Proposals (RFP), and shall execute the resulting 
contract.
(c) The broker shall be responsible for all of the following 
duties:
   (1) Registering CCMIs with Medi-Cal.
   (2) Verifying CCMI certification with the State Personnel Board.
   (3) Verifying Medi-Cal eligibility for interpreter services 
      utilizing the state’s Medi-Cal Eligibility Data System (MEDS).
   (4) Submitting billing summaries to Medi-Cal, aggregating the 
cost for services provided.
   (5) Ensuring compliance with all Medi-Cal and applicable 
      CommuniCal reporting requirements.
   (6) Making payments to CCMIs, including any dues and service 
       fee deductions.
   (7) Scheduling CCMI appointments with Medi-Cal providers.
   (8) Monitoring the quality of CommuniCal interpreter services 
       and complying with state oversight requirements of the program.
   (9) Creating CommuniCal promotional materials for distribution 
       to Medi-Cal providers, MMCOs, and beneficiaries.
(d) The department shall make all applicable Medi-Cal reporting 
requirements known to the broker and shall be responsible for the 
broker’s compliance with these requirements.

14146.13. (a) Notwithstanding any other law, only interpreters 
certified pursuant to Article 1 (commencing with Section 3599.50) 
of Chapter 13 of Division 4 of Title 1 of the Government Code 
may participate in CommuniCal.
(b) CCMIs shall be responsible for all of the following:
   (1) Performing interpreter services independent of other policies, 
rules, or procedures of conduct, except as provided by this article 
or by applicable law.
(2) Performing interpreter services independent of direction, except as otherwise provided by this article and applicable law.
(3) Preparing and submitting documentation to the broker in support of time worked or other services rendered.
(4) Directing and controlling the manner and means of interpretation services, except as otherwise provided in this article.
(c) Unless otherwise prohibited by this article or applicable law, CCMIs may do any of the following:
  (1) Advertise, promote, or otherwise communicate availability for services to clients and the general public.
  (2) Provide office space, equipment, support services, forms, supplies, and business cards, except as otherwise provided in this article.
(d) (1) For purposes of the CommuniCal program, CCMIs are not state employees. CCMIs shall be independent contractors of the state.
(2) For purposes of the CommuniCal program, CCMIs are not employees of the broker, health care providers, or consumers.
(3) The state action antitrust exemption to the application of federal and state antitrust laws is applicable to the activities of CCMIs and their exclusive representatives authorized under this article or other applicable law.
14146.135. (a) The base reimbursement rate for CCMIs shall be no less than sixty dollars ($60) per hour.
  (b) Reimbursement may be adjusted for factors such as geography, language spoken, availability of interpreters, level of certification, and travel time.
14146.14. The department shall issue guidance on the administration of the CommuniCal program to ensure compliance with this article and all applicable state and federal laws by all contractors and subcontractors of the program.
14146.15. (a) The CommuniCal Program Fund is hereby created in the State Treasury. Notwithstanding Section 16305.7 of the Government Code, any interest and dividends earned on deposits in the fund shall be retained in the fund for purposes specified in subdivision (c).
  (b) Moneys in the fund shall consist of any funds dedicated to the CommuniCal program.
(c) Moneys in the fund shall, upon appropriation by the Legislature to the department, be used solely to fund the CommuniCal program.