

AMENDED IN SENATE AUGUST 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 635**

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**Introduced by Assembly Member Atkins**

February 24, 2015

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An act to add *and repeal* Article 4.6 (commencing with Section 14146) ~~to~~ of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 635, as amended, Atkins. Medical interpretation services.

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 ~~seek federal funding to establish a program to provide and reimburse for certified medical interpretation services, except sign language interpretation services, to work with stakeholders to conduct a study to identify current requirements for medical interpretation services as well as education, training, and licensure requirements, analyze other state Medicaid programs, make recommendations on strategies that may be employed regarding the provision of medical interpretation services for Medi-Cal beneficiaries who are limited English proficient. The program would offer medical interpreter services to Medi-Cal providers serving~~

~~beneficiaries on either a fee-for-service or managed care basis. This bill would specify the requirements for medical interpreter services contracts between the state and health care providers or entities. It would require the department to pursue all available sources of federal funding and federal approvals necessary to implement the bill. The bill also would require the department to create a community advisory committee to advise on the bill's implementation. proficient, and establish a pilot project in up to 4 separate sites to evaluate a mechanism to provide and improve medical interpretation services for those individuals. The bill would authorize the department to expend specified funds for the support of activities relating to medical interpreters for a pilot project, study, or both. The bill also would require the department to seek any available federal funding for the purposes of the bill and would make expenditure of all of the described funds contingent on approval by the Department of Finance, as specified. The bill would require the department, commencing in 2017, to provide an annual update to the budget committees of the Legislature on the implementation of the bill, as specified. The provisions of the bill would become inoperative on July 1, 2020.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature ~~to do all of the~~
- 2 ~~following:~~ *support activities related to a medical interpretation*
- 3 *pilot project, study, or both, to be administered by the State*
- 4 *Department of Health Care Services, in order to assess the process*
- 5 *for delivering language interpretation services for limited English*
- 6 *proficient (LEP) Medi-Cal beneficiaries and make*
- 7 *recommendations regarding existing medical interpretation*
- 8 *services and possible mechanisms to improve those services.*
- 9 ~~(a) Create a program to provide reliable access to language~~
- 10 ~~interpretation for Medi-Cal beneficiaries who are limited English~~
- 11 ~~proficient.~~
- 12 ~~(b) Establish a mechanism for accessing federal Medicaid~~
- 13 ~~matching funds to provide a majority of the funding for the~~
- 14 ~~program.~~

1 ~~(e) Enable trained interpreters to meet the demand for language~~  
2 ~~services for a significant portion of Medi-Cal beneficiaries with~~  
3 ~~limited English proficiency.~~

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

10 SEC. 2. Article 4.6 (commencing with Section 14146) is added  
11 to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions  
12 Code, to read:

13  
14 Article 4.6. Medi-Cal Medical Interpretation Services

15  
16 14146. (a) ~~The department shall seek federal funding to~~  
17 ~~establish a program to provide and reimburse for certified medical~~  
18 ~~interpretation services to work with identified stakeholders to~~  
19 ~~conduct a study to identify current requirements for medical~~  
20 ~~interpretation services as well as education, training, and licensure~~  
21 ~~requirements, analyze other state Medicaid programs, and make~~  
22 ~~recommendations on strategies that may be employed regarding~~  
23 ~~the provision of medical interpretation services for Medi-Cal~~  
24 ~~beneficiaries who are limited English-proficient. proficient (LEP),~~  
25 ~~in compliance with applicable state and federal requirements.~~

26 ~~(b) The program shall offer medical interpreter services to~~  
27 ~~Medi-Cal providers serving beneficiaries on either a fee-for-service~~  
28 ~~or managed care basis, pursuant to this chapter.~~

29 ~~(c) A health care provider or entity entering into a Medi-Cal~~  
30 ~~provider agreement or Medi-Cal managed care contract with the~~  
31 ~~state, including Medi-Cal managed care organizations (MMCOs)~~  
32 ~~and their subcontracting plans, and fee-for-service providers, may~~  
33 ~~utilize the program to provide medical interpreter services to~~  
34 ~~Medi-Cal beneficiaries.~~

35 ~~(d) All contracts between MMCOs and their subcontractors,~~  
36 ~~including health providers and other health plans, shall include~~  
37 ~~provisions describing access to medical interpreter services under~~  
38 ~~the program.~~

1 ~~(e) The department shall pursue all available sources of federal~~  
2 ~~funding to establish and administer the program and shall seek~~  
3 ~~federal approvals necessary to implement this article.~~

4 ~~(f) The department shall create a community advisory~~  
5 ~~committee, consisting of stakeholders and health care providers,~~  
6 ~~to advise on the implementation of this article.~~

7 ~~(g) This article shall not apply to sign language interpretation~~  
8 ~~services.~~

9 *(b) The study also shall assess and make recommendations on*  
10 *pilot projects that would further the objectives of this article,*  
11 *including funding for those activities and the allowable use of*  
12 *federal funding.*

13 *(c) Based on the recommendations of the study related to pilot*  
14 *projects established under subdivision (b), and available funding*  
15 *pursuant to subdivision (f), the department shall work with*  
16 *identified stakeholders to establish a pilot project in up to four*  
17 *separate sites to evaluate a mechanism to provide and improve*  
18 *medical interpretation services for LEP Medi-Cal beneficiaries.*  
19 *In identifying sites, the department shall take into account both*  
20 *the need for those services and the recommendations from the*  
21 *study.*

22 *(d) The department may use or contract with an external vendor,*  
23 *vendors, or other contracted subject matter experts to implement*  
24 *the activities described in this section. The department shall consult*  
25 *with identified stakeholders regarding the draft initial scope of*  
26 *work that shall be used to seek and evaluate proposals pursuant*  
27 *to this section.*

28 *(e) (1) Each year, commencing in 2017, during the annual state*  
29 *budget process, the department shall provide an update to the*  
30 *budget committees of the Legislature on the implementation of this*  
31 *article.*

32 *(2) Any report submitted under this subdivision shall be*  
33 *submitted in compliance with Section 9795 of the Government*  
34 *Code.*

35 *(f) (1) For activities under this section, the department may*  
36 *expend up to three million dollars (\$3,000,000) under Provision*  
37 *14 of Item 4260-101-0001 of Section 2.00 of the Budget Act of*  
38 *2016 (Chapter 23 of the Statutes of 2016) for the support of*  
39 *activities related to a medical interpreters pilot project, study, or*  
40 *both.*

1     (2) *The department may seek any available federal funding for*  
2 *support of activities relating to medical interpretation services as*  
3 *provided under this section.*

4     (3) *Expenditure or encumbrance of the funds described in this*  
5 *subdivision is contingent upon approval by the Department of*  
6 *Finance.*

7     14146.5. *This article shall become inoperative on July 1, 2020,*  
8 *and, as of January 1, 2021, is repealed, unless a later enacted*  
9 *statute, that becomes operative on or before January 1, 2021,*  
10 *deletes or extends the dates on which it becomes inoperative and*  
11 *is repealed.*