

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation**

**NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS
Second 15-Day Revision**

**Subject Matter of Regulations: Workers' Compensation –
Interpreter Services**

**CALIFORNIA CODE OF REGULATIONS,
TITLE 8, ARTICLE 5.7**

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation (hereinafter "Acting Administrative Director") pursuant to the authority vested in her by Labor Code Sections 133, 5307.3, 5710 and 5811 proposes to adopt or modify the text of the following proposed regulations:

Amend section 9795.1	Definitions
Adopt section 9795.1.5	Interpreters for hearings, depositions or arbitrations
Adopt section 9795.1.6	Interpreters for medical treatment appointments or medical legal exams
Amend section 9795.3	Fees for Interpreter Services
Adopt section 9795.5	Interpreter Directories

PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94612

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on **June 14, 2013**. Written comments may be submitted via facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent

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electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 A.M. and 4:30 P.M., Monday through Friday.

The specific modifications proposed include changes to the text of the following regulations and forms:

Adopt section 9795.1.6 Interpreters for medical treatment appointments or medical legal exams
Adopt section 9795.5 Interpreter Directories

DOCUMENTS SUPPORTING THE RULEMAKING FILE

- Printouts of emails and written comments from various interested parties concerning the Division's proposed changes have been added to the rulemaking file.
- Certification Commission for Healthcare Interpreters (CCHI), Candidate's Examination Handbook, updated October 2011
- CCHI "Maintaining CCHI Credentials and Certification," dated 5/29/2013
- The National Board of Certification for Medical Interpreters (National Board), "Prerequisites," dated 5/29/13
- National Board, "Candidate Test Preparation Document for the Oral Exam," downloaded from webpage 5/29/13
- National Board "Certified Medical Interpreter – Candidate Handbook 2011-2012"
- National Board, "Recertify," dated 5/29/13

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for Emergency Regulations:

The proposed text was indicated by Times New Roman font, underlining, thus: added language. Deletions were indicated by Times New Roman font, strikeout, thus: ~~deleted~~

language.

Proposed Text Noticed for 45-Day Comment Period:

The proposed text was indicated by Times New Roman font, double underlining, thus: added language. Deletions were indicated by Times New Roman font, double strikeout, thus: ~~deleted language~~.

Proposed Text Noticed for 15-Day Comment Period on Modified Text:

The proposed text was indicated by Times New Roman font, double wavy underline and bold italic font, thus: *added language*. Deletions are indicated by Times New Roman font bold italic double strikeout, thus: ~~*deleted language*~~.

Proposed Text Noticed for 2nd 15-Day Comment Period on Modified Text:

The proposed text is indicated by Ariel font, double wavy underline and bold italic, thus: *added language*. Deletions are indicated by Ariel font, bold italic double strikeout, thus: ~~*deleted language*~~.

SUMMARY OF PROPOSED CHANGES

1. Section 9795.1.6 Interpreters for medical treatment appointments or medical legal exams

Subdivision (a) is revised for syntax to state: To qualify to be paid for interpreter services at a medical treatment appointment or medical legal exam, the interpreter shall be certified, certified for medical treatment appointments or medical legal exams, or provisionally certified.

Subdivision (a)(1) is revised by capitalizing “Certified” and deleting “which.”
Subdivision (a)(2) is revised by capitalizing “Certified” and adding “either.”
Subdivision (a)(1)(A) is revised by adding the word “certification” and requiring certification to include recertification as follows: “The CCHI certification/credentials are valid for four years from the date when CCHI granted/issued the credential. Individuals who are granted a CCHI certification or credential must comply with the CCHI requirements to be recertified within this four year period to maintain their certification/credential.”

Subdivision (a)(1)(B) is added to also allow certification by passing the National Board of Certification for Medical Interpreters (National Board) exam as follows: “passing the National Board of Certification for Medical Interpreters (National Board) exam evidenced by a National Board credential indicating that the interpreter passed the exam and specifying the language. The certification procedure is set forth on the

National Board webpage at <http://www.certifiedmedicalinterpreters.org/>. The National Board certification is valid for five years from the date when National Board granted/issued the certification. Individuals who are granted a National Board certification must comply with the National Board requirements to be recertified within this five year period to maintain their certification. Questions about an application may be sent by email to info@certifiedmedicalinterpreters.org or to National Board, P.O. Box 300, Stow, MA 01775 (1-765-633-2378); or”

Subdivision (a)(3) is revised by capitalizing “Provisionally.”

5. Section 9795.5 Interpreter Directories

Subdivision (b) is revised to state: “Certified interpreters for the purposes of medical treatment appointments and medical legal exams who meet the qualifications of section 9795.1.6 (a)(2) are listed in the registry for Certification Commission for Healthcare Interpreters (CCHI) or National Board of Certification for Medical Interpreters (National Board) at the following websites:

<https://cchi.learningbuilder.com/Account/Login?ReturnUrl=%2f> or
<http://www.certifiedmedicalinterpreters.org/registry>.

Subdivision (c) is added to state: “Proof of certification may be requested by the claims administrator and shall be provided by the certified interpreter for the purposes of medical treatment appointments and medical legal exams if the interpreter is not listed on the CCHI or National Board website directory.”