

2009 -- H 5357

LC00858

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HUMAN SERVICES - INTERPRETER SERVICES

Introduced By: Representatives Dennigan, Ferri, and Ajello

Date Introduced: February 10, 2009

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 9.2

4 INTERPRETER SERVICES

5 **40-9.2-1. Definitions.** -- As used in this chapter:

6 (1) "Applicant" means a person applying for, or receiving, benefit services.

7 (2) "Appropriate language" means any language other than English, Spanish or
8 Portuguese, which more than one hundred (100) persons in Rhode Island receiving benefit
9 services from the department are determined to be using as their primary language.

10 (3) "Benefit services" means any financial or health support program offered by or
11 through the department pursuant to this title.

12 (4) "Department" means the department of human services.

13 (5) "Limited English proficiency person" means any person who can not readily speak or
14 understand the English language and whose native language is Spanish, Portuguese, or other
15 appropriate language.

16 **40-9.2-2. Interpreter services.** -- The department shall:

17 (1) Conspicuously and continuously display in all department offices providing benefit
18 services, a poster or posters, clearly stating, in English, Spanish, Portuguese and any other
19 appropriate languages the following information:

1 (i) If the applicant is applying for or receiving benefits and is not fluent in English, he or
2 she does not have to bring his or her own interpreter to a department office;

3 (ii) The department will schedule interpreters or bilingual staff in a timely manner when
4 necessary to communicate with the applicant, unless, after being informed of a right to interpreter
5 services, the applicant expresses a clear preference to bring his or her own interpreter;

6 (iii) The department will schedule an interpreter or bilingual staff member in a timely
7 manner to help the applicant read English language notices, letters or other written information
8 from the department; and

9 (iv) If the applicant has problems obtaining or using interpreter or bilingual staff services
10 at a department office, he or she may contact the department coordinator of interpreter services
11 for assistance, and contact information for such coordinator is included.

12 (2) Disseminate written notice or a brochure in English, Spanish, Portuguese and other
13 appropriate languages to individual applicants with limited English proficiencies such notice or
14 brochure shall contain the information set forth in subdivision (1).

15 (3) Attach a statement in English, Spanish, Portuguese or other appropriate language to
16 all English language notices and letters sent by the department to limited English proficiency
17 persons that a person who needs help translating the notice or letter may contact his/her local
18 department office for assistance.

19 (4) Annually redetermine the appropriate languages to appear on the poster, notice and
20 statement specified in subsections (a), (b) and (c).

21 (5) Provide that department staff may obtain interpreter services from outside sources as
22 necessary for communication with applicants in a timely and effective manner when department
23 interpreters and bilingual staff are not available.

24 (6) Adopt uniform procedures permitting timely and effective telephone communication
25 between applicants and DHS staff, including instructions for English speaking employees to
26 obtain assistance from interpreters or bilingual staff when receiving calls from, and originating
27 calls to, limited English proficiency persons.

28 (7) Designate a statewide coordinator of interpreter services to act as liaison between
29 department district offices and limited English proficiency persons, community groups and their
30 representatives. The statewide coordinator shall evaluate the effectiveness of department policies
31 and procedures for communicating with limited English proficiency persons, and shall resolve
32 questions and complaints about the adequacy and availability of bilingual staff or interpreter
33 services at department offices.

34 (8) Train, on an on-going basis, department managers and staff on the provisions of this

1 chapter.

2 (9) Review at least annually, in consultation with district offices and staff, limited
3 English proficiency persons, community groups and their representatives, the current
4 communication needs of such persons at each office and whether existing interpreter and
5 bilingual staffing, outside interpreter services, and translated materials are meeting such needs or
6 should be modified, and prepare a public report summarizing the review. Such review shall be
7 conducted in consultation with district offices and staff, limited English proficiency persons and
8 community groups and their representatives.

9 (10) Adopt and implement all policies necessary to comply with subdivisions (2) through
10 (9) and the department's obligations pertaining to the poster required by subdivisions (1).

11 **40-9.2-3. Remedies for violations. -- In any civil action alleging a violation of this**
12 **chapter, the court may award to a prevailing plaintiff a minimum of five hundred dollars (\$500)**
13 **in damages for each violation in addition to any compensatory damages, reasonable attorneys'**
14 **fees and costs, and appropriate injunctive and equitable relief.**

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES - INTERPRETER SERVICES

1 This act would set forth various standards for the department of human services to
2 properly ensure that persons who are not proficient in English are informed by receiving
3 appropriate interpreter services in various languages.

4 This act would take effect upon passage.

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