



# Helping Ourselves While Helping Others: Civic Engagement Toolbox for Healthcare Interpreters

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**Guest Presenter:**

**Bill Rivers, PhD,**  
Joint National Committee for  
Languages—National Council for  
Languages and International  
Studies (JNCL—NCLIS)



**Guest Presenter:**

**Don Schinske, MA,**  
Cal Capitol Group and CHIA

**Moderator:**

**Margarita S. Bekker, CCHI Chair**

# Getting engaged with legislature at the local level:



Moderator:

**Margarita Bekker,**  
CCHI Chair, Redwood City (CA)

# “All Politics Is Local”

I had a very local problem.



# Maze

1. I did not know who to contact at first and I was lost in the maze of local governments and agencies.
2. I should have researched first before I started sending emails.



# With A Little Help

1. Local stakeholders pointed me in the right direction
2. Plan of Action
3. In person presentation
4. Compromise



# Results

1. My time investment paid off.
2. Increase in safety for me and other bicyclists.
3. The work is never done!

What we have now:



Future:



# Getting engaged with legislature at the state level: California case study



Guest Presenter:

**Don Schinske, MA,**  
**Cal Capitol Group and CHIA**



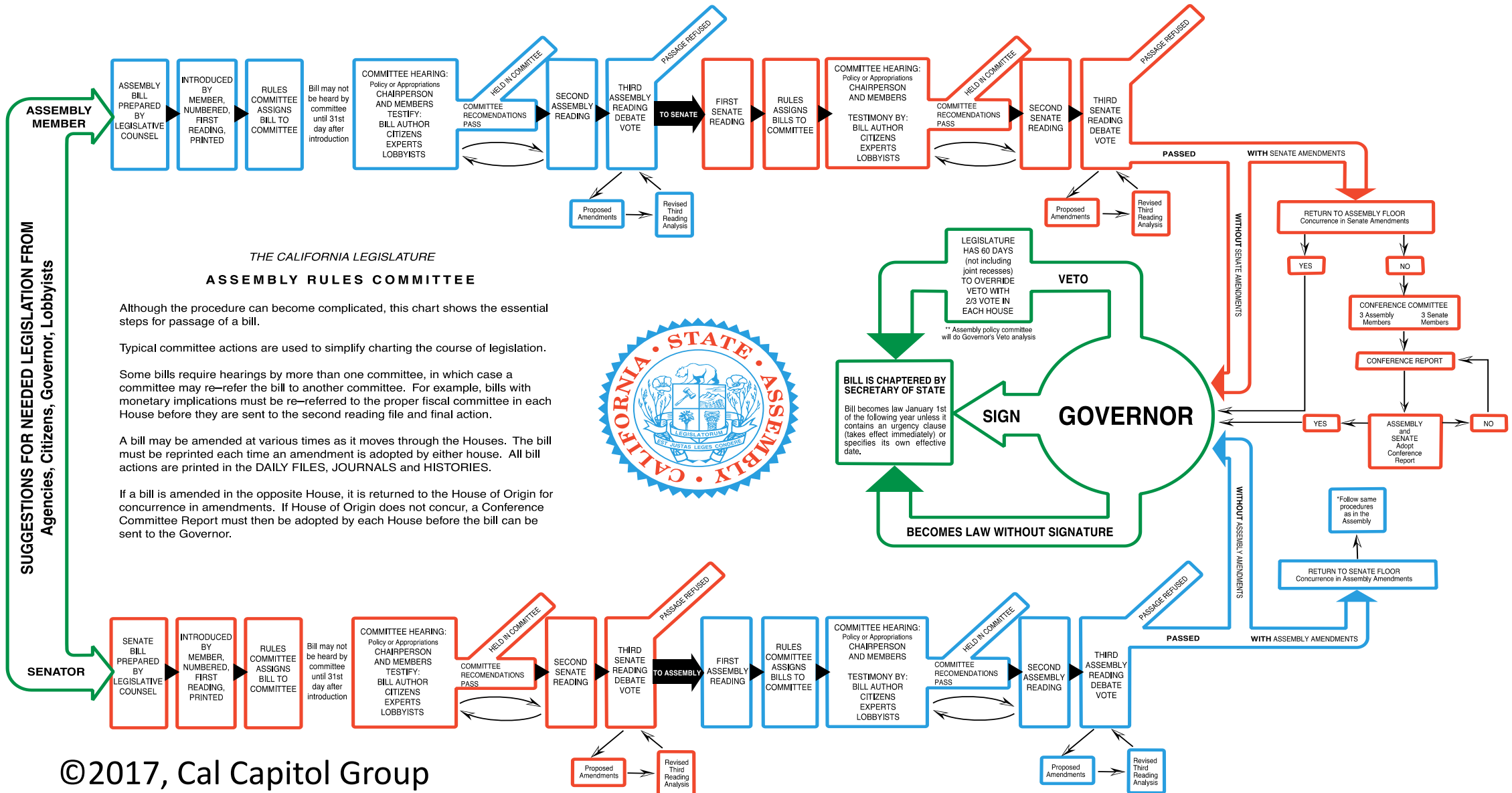
## *Where can I find out what existing state policy is?*

It's not easy. Typically, state policy is an accumulation of policies passed at different times, and it lives in different places.

- AB 635 (Atkins, 2016), Medi-Cal payment mechanism pilot program. Division 9, Chapter 7, Part 3, of Welfare and Institutions Code
- SB 863 (De Leon, 2012), Certification and payment for interpreter services in Workers' Compensation, Labor Code Section 4600, 5811 and others.
- SB 853 (Escutia, 2003), Requires commercial health plans and insurers to provide interpreter services on par with Medi-Cal requirements, Section 1367 of the Health & Safety Code, Section 10133.9 of the Insurance Code

# THE LIFE CYCLE OF LEGISLATION

## From Idea into Law

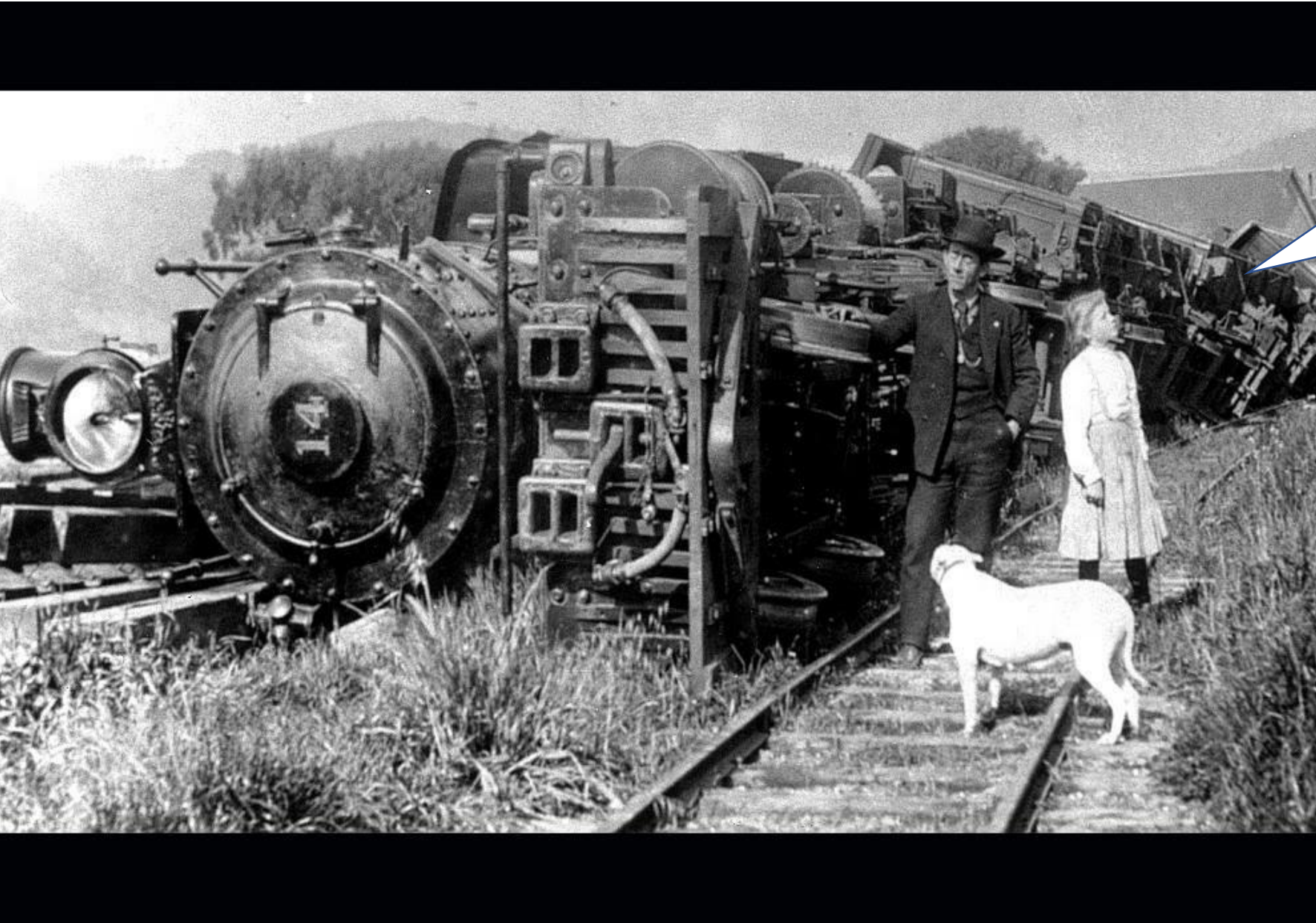


*Bills often require that regulations be developed by the bureaucracy (aka “rulemaking”)*

Department of Health Care Services  
Department of Managed Health Care  
Department of Insurance  
Department of Industrial Relations  
State Personnel Board  
Department of Consumer Affairs

## *Why bother, when...*

- \$680 million was spent on state campaigns in California for 2016
- \$309 million spent on lobbying last year
- CA has 1,800 registered lobbyists
- 120 legislators, with 40 State Senators each representing 1 million people
- 5,000+ bills in 2015-2016 Legislative session
- The process is complicated, probably fixed, and certainly stacked



*Is it all  
hopeless..?*

## *Why bother?*

- It's fun
- It's an opportunity to lead
- It's important – to you, your colleagues, and millions of patients
- And it works. Enough of the time. Just barely. If you squint right...

## *Getting started: How do I learn what's going on?*

- Traditional media
- Social media
- Chatter among peers
- Providers and patients
- Employers/Other Organizations
- ALWAYS research

# *The Legislative process, wherever you are. Except Nebraska.*

Bill introduction

Policy Committee hearings(s)

Fiscal Committee hearings(s)

Floor Vote

Repeat in second chamber

Governor's action

Rulemaking

Bills can be amended at each step in the Legislature

Bills can be lobbied at each step, including the Governor's office

CA Legislative info: <http://leginfo.legislature.ca.gov>

The Daily File: <http://leginfo.legislature.ca.gov/faces/dailyFileTemplate.xhtml>



## *What do I do?*

- Research
  - Contact organizations with related agendas
  - Enlist your own organization(s)
  - Enlist like-minded peers
  - Call or write legislators
- [http://www.legislature.ca.gov/legislators\\_and\\_districts/legislators/your\\_legislator.html](http://www.legislature.ca.gov/legislators_and_districts/legislators/your_legislator.html)
- Set appointment to meet with *your* legislator *at the appropriate time*

## *At the Capitol*

- Meet with advocacy organizations
- Set appointments to meet with your legislators
- Visit legislative offices
- Meet with Committee or Caucus staff
- Testify in Committee

## *Legislative Meetings*

- Be prepared for brevity
- Be prepared to meet with the 22-year-old intern
- Be prepared to be stood-up or rain-checked
- It's okay to show up unannounced; it may work or it may not
- Stay on topic. Don't root around for shared acquaintances or restaurant preferences (but if you know her brother-in-law, say so)
- Keep your eyes and hands where they can see them
- Don't talk or joke about money or any sort of *quid pro quo*
- Prepare leave-behind materials, including your contact info
- Establish a follow-up item
- Watch their body language

# *Testifying in Committee*

- Send letter in advance, typically addressed to the chair and cc'ed to all members and the committee consultant
- Prepare for different lengths of testimony, from 3 minutes down to a "me too"
- At the microphone:
  - Thank the chair and committee members
  - Identify yourself
  - Give your position and explain it
  - Don't read
  - Don't expect to be engaged in a conversation
  - Keep your eyes and hands where they can see them
  - As in your own household, engage in histrionics only when you know exactly why you are doing it and the expected range of outcomes

## *The Regulatory Process*

- The task of drafting the operating instructions for legislation is assigned to the agencies, departments, divisions and bureaus
- Rulemaking is a public process – get on mailing lists!  
<http://www.dhcs.ca.gov/Pages/DHCSListServ.aspx>
- Informal work groups
- Formal rulemaking
- They will find you...

## *SB 853 Regulations re. Interpreter Qualifications*

STATE OF CALIFORNIA

DEPARTMENT OF MANAGED HEALTH CARE

TITLE 28, CALIFORNIA CODE OF REGULATIONS

DIVISION 1. THE DEPARTMENT OF MANAGED HEALTH CARE

CHAPTER 2. HEALTH CARE SERVICE PLANS

ARTICLE 7. STANDARDS

...A plan may develop and apply appropriate criteria for ensuring the proficiency of translation and interpretation services or may adopt certification by an association acceptable to the Department at the time of certification. A plan's language assistance proficiency standards shall require:

- (i) A documented and demonstrated proficiency in both English and the other language;
- (ii) A fundamental knowledge in both languages of health care terminology and concepts relevant to health care delivery systems; and
- (iii) Education and training in interpreting ethics, conduct and confidentiality. The Department will accept plan standards for interpreter ethics, conduct, and confidentiality that adopt and apply, in full, the standards promulgated by the California Healthcare Interpreters Association or the National Council on Interpreting in Healthcare.

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Play to win. But take the long view...



Che and Fidel  
Villareal Golf Club, Havana  
March, 1961

## *Remember...*

- The process only seems linear
- There is NEVER any money
- It's hard to pass bills
- You will deal with all of these people again
- You may or may change your view about government. But you will likely improve your opinion about the people who work in it
- You will come to be regarded as a spokesperson and a leader.
- You will succeed if you are persistent, trustworthy, friendly, and willing to learn. Oh, and persistent.



# Getting engaged with legislature at the federal level: Language Advocacy case study



Guest Presenter:

**Bill Rivers, PhD,**  
Joint National Committee for  
Languages—National Council  
for Languages and  
International Studies (JNCL—  
NCLIS)



# Advocacy for Interpreters at the Federal Level

Dr. Bill Rivers

Executive Director, Joint National Committee for Languages

May 31, 2017

# Overview

- Key issues at the Federal level
  - Language Access: Foundations
  - Language Access: Directions in the Current Climate
- Health Care Interpreting in the larger context
  - *America's Languages*, report of the *Commission on Language Learning*
  - Whither the ACA (Affordable Care Act)?
- What you can do
  - How to stay informed
  - How to engage
- Q & A



# An introduction first...

- JNCL-NCLIS (Joint National Committee for Languages—National Council for Languages and International Studies)
  - Founded 1974 by ACTFL, AATF, AATG, AATI, AATSEEL, AATSP, ATJ, MLA, NCLG, NMFLTA, TESOL (see <https://languagepolicy.org/membership/member-organizations/>)
  - Works to develop policy recommendations (JNCL) and advocate for them to the US Government and business community (NCLIS)
  - 140 member organizations
    - Associations, companies, research institutes
- Yrs trly.



# Language Access: Foundations

- Executive Order 13166
  - August 24, 2000, President Bill Clinton
  - Interprets the national origin clause of Title VI of the Civil Rights act as extending to Limited English Proficiency
  - Driven by case law (Alabama DMV case)
  - Overseen at the Federal level by US DoJ, Office of Federal Compliance ([www.lep.gov](http://www.lep.gov))
- Affordable Care Act § 1557
  - Requires US DHHS to promulgate regulations on non-discrimination
  - Final rule: 45 CFR § 92.201 defines requirements for provision of language access (<http://bit.ly/2qktgrm>)
  - Applies to all healthcare providers receiving Federal funding

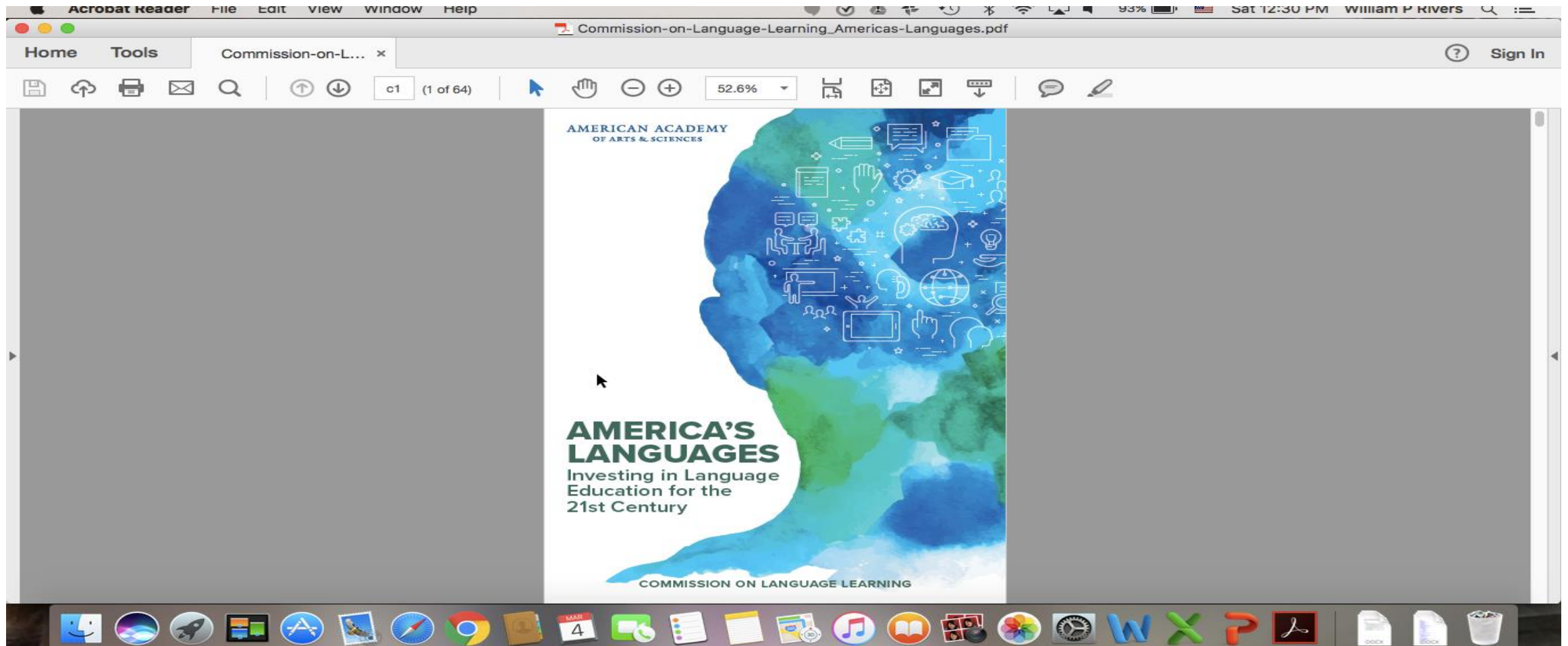


# Language Access: Directions

- EO 13166?
  - Multiple attempts in the House of Representatives to repeal
  - Most recently in 2011
  - Never more than 51 sponsors
  - Founded in Title VI
  - Which in turn rests on the US Constitution: Article 1 Section 8 (interstate commerce clause) and the 14<sup>th</sup> & 15<sup>th</sup> Amendments
  - Probably not going anywhere
- Affordable Care Act § 1557
  - ACA “repeal and replace” is stalled in the Senate
  - Unlikely that § 1557 would be eliminated even if ACA is replaced



# The Commission on Language Learning



# *Commission on Language Learning*

- Report: *America's Languages*
- Data Report: *The State of Languages in the US*
- Briefing Papers:
  - America's Languages: Challenges and Promise:
  - The Contribution of Language to the Economic Interests of the US
  - Foreign Language, Cultural Diplomacy, and Global Security
  - Language and Productivity for All Americans: Penn State University, Center for Language Science
  - Language Preservation and Language Access
- All available at <https://www.amacad.org/content/Research/researchproject.aspx?i=218>  
[96](#)





## Briefing Paper: *Language and the Fulfillment of the Potential of all Americans*

- 65 million Americans speak a language other than English at home
- We don't have enough programs for heritage language speakers to maintain their home languages
- English Language Learner programs, required by Federal law as a matter of civil rights, are also insufficient for the demand
  - Dual Language has emerged in the past ten years as the most effective ELL program
  - But teacher shortages and funding shortages limit the capacity
- Civil Rights regulations ensure access to social services for those who can't speak English
  - Capacity has not grown as fast as the demand, especially in languages of lesser diffusion
  - Discrimination persists, especially in the workplace



# What You Need to do

- Do your job well!
  - The best advocacy for languages is the reputation for excellence and passion in what we do
  - Continuing education!
- Get involved
  - NCIHC, ATA, NAJIT, State Associations, IMIA, local chapters
  - Get others involved! Most of our membership organizations reach 15% of potential members
- Stay informed:
  - JNCL-NCLIS mailing list, newsbrief, action alerts: sign up at [www.languagepolicy.org](http://www.languagepolicy.org)
- Respond to action alerts
  - Most will focus on funding
  - Congressional offices see language issues as a coherent whole, so your response to educational programs as well as language access **matters**



# Q & A

Contact:

[writers@languagepolicy.org](mailto:writers@languagepolicy.org)



# Webinar Follow-up

## Recording will be available free of charge:

- [www.cchicertification.org](http://www.cchicertification.org) Webinars page:  
<http://www.cchicertification.org/61-stay-informed/cchi-webinars/93-cchi-webinars>
- and as an online self-paced CE module (with certificate) – CE007-ENG at <http://cchiinterpreters.org>

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The screenshot shows the CCHI website homepage. At the top left is the CCHI logo. To its right are navigation links: CONTACT US, a search bar, and DONATE NOW. Below these are menu items: CCHI Community, Certification, Supporters and Donors, About Us, and Stay Informed. The main banner features a photo of a doctor and a patient, with the text "Setting the Standard for Quality in Healthcare Interpreting". To the right of the banner are four vertical portraits of professionals, each with a label: HEALTHCARE INTERPRETERS, HOSPITALS & HEALTHCARE PROVIDERS, LANGUAGE SERVICE PROVIDERS, and TRAINING PROVIDERS. The footer contains five columns of links: Our CCHI Community, Certification, Supporters & Donors, About Us, and Stay Informed. A "Find Us On:" section highlights LinkedIn, Facebook, and Twitter icons. A "Resources for Patients" button is also visible. The footer text reads: © 2014 CCHI | 1725 I Street NW, Suite 300, Washington, DC 20006 | 866-969-6665 | Privacy Policy

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Certification Commission for Healthcare Interpreters