



National Association of Judiciary Interpreters & Translators  
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Dear colleagues:

Lorena Ortiz Schneider, from the California Workers' Compensation Interpreters Association, brought to our attention that a draft of a new fee schedule for workers compensation interpreters in California has been released and is open for public comment. She pointed out several problems with the proposal, including that medical providers and hearing officers get to decide who is qualified to interpret, watered down requirements to secure certified interpreters could increase the number of jobs going to "provisional interpreters" who will be disincentivized to become certified, and insurance companies will only have to try 3 times to hire a certified interpreter before sending a provisional. In addition, minimum assignment times and fees would be reduced.

Unfortunately, the deadline for public comments is today at 5:00 pm PDT. We would encourage any of you with an interest in submitting comments to do so. The specific proposal can be found at this link: <http://www.dir.ca.gov/dwc/ForumDocs/Interpreter/Text-of-Regulations.doc>. Along with Lorena and the California Workers Compensation Interpreters Association, NAJIT will continue to monitor this situation and advocate for quality interpreting services in this important setting.

*On behalf of NAJIT, Board Chair Gladys Matthews submitted the following comments:*

*We are in receipt of the proposed interpreter fee schedule from the California Division of Workers' Compensation which was released for public comment on April 4. On behalf of the National Association of Judiciary Interpreters and Translators (NAJIT), which I serve as Chair of the Board of Directors, I am pleased to submit these comments.*

*As a national association, we are concerned whenever we see proposals with the potential to lower the quality of services provided by language professionals. Of course, our focus is on the populations that rely on quality language services for equitable access to the justice and healthcare systems. We have a number of concerns about the proposal which mirror those of the California Workers' Compensation Interpreters Association (CWCIA). We are in full support of their recommendations for changes and urge you to consider all of them carefully.*



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*We are particularly concerned that state and federal certification processes that assure that language professionals meet high standards for services to the public be supported and strengthened. California has an excellent certification process in place, but the proposal would undermine it in important ways.*

*There are two specific recommendations we would like to emphasize:*

- 1. §9934. Requirements to Perform Interpreter Services at Medical Treatment Appointments and Medical-Legal Evaluations: (c) The medical provider shall determine if a proposed provisionally certified interpreter has sufficient skill to be provisionally certified to interpret in the required language. Even a cursory examination of this proposal shows how it undermines the principle of quality assurance through certification. The point of quality assurance is that clients (in this case medical providers) cannot, for a range of reasons, determine the level of skills held by language service providers. This is the very reason certification was created.*
- 2. §9931 Selection and Arrangement for Presence of Interpreter. The proposals in this section are problematic because they would make it far too easy for both clients and language service providers to bypass the quality assurance process. In a nutshell, provisional certification should be reserved only for those cases where certified interpreters are not available or there is no avenue for certification. The proposed rules would make it possible to use non-certified interpreters only when it is inconvenient to use a certified one, and that is too low a standard. It is very important to note that one of our concerns is that this proposal would incentivize interpreters to not seek certification. Given the financial incentive to use non-certified interpreters, we are concerned that more assignments would go to interpreters who do not make the considerable effort required to gain certification.*

*I do not wish my focus on these provisions related to quality assurance to detract from the concerns expressed by CWCIA regarding working conditions and fair compensation for interpreters. We are fully supportive of their position on these issues.*

*Thank you very much for allowing us the opportunity to comment on the proposal. Please let us know if there is any way we can be of help during the next stages of the review process.*