



Washington State Department of  
Labor & Industries

# **Interpreter Scheduling System**

*2020 Annual Report to the Legislature*

**December 2020**

# Table of Contents

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- Acknowledgements..... 1**
- Executive Summary.....2**
- Interpreter Scheduling System.....4**
  - L&I’s current process for procuring spoken language interpreters..... 4
  - Implementation status of required changes..... 5
  - Barriers to implementation.....6
  - Impacts of the changes to the bargaining units for interpreters..... 8
  - Recommendations to improve procurement and accessibility of interpreters..... 8
- Conclusion.....9**

# Acknowledgements

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Special thanks to everyone who contributed to this report including:

Marissa Gillio from interpretingWorks

## **L&I Staff**

Karen Ahrens

Marc Hobbs

Sean Holloman

Megan Lemon

Mary Kaempfe

Ryan Schmautz

# Executive Summary

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In accordance with RCW 39.26.300, passed during the 2018 legislative session, the Department of Labor & Industries (L&I) purchases interpreter services that enable medical and vocational providers to provide services to injured workers or crime victims with limited English proficiency. The law directs L&I to purchase in-person spoken language services directly through language access providers, through limited contracts with scheduling and coordinating delivery organizations, or both.

To comply with this requirement, L&I is working with a vendor to establish an interpreter scheduling system through which medical and vocational providers will schedule appointments with interpreters for all planned, non-emergent care. This report provides an update to the legislature on L&I's progress in establishing the interpreter scheduling system.

This report is required by HB 2691, passed during the 2020 legislative session, which requires the department to:

- Report on the department's current process for procuring spoken language interpreters and whether changes from the 2018 legislation have been implemented;
- If the 2018 changes have not been fully implemented, identify the barriers and make recommendations for removing;
- Identify impacts of the changes to bargaining units for language access providers; and
- Make recommendations about how to improve the procurement and accessibility of language access providers.

## Interpreter scheduling system status

Implementation of the interpreter scheduling system was originally planned for September 2020. L&I encountered significant barriers and delays to implementation. These included the need to resolve protests concerning the award to the successful bidder during the procurement process, resource diversions related to the COVID-19 pandemic, and multiple staffing changes within the L&I project team. L&I delayed implementation to re-evaluate the implementation timeline, ensure the scheduling system meets customer's needs, finalize a change management and communication plan, assess progress and outstanding deliverables, and orient the newest project manager and contract manager. The agency is currently reviewing options for a revised implementation plan and is planning to go live in the Spring of 2021.

Despite the delay, L&I has made significant progress in meeting the legislative requirement to purchase in-person spoken language services directly through language access providers and/or through limited contracts with scheduling and coordinating delivery organizations.

- Prior to developing the Request for Proposals (RFP) to change the method for procuring interpretive services, L&I met with stakeholders including interpreters, providers, and injured workers with limited English proficiency to understand their concerns and needs.
- L&I selected a vendor, interpretingWorks, who has created the interpreter scheduling system.
- Enrollment of medical providers, vocational providers, and interpreters began in September 2020. Data from interpretingWorks shows 40 percent of individual interpreters who billed L&I for services in 2019 are enrolled in the scheduling system as of November 22, 2020.
- Usability testing was conducted on the system, and adjustments are being made in response to testing outcomes.
- A payment policy has been developed.
- L&I and the vendor have developed education materials and conducted training for providers and interpreters on enrolling in and using the scheduling system.

Because of the delayed timeline, L&I is unable to make recommendations at this time about how the process of procuring interpreter services may be improved until after the implementation of the scheduling system. After the scheduling system has been fully implemented, L&I and interpretingWorks will conduct an analysis of the new process to assess what changes, if any, are needed to maximize access.

As an interpreter bargaining unit has not yet been certified, no impacts to bargaining units have been identified at this time.

# Interpreter Scheduling System

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RCW 39.26.300 directs the Department of Labor & Industries (L&I) to purchase in-person spoken language services directly through language access providers, through limited contracts with scheduling and coordinating delivery organizations, or both. To meet this requirement, L&I is working with a vendor (interpretingWorks) to establish an interpreter scheduling system for medical and vocational providers to use when procuring interpreter services for injured workers and crime victims with limited English proficiency. This report provides an update on the progress L&I has made to address the scheduling system criteria in RCW 41.56.510(12). Specifically, it addresses requirements to report on:

- The agency's current process for procuring spoken language interpreters, and whether the changes in chapter 253, Laws of 2018 have been implemented;
- If the 2018 changes have not been fully implemented, the barriers to implementation the agency has encountered and recommendations for removing them;
- Impacts of the changes to bargaining units for language access providers; and
- Recommendations about how to improve the procurement and accessibility of language access providers.

## L&I'S CURRENT PROCESS FOR PROCURING SPOKEN LANGUAGE INTERPRETERS

Under L&I's current process, medical and vocational providers are responsible for arranging for an interpreter when they identify that a linguistic barrier to care or consent, or a lack of understanding of either, is present. Currently, providers may have interpreters on staff or they may have relationships with interpreters/agencies in their community. Despite the requirement that medical or vocational providers arrange for an interpreter, some interpreters work directly with injured workers and crime victims and attend all of that individual's appointments without invitation from the provider. In some cases, interpreters have taken on advocacy and claim navigation roles for the worker. This relationship is inconsistent with the code of ethics for interpreters found in WAC 388.03.050. Some injured workers and crime victims also have family members interpret for them, especially when they speak languages that are less common.

Spoken language interpretation is delivered either face-to-face or telephonically. Face-to-face interpretation is more commonly used than telephonic interpretation. Face-to-face interpreters provide services directly or by working through an interpreter agency. Both individual interpreters and interpreter agencies receive L&I provider numbers to bill for their services. When an interpreter agency is involved, the agency bills and receives payment from the injured worker's insurer – including Labor & Industries' workers' comp program, then pays the interpreter. Individual interpreters submit bills to and are paid by the insurer. Telephonic

interpretation is procured through two Department of Enterprise Services master contracts with the interpreter services agencies LanguageLink and Lionbridge.

## IMPLEMENTATION STATUS OF REQUIRED CHANGES

Passage of SB 6245 in 2018 kicked off a significant change to the way in which the department would procure interpreter services. The bill required the department to purchase in-person spoken language services directly through language access providers, through limited contracts with scheduling and coordinating delivery organizations, or both. Some of the changes that are underway include:

### **Request for Proposals**

L&I issued a Request For Proposals (RFP) to procure interpreter scheduling services on July 23, 2019, with a due date for proposals of September 9, 2019. After a thorough review, the department identified interpretingWorks as the successful bidder. Two protests to the selection of interpretingWorks were filed regarding contracting procedures. The protests were resolved by L&I's Contracts and Purchasing Office on June 11, 2020, and the contract for development of the interpreter scheduling system was awarded to interpretingWorks.

### **Scheduling system development**

With passage of the bill, the department began work on an interpreter scheduling system through which medical and vocational providers will schedule their appointments with interpreters for all planned, non-emergent care. Implementation of this scheduling system will eliminate the previous option for agencies to coordinate and receive payment for interpretation for non-urgent appointments. Urgent and emergency care appointments for workers who require an interpreter may still use on-demand interpretation through individual interpreters.

The vendor began enrolling medical providers, vocational providers, and interpreters into the scheduling system in September 2020.

### **Usability testing**

L&I hired a usability testing company, Anthrotech, to perform usability testing to identify gaps or potential issues with the scheduling system's user interface. L&I arranged for six interpreters and six medical appointment schedulers from providers' offices to work with Anthrotech to test the registration and appointment scheduling processes. Testing was completed at the end of August 2020, and adjustments are being made to the system to improve usability.

## Payment policy

L&I created and published a payment policy for the interpreter scheduling system on September 1, 2020. The payment policy specifies that providers must use the scheduling system for all appointments, with the exception of emergency appointments. Providers may request a specific interpreter in the following instances when it supports continuity of care:

- The worker is receiving treatment for an accepted mental health condition,
- The worker is participating in a brain injury rehabilitation program or a pain management program,  
*or*
- When case familiarity is needed to treat a crime victim.

## Education and training

A “[Frequently Asked Questions](#)” page is available on L&I’s website to assist interpreters, medical providers, and vocational providers. In addition, L&I and the vendor presented a series of introductory webinars in September 2020 to teach providers and interpreters how to enroll in and use the scheduling system:

- Three instructive webinars were held for interpreters.
- Three instructive webinars were held for medical and vocational providers.
- One webinar was held for all providers to address outstanding questions or concerns.

A total of about 725 providers and interpreters attended these sessions. The vendor also created a YouTube video to walk providers and interpreters through the registration process in case they couldn’t attend the demonstration webinars.

## Enrollment and implementation

Data from interpretingWorks shows 40 percent of individual interpreters who billed L&I for services in 2019 are enrolled in the scheduling system as of November 22, 2020. The vendor estimates that at least 25 percent of medical providers or their organizations are enrolled in the scheduling system to date.

Implementation of the interpreter scheduling system was originally planned for September 2020. L&I encountered significant barriers and delays to implementation, which are discussed in the section below. The agency is currently reassessing and revising the implementation plan and timeline, with a current target for deployment in Spring 2021. Stakeholders will be notified through the interpreter GovDelivery electronic communication system at least one month before the effective date of any changes.

## BARRIERS TO IMPLEMENTATION

As referenced above, L&I encountered numerous barriers to implementing the scheduling system, including:

- The COVID-19 pandemic required significant resource demands for immediate policy-making, which redirected subject matter experts' time away from the project. This work included the creation of an emergency temporary policy to allow interpreters to provide interpretation via two-way, audio-visual connections to help limit potential COVID-19 exposure for interpreters, providers, and injured workers or crime victims during the pandemic.
- Two protests lodged during the RFP process took more than eight weeks to resolve.
- L&I received feedback from stakeholders about the trainings that improvements were needed to the webinars that were held in September 2020. The communication plan, including trainings, is being re-evaluated to better support providers and interpreters as they enroll in the scheduling system and begin to use it.
- L&I also received questions from medical and vocational providers about how to communicate with workers and crime victims outside of their scheduled appointments. Some providers use face-to-face interpreters to schedule future appointments. We are reviewing this issue as part of our updated implementation plan.
- Staff turnover, including retirements and promotions within the project team. There have been four different project managers between August and November 2020.
- Turnover of contract managers
  - There have been three different L&I contract managers between August and October 2020.
  - The vendor changed contract managers in November 2020.
  - A new memorandum of understanding was signed November 4, 2020 to formally establish the current L&I contract manager and the vendor's contract manager.
- L&I will need to communicate with workers, interpreters, and providers where workers can access information and resources for understanding the claims process, rather than relying on interpreters to orient workers to the system.

Implementation of the scheduling system is further delayed while the new project manager and contract manager are introduced to the existing materials and progress to date. They are assessing what deliverables are currently outstanding, and developing a new implementation plan, implementation timeline, change management plan, and communication and outreach plan. The vendor is implementing scheduling system changes to enhance usability and developing a quality assurance plan for L&I's review and approval.

## **Recommendations for removing the barriers to implementation**

L&I has not identified barriers to implementation needing legislative intervention at this time.

The newest project manager and contract manager are steadily orienting themselves to the project and identifying internal barriers to implementation that require mitigation. An enhanced communication strategy and change management plan to keep stakeholders informed of the new implementation timeline is under development.

### **IMPACTS OF CHANGES TO BARGAINING UNITS FOR INTERPRETERS**

RCW 41.56.510 designates language access providers as public employees for the purpose of collective bargaining with the governor as the employer. It goes on to define the conditions under which bargaining may occur and be approved. Section 12 requires L&I and other listed agencies to create this report. As agencies make changes, they must specify any impacts to interpreter bargaining units, and suggest recommendations to improve the process for procuring interpreters.

No impacts to the interpreters' bargaining units have been identified at this time. L&I is aware of at least two organizations that have submitted petitions to the Public Employment Relations Commission to represent interpreters delivering services to injured workers and crime victims. As of the date of this report, there are no bargaining units certified to bargain.

### **RECOMMENDATIONS TO IMPROVE PROCUREMENT AND ACCESSIBILITY OF INTERPRETERS**

L&I will defer making recommendations about potential improvements until after the new scheduling system has been implemented. After implementation, L&I staff will continue to consider stakeholder input, review the implementation process, and analyze the system's effectiveness in order to identify enhancements or changes needed to maximize access to interpreters for injured workers and crime victims with limited English proficiency.

# Conclusion

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Although implementation of the interpreter scheduling system originally planned for September 2020 has been delayed, L&I has completed a significant amount of work in meeting the legislative requirement to purchase in-person spoken language services directly through language access providers, through limited contracts with scheduling and coordinating delivery organizations, or both.

- L&I selected a vendor, interpretingWorks, who has created the interpreter scheduling system. They began enrolling medical providers, vocational providers, and interpreters in September 2020.
- Enrollment of medical providers, vocational providers, and interpreters began in September 2020. Data from interpretingWorks shows 40 percent of individual interpreters who billed L&I for services in 2019 are enrolled in the scheduling system as of November 22, 2020.
- Usability testing has been conducted on the system, and adjustments are being made in response to testing outcomes.
- A payment system has been developed.
- L&I and the vendor have developed education materials and conducted training for providers and interpreters on enrolling in and using the scheduling system.

## Next steps

Providers and interpreters have said more orientation and demonstrations are needed to help enroll in, and use, the scheduling system before rollout. L&I is committed to keeping stakeholders informed.

The agency is currently reassessing and revising the implementation plan and timeline, with a current target for deployment in spring 2021.