

SENATE BILL 265

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2002 Regular Session
(21r1790)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Commerce and Government Matters --

Introduced by **Senator Sfikas**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 141

1 AN ACT concerning

2 **State Government - Equal Access to ~~State Agencies~~ Public Services -**
3 **Persons Individuals with Limited English Proficiency**

4 FOR the purpose of stating the intent of the General Assembly that State
5 departments, agencies, and programs shall provide equal access to public
6 services for services to persons individuals with limited English proficiency;
7 requiring certain State departments, agencies, and programs to provide certain
8 oral language services under certain circumstances; requiring certain documents
9 distributed to the public by State agencies to be translated by certain State
10 departments, agencies, and programs into any language spoken by a certain
11 percentage of any limited English proficient population within the a certain
12 geographic service area of a local office of a State agency, and that such
13 documents be available as needed for distribution on a statewide basis under
14 certain circumstances; requiring State agencies to promulgate certain
15 regulations by a certain date establishing a certain schedule for the
16 implementation of the certain requirements of this Act by certain State
17 departments, agencies, and programs; requiring certain State departments,

1 agencies, and programs to monitor their operations to make a certain
 2 determination under certain circumstances; requiring the Department of Human
 3 Resources to provide certain assistance to State departments, agencies, and
 4 programs under certain circumstances; providing for the construction of this Act;
 5 requiring the Secretary of Health and Mental Hygiene and the Secretary of Labor,
 6 Licensing, and Regulation to provide a certain report to the General Assembly;
 7 defining certain terms; and generally relating to equal access to ~~State agencies~~
 8 ~~by public services for persons~~ individuals with limited English proficiency.

9 BY adding to

10 Article - State Government
 11 Section 10-1101 through ~~10-1103~~ 10-1105, inclusive, to be under the new
 12 subtitle "Subtitle 11. ~~Language Access~~ Equal Access to Public Services for
 13 Individuals with Limited English Proficiency"
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2001 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - State Government**

19 SUBTITLE 11. ~~LANGUAGE ACCESS~~ EQUAL ACCESS TO PUBLIC SERVICES FOR
 20 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

21 10-1101.

22 THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK, UNDERSTAND,
 23 OR READ THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO
 24 PUBLIC SERVICES PROVIDED BY STATE DEPARTMENTS, AGENCIES, AND PROGRAMS,
 25 AND THAT THE PUBLIC SERVICES AVAILABLE THROUGH THESE ENTITIES ARE
 26 ESSENTIAL TO THE WELFARE OF MARYLAND RESIDENTS. IT IS THE POLICY OF THE
 27 STATE THAT STATE DEPARTMENTS, AGENCIES, AND PROGRAMS SHALL PROVIDE
 28 EQUAL ACCESS TO PUBLIC SERVICES ~~TO PERSONS~~ FOR INDIVIDUALS WITH LIMITED
 29 ENGLISH PROFICIENCY.

30 10-1102.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 32 INDICATED.

33 (B) "EQUAL ACCESS" MEANS TO BE INFORMED OF, PARTICIPATE IN, AND
 34 BENEFIT FROM PUBLIC SERVICES OFFERED BY A STATE DEPARTMENT, AGENCY, OR
 35 PROGRAM, AT A LEVEL EQUAL TO ENGLISH PROFICIENT ~~PERSONS~~ INDIVIDUALS.

36 ~~(C) "FORMS AND DOCUMENTS" MEANS ALL APPLICATIONS, OR~~
 37 ~~INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE~~
 38 ~~DEPARTMENTS, AGENCIES, AND PROGRAMS.~~

1 ~~(D)~~ (C) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO
 2 ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN
 3 ENGLISH LANGUAGE.

4 (D) "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE
 5 VERBAL INFORMATION AND INTERPRETATION SUCH AS STAFF INTERPRETERS,
 6 BILINGUAL STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE
 7 INTERPRETER PROGRAMS.

8 (E) "PROGRAM" MEANS ALL OF THE OPERATIONS OF A STATE DEPARTMENT,
 9 STATE AGENCY, OR ANY OTHER INSTRUMENTALITY OF THE STATE.

10 (F) (1) "VITAL DOCUMENTS" MEANS ALL APPLICATIONS, OR
 11 INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE
 12 DEPARTMENTS, AGENCIES, AND PROGRAMS.

13 (2) "VITAL DOCUMENTS" DOES NOT INCLUDE APPLICATIONS AND
 14 EXAMINATIONS RELATED TO THE LICENSURE, CERTIFICATION, OR REGISTRATION
 15 UNDER THE HEALTH OCCUPATIONS ARTICLE, FINANCIAL INSTITUTIONS ARTICLE,
 16 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, AND BUSINESS REGULATION
 17 ARTICLE WITHIN THE JURISDICTION OF THE DEPARTMENT OF HEALTH AND
 18 MENTAL HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

19 10-1103.

20 (A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR
 21 IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION SHALL TAKE REASONABLE
 22 STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES ~~TO~~ FOR INDIVIDUALS WITH
 23 LIMITED ENGLISH PROFICIENCY.

24 (B) REASONABLE STEPS TO PROVIDE EQUAL ACCESS SHALL BE ACHIEVED BY
 25 TO PUBLIC SERVICES INCLUDE:

26 (1) THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT
 27 ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH ORAL
 28 LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY:

29 ~~(H)~~ WHICH MUST BE THROUGH FACE-TO-FACE, IN-HOUSE ORAL
 30 LANGUAGE SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH
 31 LIMITED ENGLISH PROFICIENCY IS ON A WEEKLY OR MORE FREQUENT BASIS; OR

32 ~~(H)~~ THROUGH TELEPHONE AND PRIVATE ORAL LANGUAGE
 33 SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED
 34 ENGLISH PROFICIENCY IS ON A LESS FREQUENT THAN MONTHLY BASIS;

35 (2) (1) THE TRANSLATION OF FORMS AND VITAL DOCUMENTS
 36 ORDINARILY PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY
 37 LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES 3% OF THE
 38 OVERALL POPULATION WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE

1 OF A STATE DEPARTMENT, AGENCY, OR PROGRAM AS MEASURED BY THE UNITED
 2 STATES CENSUS; AND

3 (II) ~~PROVIDING THE~~ THE PROVISION OF FORMS AND VITAL
 4 DOCUMENTS IN TRANSLATED UNDER ITEM (I) OF THIS PARAGRAPH ON A STATEWIDE
 5 BASIS TO ANY LOCAL OFFICE AS NECESSARY; AND

6 (3) ANY ADDITIONAL METHODS OR MEANS NECESSARY TO ACHIEVE
 7 EQUAL ACCESS TO ~~THE STATE PROGRAM~~ PUBLIC SERVICES.

8 ~~(C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT~~
 9 ~~REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,~~
 10 ~~2003.~~

11 ~~(C) (1) THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH~~
 12 ~~THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION~~
 13 ~~AND TECHNICAL ASSISTANCE TO PROGRAMS TO AID COMPLIANCE WITH THIS~~
 14 ~~SUBTITLE.;~~

15 ~~(2)~~ (C) THE PROVISIONS OF THIS SUBTITLE SHALL BE FULLY
 16 IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:

17 (I) ON OR BEFORE JULY 1, 2003, FULL IMPLEMENTATION BY:

- 18 1. THE DEPARTMENT OF HUMAN RESOURCES;
- 19 2. THE DEPARTMENT OF LABOR, LICENSING, AND
 20 REGULATION;
- 21 3. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
- 22 4. THE DEPARTMENT OF JUVENILE JUSTICE; AND
- 23 5. THE WORKERS' COMPENSATION COMMISSION;

24 (II) ON OR BEFORE JULY 1, 2004, FULL IMPLEMENTATION BY:

- 25 1. THE DEPARTMENT OF AGING;
- 26 2. THE DEPARTMENT OF PUBLIC SAFETY AND
 27 CORRECTIONAL SERVICES;
- 28 3. THE DEPARTMENT OF TRANSPORTATION, NOT INCLUDING
 29 THE MARYLAND TRANSIT ADMINISTRATION;
- 30 4. THE MARYLAND HUMAN RELATIONS COMMISSION;
- 31 5. THE DEPARTMENT OF STATE POLICE; AND
- 32 6. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 33 COMMISSIONS, TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF

1 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY

2 GENERAL;

3 (III) ON OR BEFORE JULY 1, 2005, FULL IMPLEMENTATION BY:

4 1. THE COMPTROLLER OF MARYLAND;

5 2. THE DEPARTMENT OF HOUSING AND COMMUNITY

6 DEVELOPMENT;

7 3. THE MARYLAND TRANSIT ADMINISTRATION;

8 4. THE DEPARTMENT OF NATURAL RESOURCES;

9 5. THE MARYLAND STATE DEPARTMENT OF EDUCATION;

10 6. THE OFFICE OF THE ATTORNEY GENERAL; AND

11 7. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 12 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF

13 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY

14 GENERAL; AND

15 (IV) ON OR BEFORE JULY 1, 2006, FULL IMPLEMENTATION BY:

16 1. THE DEPARTMENT OF AGRICULTURE;

17 2. THE DEPARTMENT OF BUSINESS AND ECONOMIC

18 DEVELOPMENT;

19 3. THE DEPARTMENT OF VETERANS AFFAIRS; ~~AND~~

20 4. THE DEPARTMENT OF THE ENVIRONMENT; AND

21 ~~4.~~ 5. FIVE INDEPENDENT AGENCIES, BOARDS, OR

22 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF

23 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY

24 GENERAL.

25 10-1104.

26 EACH STATE DEPARTMENT, AGENCY, OR PROGRAM NOT LISTED OR IDENTIFIED

27 UNDER § 10-1103(C) OF THIS SUBTITLE SHALL MONITOR ITS OPERATIONS TO

28 DETERMINE IF THE STATE DEPARTMENT, AGENCY, OR PROGRAM SHOULD TAKE

29 REASONABLE STEPS TO ACHIEVE EQUAL ACCESS TO PUBLIC SERVICES FOR

30 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

31 10-1105.

32 THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE

33 OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION

1 AND TECHNICAL ASSISTANCE TO STATE DEPARTMENTS, AGENCIES AND PROGRAMS
2 TO AID COMPLIANCE WITH THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
4 construed to either recommend or require the creation of a State office to coordinate
5 language translation and technical support for this Act. Each agency, department, or
6 program required to implement the provisions of this Act shall do so without the
7 assistance of a statewide office created to coordinate these services.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Health
9 and Mental Hygiene and the Secretary of Labor, Licensing, and Regulation each shall:

10 (1) consider the impact on individuals with limited English proficiency and on
11 the operations of State government that would likely result from an alteration of the
12 definition of "vital documents" in § 10-1102 of the State Government Article, as
13 enacted by Section 1 of this Act, to include applications and examinations related to an
14 individual's licensure, certification, or registration by the Department of Health and
15 Mental Hygiene or the Department of Labor, Licensing, and Regulation; and

16 (2) on or before July 1, 2005, report to the General Assembly, in accordance
17 with § 2-1246 of the State Government Article, on the conclusions reached under item
18 (1) of this section.

19 SECTION 3-4. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect ~~October~~ July 1, 2002.