

**Chapter 4.5. Division of Workers' Compensation**  
**Subchapter 1. Administrative Director--Administrative Rules**

**ARTICLE 11**  
**Fees and Requirements for Interpreter Services**

**§9930. Definitions.**

(a) “Certified interpreter for hearings and depositions” means an individual who performs interpreter services at a hearing, as defined in section 9930(f), or a deposition, who is listed on the State Personnel Board webpage at <http://jobs.spb.ca.gov/Interpreterlisting> or the California Courts webpage at <http://courts.ca.gov/programs-interpreters.htm>.

(b) “Certified interpreter for medical treatment appointments and medical-legal exams”, means an individual who:

(1) Has a valid and current Certification Commission for Healthcare Interpreters (CCHI) certification/credential and which specifies the language of the exam, if certifications/credentials from CCHI so indicate.

(2) Has a valid and current National Board of Certification for Medical Interpreters (National Board) certification/credential and which specifies the language of the exam, if certifications/credentials from the National Board so indicate; or

(3) Is a certified interpreter for hearings and depositions.

(c) "Claims administrator" means the person or entity responsible for providing security for the payment of compensation for any of the following: a self-administered insurer providing security for the payment of compensation required by Divisions 4 and 4.5 of the Labor Code, a self-administered self-insured employer, the director of the Department of Industrial Relations as administrator for the Uninsured Employers Benefits Trust Fund (UEBTF) or for the Subsequent Injuries Benefits Trust Fund (SIBTF), or a third-party claims administrator for a self-insured employer, insurer, legally uninsured employer, joint powers authority-, the Self-Insurers' Security Fund, or the California Insurance Guarantee Association (CIGA).

(d) “Full-day” means services performed which exceed one-half day, up to 8 hours.

(e) “Half-day” means:

(1) All or any part of a morning or afternoon session, when appearing at any Workers' Compensation Appeals Board hearing, day-time arbitration, or

(2) When appearing at a deposition, all or any part of 3.5 hours, or

(3) When appearing at an evening arbitration, all or any part of 3 hours.

(f) “**Hearing**” includes a workers’ compensation appeals board hearing, arbitration, a settlement conference presided over by a hearing officer, an information and assistance officer conference, or other similar settings determined by the Administrative Director to be reasonably necessary to determine the validity and extent of injury to an employee, or issues related to entitlement to benefits.

(g) “**Hearing officer**” includes, but is not limited to, a workers’ compensation administrative law judge or arbitrator.

(h) “**Medical Treatment Appointment**” means an appointment with a physician, physician’s assistant, nurse practitioner, physical therapist, optometrist, psychologist, chiropractor, acupuncturist, mental health therapist, clinical social worker, marriage and family therapist, or any other medical practitioner licensed by California state law and providing treatment to reasonably cure or relieve the injured worker from the effects of their, injury within the scope of their practice as defined by law. Medical treatment appointment shall also include any other form of therapy, treatment, or healing practice agreed upon voluntarily in writing between the employee and the employer.

(i) “**Non-certified or non-provisionally certified interpreter for medical treatment appointments**” means an interpreter who provides services at a medical treatment appointment in a language other than Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, Vietnamese or other languages included in Government Code section 11435.40, who has not met the requirements of a qualified interpreter, but who has met all of the requirements set forth in section 9933.

(j) “**Provisionally certified interpreter for hearings and depositions**” means an individual who a hearing officer has determined is qualified to perform interpreter services at a hearing or deposition, who has met all the requirements set forth in section 9931.

(k) “**Provisionally certified interpreter for medical treatment appointments and medical-legal exams**” means an individual who a physician has determined is qualified to perform interpreter services at a medical treatment appointment or medical-legal exam, who has met all the requirements set forth in section 9932.

(l) “**Qualified interpreter**” means a language interpreter who provides interpreter services to an injured worker who does not proficiently speak or understand the English language and is one of the following: (i) a certified interpreter for hearings and depositions; or (ii) a provisionally certified interpreter for hearings and depositions; or (iii) a certified interpreter for medical treatment appointments and medical-legal exams, or (iv) a provisionally certified interpreter for medical treatment appointments and medical legal-exams.

Authority cited: Sections 133, 4600, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.15, 11435.20, 11435.30, 11435.35, 11435.40, 11435.55 and 68562, Government Code.

**§9931. Requirements to Perform Interpreter Services as a Provisionally Certified Interpreter for Hearings and Depositions.**

An individual must have met all of the following requirements to perform interpreter services as a provisionally certified interpreter for hearings and depositions:

(a) A certified interpreter for hearings and depositions cannot reasonably be present, as set forth in subsection (c); and

(b) The interpreter present is determined to be provisionally qualified to perform interpreter services at hearings and depositions by either:

(1) Agreement of the parties; or

(2) The hearing officer, if the hearing officer notes on the record of proceedings the following information:

(A) That a certified interpreter for hearings and depositions cannot be present, as set forth in subsection (c); and

(B) The parties' efforts to obtain a certified interpreter for hearings and depositions, and

(C) That the hearing officer finds the interpreter who is present has sufficient skill to be provisionally qualified in the required language; and

(D) The basis for that finding.

(c) "Cannot be present" as used in this section means that the party, claims administrator, or individual responsible for providing the interpreter service is unable to obtain the services of a certified interpreter for the particular event, after contacting at least three certified interpreters who are certified for the event in question, and in the language required.

Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 5710 and 5811, Labor Code; and Sections 11435.20, 11435.15, 11435.30, 11435.35, 11435.40, 11435.55, and 68562, Government Code.

**§9932. Requirements to Perform Interpreter Services as a Provisionally Certified Interpreter for Medical Treatment Appointments and Medical-Legal Exams.**

An individual must have met all of the following requirements to perform interpreter services as a provisionally certified interpreter for medical treatment appointments and medical-legal exams:

(a) For interpreters in one of the languages designated pursuant to Government Code section 11435.40, including, but not limited to, Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, or Vietnamese, all of the following conditions must be met:

(1) A certified interpreter for medical treatment appointments or medical-legal exams cannot be present, as set forth in subsection (c), to provide services in a language that has been designated pursuant to Government Code section 11435.40; and

(2) The physician determines the interpreter present has sufficient skill to be provisionally qualified to interpret in the required language and notes in the record of the medical evaluation or treatment that a provisionally qualified interpreter is being used; and

(3) The claims administrator has given prior consent to the interpreter who provides the services.

(b) For interpreters of languages other than one of those designated pursuant to section 11435.40 of the Government Code, all of the following conditions must be met:

(1) A certified interpreter for medical treatment appointments or medical-legal exams cannot be present, as set forth in subsection (c), to provide services in a language other than one of those designated pursuant to Government Code section 11435.40; and

(2) The physician determines the interpreter present has sufficient skill to be provisionally qualified to interpret in the required language and notes in the record of the medical evaluation or treatment that a provisionally qualified interpreter is being used.

(c) “Cannot be present” as used in this section means that the party, claims administrator, or individual responsible for providing the interpreter service is unable to obtain the services of a certified interpreter for the particular event, after contacting at least three certified interpreters who are certified for the event in question, and in the language required. Excluded from the requirements of this subsection is the situation of a first medical treatment appointment after injury where delay to obtain a certified interpreter might pose an imminent and serious threat to the injured worker’s health.

Authority cited: Sections 133, 4600, 4620, 5307.3, and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.35, 11435.40, and 11435.55, Government Code.

**§9933. Requirements and Restrictions On Performing Interpreter Services As a Non-certified or Non-Provisionally Certified Interpreter for Medical Treatment Appointments.**

(a) A non-certified or non-provisionally certified interpreter for medical treatment appointments shall only be used for medical treatment appointments in a language other than Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, Vietnamese or other languages included in Government Code section 11435.40.

(b) All of the following are required in order for an individual to perform services as a non-certified or non-provisionally certified interpreter for medical treatment appointments:

(1) The injured worker needs interpreter services in a language other than Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, Vietnamese or other languages included in Government Code section 11435.40; and

(2) The physician determines the interpreter present has sufficient skill to interpret in the required language, and notes in the record of the medical evaluation or treatment that a non-certified or non-provisionally certified interpreter for medical treatment appointments is being used.

Authority cited: Sections 133, 4600, 4620, 5307.3, and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.35, 11435.40, and 11435.55, Government Code.

#### **§ 9934. Events Qualifying for Interpreter Services.**

(a) Upon request of an injured worker who does not proficiently speak or understand the English language, and provided the interpreter satisfies the requirements set forth in this section, interpreter fees for services performed at the following events shall be paid by the claims administrator:

(1) An examination by a physician to which an injured worker submits at the request of the claims administrator, the administrative director, or the appeals board;

(2) A medical treatment appointment;

(3) A comprehensive medical-legal evaluation as defined in subdivision (c) of Section 9793, a follow-up medical-legal evaluation as defined in subdivision (g) of Section 9793, or a supplemental medical-legal evaluation as defined in subdivision (m) of Section 9793; provided, however, that payment for interpreter's fees by the claims administrator shall not be required under this paragraph unless the medical report to which the services apply is compensable in accordance with Article 5.6. Nothing in this paragraph, however, shall be construed to relieve the party who retains an interpreter from liability to pay the interpreter's fees in the event the claims administrator is not liable.

(4) A deposition of an injured worker or any person claiming benefits as a dependent of an injured worker, who does not proficiently speak or understand the English language, at the request of the claims administrator, including the following related events:

(A) Preparation of the deponent immediately prior to the deposition;

(B) Reading of a deposition transcript to the deponent prior to signing;

(C) Reading of prior volumes of a deposition transcript to the deponent in preparation for continuation of a deposition.

(5) A Workers' Compensation Appeals Board hearing or arbitration;

(6) A conference held by an information and assistance officer pursuant to Chapter 2.5 (commencing with Section 5450) of Part 4 of Division 4 of the Labor Code to assist in resolving a dispute between an injured worker and a claims administrator; and

(7) During those settings which the Administrative Director determines are reasonably necessary to ascertain the validity or extent of injury or issues related to entitlement to benefits.

Authority cited: Labor Code sections 133, 4600, 5307.3, 5710, 5811. Reference: Sections 4600, 4620, 4621, 5710, 5811; and Government Code sections 11435.25, 11435.30, 11435.35, and 68562.

**§9935. Selection of Interpreter; Duty to Notify of Selection; Duty to Assure Presence of Interpreter.**

(a) At hearings, depositions, and for preparation of the deponent immediately prior to their deposition, it is the responsibility of the party requesting the presence of the witness or deponent at the hearing or deposition to select and arrange for the presence of a qualified interpreter.

(b) At medical treatment appointments and medical-legal exams the claims administrator is responsible for arranging for the presence of the interpreter.

(c) At medical treatment appointments, the following rules shall apply:

(1) If interpreter services are ancillary services provided under the employer's Medical Provider Network, the injured worker may select either an interpreter services provider listed or if interpreters are individually listed, the interpreter to be used, and must notify the claims administrator in sufficient time to make arrangements to provide for the presence of the interpreter.

(2) If interpreter services are an ancillary service of the employer's Medical Provider Network but there are no interpreters that proficiently speak or understand the language spoken by the injured worker, the injured worker may select any interpreter who meets the qualifications of this section, and is responsible for notifying the claims administrator in sufficient time to make arrangements to provide for the presence of the interpreter.

(3) If interpreter services are not an ancillary service of the employer's Medical Provider Network, or if the treating physician is not within a Medical Provider Network, the injured worker may select any interpreter who meets the qualifications of this section, and is responsible for notifying the claims administrator in sufficient time to make arrangements to provide for the presence of the interpreter.

Authority cited: Labor Code sections 133, 4050, 4060, 4600, 4600.3, 4614, 4616, 4621, 5307.3, 5710, 5811. Reference: Sections 3209.3, 3209.5, 3700, 4600, 4616, 4616.3, 4620, 4621, 5401; and Government Code sections 11435.30, 11435.35, and 68562.

### **§9936. Notice of Right to Interpreter.**

(a) The notice of hearing, deposition, medical-legal exam, or other setting shall include a statement explaining the right to have a qualified interpreter present if the injured worker does not proficiently speak or understand the English language. Where a party is designated to serve a notice, it shall be the responsibility of that party to include this statement in the notice.

(b) It shall be the obligation of the party or individual needing interpreter services to communicate the need for an interpreter to the claims administrator as soon as the need becomes known.

Authority cited: Sections 133, 4600, 5307.3, 5710 and 5811, Labor Code; and Section 11435.60, Government Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.60, 11513 and 68562, Government Code.

### **§9937. Fee Schedule for Interpreters at Hearings and Depositions.**

(a) The reasonable maximum fees payable for interpreter services at administrative hearings and depositions, apart from any mutual agreement as set forth in subsection (e), are as follows:

(1) Certified interpreters for hearings and depositions, who meet the terms and conditions of that definition, as set forth in section 9930(a), shall be paid the complete half-day rate as set forth in this section, for any portion of a half-day of interpreter services, as defined in section 9930(e), and the complete full-day rate for any portion of a full-day of interpreter services, as defined in section 9930(d).

(A) For Spanish language certified interpreter for hearings and depositions: \$210 for each half-day of service and \$388 for each full-day of service.

(B) For a certified interpreter for hearings and depositions in all languages other than Spanish: \$240 for each half-day of service, and \$418 for each full-day of service.

(b) Provisionally certified interpreters for hearings and depositions, who meet the terms and conditions of that definition, as set forth in sections 9930(j) and 9931, shall be paid the complete half-day rate as set forth in this section, for any portion of a half-day of interpreter services, as defined in section 9930(e), and the complete full-day rate for any portion of a full-day of interpreter services, as defined in section 9930(d).

(1) For Spanish language provisionally certified interpreters for hearings and depositions: \$103 for each half-day of service and \$187 for each full-day of service.

(2) For provisionally certified interpreter for hearings and depositions in all languages other than Spanish: \$133 for each half-day of service and \$217 for each full-day of service.

(c) Interpreter services provided by interpreters described in this section, which exceed 8 hours during a full-day shall be paid the pro-rata hourly, full-day rate, calculated for the category of interpreter used, as set forth in subsections (a) and (b) of this section, for each hour, or portion thereof, of service over 8 hours. An interpreter shall not be paid more than one hour of pro-rata hourly, full-day rate, for each hour worked beyond 8 hours in a full-day.

(d) The fees set forth in this section shall be presumed reasonable for services provided by provisionally certified interpreters only if efforts to obtain a certified interpreter are documented and submitted to the claims administrator with the bill for services. Efforts to obtain a certified interpreter shall also be disclosed in any document based in whole or in part on information obtained through a provisionally certified interpreter.

(e) Nothing in this section precludes an agreement for payment of interpreter services, made between the interpreter or agency for interpreting services and the claims administrator, regardless of whether or not such payment is less than, or exceeds, the fees set forth in this section.

(f) Unless the person, party, or claims administrator responsible for providing for the interpreter notifies the interpreter of a cancellation at least 24 hours prior to the time the service is to be provided, the interpreter shall be paid no less than the interpreter's minimum one-half day fee as set forth in this section. It shall be the obligation of the injured worker to make every reasonable attempt to notify the claims administrator in sufficient time of any need to cancel the services of an interpreter.

Authority cited: Sections 133, 4600, 5307.3, 5710 and 5811, Labor Code; and Section 11435.60, Government Code. Reference: Sections 4600, 5710 and 5811, Labor Code; and Sections 11435.15, 11435.20, 11435.25, 11435.30, 11435.55, 11435.60, and 68562, Government Code.



**§9938. Fee Schedule for Interpreters at Medical Treatment Appointments and Medical-Legal Exams.**

(a) The reasonable maximum fees for interpreter services provided at medical treatment appointments and medical-legal exams, apart from any mutual agreement as set forth in subsection (c), are:

(1) For Spanish language certified interpreters for medical treatment appointments and medical-legal exams: \$52.50 per hour.

(2) For certified language interpreters for medical treatment appointments and medical-legal exams interpreters in all languages other than Spanish: \$82.50 per hour.

(3) For Spanish language provisionally certified interpreters for medical treatment appointments and medical-legal exams: \$25.75 per hour.

(4) For provisionally certified medical treatment appointments and medical-legal exams interpreters in all languages other than Spanish: \$33.25 per hour.

(b) The fees set forth in this section shall be presumed reasonable for services provided by provisionally certified interpreters only if efforts to obtain a certified interpreter have been documented and submitted to the claims administrator with the bill for services. Efforts to obtain a certified interpreter shall also be disclosed in any document based in whole or in part on information obtained through a provisionally certified interpreter.

(c) Nothing in this section precludes an agreement for payment of interpreter services, made between a qualified interpreter or agency for interpreting services and the claims administrator, regardless of whether or not such payment is less than, or exceeds, the fees set forth in this section.

(d) A non-certified or non-provisionally certified interpreter for medical treatment appointments, who meets all the terms and conditions set forth in sections 9930(i) and 9933, who provides interpreter services in a language other than Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, Vietnamese or other languages included in Government Code section 11435.40, shall be paid an hourly rate of \$33.25 per hour.

Authority cited: Sections 133, 4600, 5307.3, and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 4622, 5710 and 5811, Labor Code; and Sections 11435.20, 11435.25, 11435.30, 11435.35, 11435.40, 11435.55, 11435.60, and 68562, Government Code.

**§9939. Minimum Time Period Fees for Interpreters at Medical Treatment Appointments and Medical-Legal Exams.**

(a) A qualified interpreter at medical treatment appointments and medical-legal exams, who meets the billing requirements for payment of section 9941, shall be entitled to be paid for a minimum of two hours for each medical-legal exam conducted. For the same medical-legal exam exceeding two hours, the interpreter shall be paid an additional amount, pro rata, in fifteen (15) minute increments.

(b) A qualified interpreter at medical treatment appointments, who meets the billing requirements for payment of section 9941, shall be entitled to be paid a minimum of one hour for each medical treatment appointment conducted. For the same medical treatment appointment exceeding one hour, the interpreter shall be paid an additional amount, pro-rata, in fifteen (15) minute increments.

(c) Nothing in this section precludes an agreement for payment of interpreter services, made between a qualified interpreter or agency for interpreting services and the claims administrator, regardless of whether or not such payment is less than, or exceeds, the fees set forth in this section.

(d) A non-certified or non-provisionally certified interpreter for medical treatment appointments shall only be paid the hourly fee set forth in section 9938(d), and is not entitled to any minimum time period fee.

Authority cited: Sections 133, 4600, 5307.3, and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, and 5811, Labor Code; and Sections 11435.20, 11435.25, 11435.35 and 68562, Government Code.

**§9940. Cancellations and Cancellation Fees for Interpreters at Medical Treatment Appointments and Medical-Legal Exams.**

(a) For interpreters, other than non-certified or non-provisionally certified interpreters for medical treatment appointments, the following cancellation fees shall apply:

(1) Unless the person, party, or claims administrator responsible for providing for an interpreter at a medical-legal exam notifies the interpreter of a cancellation at least 24 hours prior to the time the service is to be provided, the interpreter shall be entitled to be paid no less the equivalent of two hours of compensation for each such exam cancelled.

(2) Unless the person, party, or claims administrator responsible for providing for an interpreter at a medical treatment exam notifies the interpreter of a cancellation at least 24 hours prior to the

time the service is to be provided, the interpreter shall be entitled to be paid no less the equivalent of one hour of compensation for each such exam cancelled.

(b) A non-certified or non-provisionally certified interpreter for medical treatment appointments is not entitled to any cancellation fee.

Authority cited: Sections 133, 4600, 5307.3, and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, and 5811, Labor Code; and Sections 11435.35 and 68562, Government Code.

#### **§9941. Interpreter Billing Requirements for Payment.**

(a) Every bill submitted to the claims administrator shall include an itemization of services provided and the charge for each service. The bill must contain all of the following information in order to qualify the interpreter for payment of interpreter services:

(1) The name of the interpreter.

(2) The name of the injured worker.

(3) The claim number.

(4) The date the interpreting service was rendered.

(5) The category of interpreter service provided:

(A) Certified interpreter for administrative hearings and depositions;

(B) Provisionally certified interpreter for administrative hearings and depositions;

(C) Certified interpreter for medical treatment appointments and medical-legal exams;

(D) Provisionally certified interpreter for medical treatment appointments and medical-legal exams;

(E) Non-certified or non-provisionally certified interpreter for medical treatment appointments.

(6) The interpreter's certification number, if any, and name of the organization that certified the interpreter.

(7) The language interpreted.

(8) Identifying the specific qualifying event being billed, that is, an administrative hearing, deposition, medical-legal exam, or medical treatment appointment.

(9) Time spent providing interpreting services at the qualifying event. For hearings and depositions this shall be indicated in one-half day or full-day increments as set forth in section 9937; for medical treatment appointments and medical-legal exams, in hours and minutes, beyond the minimum time to be billed as provided in section 9938.

(10) The correct billing code for the interpretation service as set forth in section 9942.

(b) All interpreters who provide interpreter services at medical-legal exams shall include with the bill, a signed statement from the examining physician verifying time spent providing interpreter services beyond two hours.

(c) All interpreters at medical treatment appointments shall include with the bill, a signed statement from the treating physician verifying time spent providing interpreter services beyond one hour.

(d) Proof of certification may be requested by the claims administrator and shall be provided by the certified interpreter for the purposes of hearings and depositions if the interpreter is not listed on the State Personnel Board webpage at <http://jobs.spb.ca.gov/Interpreterlisting> or the California Courts webpage at <http://courts.ca.gov/programs-interpreters.htm>.

(e) Proof of certification may be requested by the claims administrator and shall be provided by the certified interpreter for the purposes of medical treatment appointments and medical-legal exams if the interpreter is not listed in the CCHI or National Board website directory.

Authority cited: Sections 133, 4600, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4603.2(b)(1), 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.25, 11435.30, 11435.35, 11435.40, 11435.55, 11513 and 68562, Government Code.

#### **§9942. Billing Codes.**

The following chart sets forth the billing codes that shall be used to bill for interpreter services.

<b><u>Codes</u></b>	<b><u>Category of Event for Interpretation</u></b>	<b><u>Language</u></b>
	<b><u>HEARINGS AND DEPOSITIONS</u></b>	
<u>HDI - 1</u>	<u>Interpretation at a Workers' Compensation Appeals Board Hearing by a certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI - 2</u>	<u>Interpretation at a Workers' Compensation Appeals Board Hearing by a certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI - 3</u>	<u>Interpretation at a Workers' Compensation Appeals Board Hearing by a provisionally certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI - 4</u>	<u>Interpretation at a Workers' Compensation Appeals Board Hearing by a</u>	<u>Other than</u>

	<u>provisionally certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI - 5</u>	<u>Interpretation at a setting similar to a Workers' Compensation Appeals Board Hearing, as determined by the Administrative Director by a certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI - 6</u>	<u>Interpretation at a setting similar to a Workers' Compensation Appeals Board Hearing, as determined by the Administrative Director by a certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI - 7</u>	<u>Interpretation at a setting similar to a Workers' Compensation Appeals Board Hearing, as determined by the Administrative Director by a provisionally certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI - 8</u>	<u>Interpretation at a setting similar to a Workers' Compensation Appeals Board Hearing, as determined by the Administrative Director by a provisionally certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI - 9</u>	<u>Interpretation at an arbitration or I &amp; A conference by a certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI-10</u>	<u>Interpretation at an arbitration or I &amp; A conference by a certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI-11</u>	<u>Interpretation at an arbitration or I &amp; A conference by a provisionally certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI-12</u>	<u>Interpretation at an arbitration or I &amp; A conference by a provisionally certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI-13</u>	<u>Interpretation at a deposition of an injured worker or witness, other than a physician, by a certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI-14</u>	<u>Interpretation at a deposition of an injured worker or witness, other than a physician, by a certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI-15</u>	<u>Interpretation at a deposition of an injured worker or witness, other than a physician, by a provisionally certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI-16</u>	<u>Interpretation at a deposition of an injured worker or witness, other than a physician, by a provisionally certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI-17</u>	<u>Interpretation at a deposition of a physician, by a certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI-18</u>	<u>Interpretation at a deposition of a physician, by a certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
<u>HDI-19</u>	<u>Interpretation at a deposition of a physician, by a provisionally certified interpreter for hearings and depositions.</u>	<u>Spanish</u>
<u>HDI-20</u>	<u>Interpretation at a deposition of a physician, by a provisionally certified interpreter for hearings and depositions.</u>	<u>Other than Spanish</u>
	<b><u>MEDICAL TREATMENT APPOINTMENT</u></b>	
<u>MTI - 1</u>	<u>Interpretation at a medical treatment appointment by a certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Spanish</u>
<u>MTI - 2</u>	<u>Interpretation at a medical treatment appointment by a certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Other than Spanish</u>

<u>MTI - 3</u>	<u>Interpretation at a medical treatment appointment by a provisionally certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Spanish</u>
<u>MTI - 4</u>	<u>Interpretation at a medical treatment appointment by a provisionally certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Other than Spanish</u>
<u>MTI - 5</u>	<u>Interpretation at a medical treatment appointment by a non-certified, non-provisionally certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Languages other than those in Gov. Code section 11435.40</u>
<b><u>MEDICAL-LEGAL EXAM</u></b>		
<u>MLI - 1</u>	<u>Interpretation at a medical-legal exam, a comprehensive medical-legal evaluation, or supplemental medical-legal evaluation, or an examination by the physician to which an injured worker submits at the request of the claims administrator, the administrative director, or the appeals board, by a certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Spanish</u>
<u>MLI - 2</u>	<u>Interpretation at a medical-legal exam, a comprehensive medical-legal evaluation, or supplemental medical-legal evaluation, or an examination by the physician to which an injured worker submits at the request of the claims administrator, the administrative director, or the appeals board, by a certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Other than Spanish</u>
<u>MLI - 3</u>	<u>Interpretation at a medical-legal exam, a comprehensive medical-legal evaluation, or supplemental medical-legal evaluation, or an examination by the physician to which an injured worker submits at the request of the claims administrator, the administrative director, or the appeals board, by a provisionally certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Spanish</u>
<u>MLI - 4</u>	<u>Interpretation at a medical-legal exam, a comprehensive medical-legal evaluation, or supplemental medical-legal evaluation, or an examination by the physician to which an injured worker submits at the request of the claims administrator, the administrative director, or the appeals board, by a provisionally certified interpreter for medical treatment appointments and medical-legal exams.</u>	<u>Other than Spanish</u>

Authority cited: Sections 133, 4607.2(b), 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4603.2(b)(1), 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.25, 11435.30, 11435.35, 11435.40, 11435.55, 11513 and 68562, Government Code.

#### **§9943. Time for Payment; Effective Date.**

(a) Any bill for interpreter services which constitutes a medical treatment service under Labor Code section 4600 shall be paid or contested by the claims administrator under the timeframes and procedures set forth in Labor Code section 4603.2.

(b) Any bill for interpreter services which constitutes a medical-legal expense as defined in subdivision (g) of section 9793 shall be paid or contested by the claims administrator under the timeframes and procedures set forth in Labor Code section 4622 and section 9794 of these regulations.

(c) Any dispute over the amount paid on a bill for interpreter services under this Article shall be resolved through a second bill review and, if necessary, an independent bill review under the procedures set forth at sections 9792.5.4 through 9792.5.15.

Authority cited: Sections 133, 4600, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4603.2, 4603.6, 4620, 4621, 4622, 5710 and 5811, Labor Code; and Sections 68562 and 11513, Government Code.

#### **§9944. Interpreter Directories.**

(a) Interpreters certified for the purposes of hearings and depositions in accordance with sections 9930(a) are listed at the following websites: <http://jobs.spb.ca.gov/InterpreterListing/> and <http://www.courts.ca.gov/programs-interpreters.htm>.

(b) Certified interpreters for the purposes of medical treatment appointments and medical legal exams who meet the qualifications of section 9930(b) are listed in the registry for Certification Commission for Healthcare Interpreters (CCHI) or National Board of Certification for Medical Interpreters (National Board) at the following websites:  
<https://cchi.learningbuilder.com/Account/Login?ReturnUrl=%2f> or  
<http://www.certifiedmedicalinterpreters.org/registry>.

Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.30, 11435.35 and 68562, Government Code.

### **Article 5.7 Fees for Interpreter Services**

#### **§9795.1. Definitions.**

~~As used in this article:~~

~~(a) "Claims Administrator" means the person or entity responsible for the payment of compensation for any of the following: a self-administered insurer providing security for the payment of compensation required by Divisions 4 and 4.5 of the Labor Code, a self-administered self-insured employer, the director of the Department of Industrial Relations as administrator for the Uninsured Employers Benefits Trust Fund (UEBTF) or for the Subsequent Injuries Benefits~~

~~Trust Fund (SIBTF), a third-party claims administrator for a self-insured employer, insurer, legally uninsured employer, joint powers authority, the Self-Insurers' Security Fund, or the California Insurance Guarantee Association (CIGA).~~

~~(b) "Full day" means services performed which exceed one-half day, up to 8 hours.~~

~~(c) "One-half day" means:~~

~~(1) When appearing at any Workers' Compensation Appeals Board hearing or daytime arbitration, all or any part of a morning or afternoon session.~~

~~(2) When appearing at a deposition, all or any part of 3.5 hours.~~

~~(3) When appearing at an evening arbitration, all or any part of 3 hours.~~

~~(d) "Travel time" means the time an interpreter actually travels to and from the place where service is to be rendered and his or her place of business.~~

~~(e) "Market rate" means that amount an interpreter has actually been paid for recent interpreter services provided in connection with the preparation and resolution of an employee's claim.~~

~~Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.30, 11435.35 and 68562, Government Code.~~

#### **~~§ 9795.1.5 Interpreters for hearings, depositions or arbitrations~~**

~~(a) To qualify to be paid for interpreter services at a hearing, deposition or arbitration, the interpreter shall be~~

~~(1) certified, which means listed on the State Personnel Board webpage at <http://jobs.spb.ca.gov/InterpreterListing/> or the California Courts webpage at <http://courts.ca.gov/programs-interpreters.htm>; or~~

~~(2) provisionally certified, which means deemed qualified to perform interpreter services when a certified interpreter cannot be present, either:~~

~~(A) by agreement of the parties, or~~

~~(B) based on a finding by the workers' compensation administrative law judge conducting a hearing that the interpreter is qualified to interpret at the hearing, or by the arbitrator conducting the arbitration that the interpreter is qualified to interpret at the arbitration. The finding of the judge or arbitrator and the basis for the finding shall be set forth in the record of proceedings.~~



Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.30, 11435.35, 11435.55, 11513 and 68562, Government Code.

**§ 9795.1.6 Interpreters for medical treatment appointments or medical legal exams**

~~(a) To qualify to be paid for interpreter services at a medical treatment appointment or medical legal exam, the interpreter shall be certified, certified for medical treatment appointments or medical legal exams, or provisionally certified.~~

~~(1) Certified means listed on the State Personnel Board webpage at <http://jobs.spb.ca.gov/InterpreterListing/> or the California Courts webpage at <http://courts.ca.gov/programs-interpreters.htm>; or~~

~~(2) Certified for medical treatment appointments or medical legal exams, which means either~~

~~(A) passing the Certification Commission for Healthcare Interpreters (CCHI) exam evidenced by a CCHI certification/credential indicating that the interpreter passed the exam and specifying the language, if indicated. The certification procedure is set forth on the CCHI webpage at <http://www.healthcareinterpretercertification.org/>. The CCHI certification/credentials are valid for four years from the date when CCHI granted/issued the credential. Individuals who are granted a CCHI certification or credential must comply with the CCHI requirements to be recertified within this four year period to maintain their certification/credential. Questions about an application may be sent by email to [apply@healthcareinterpretercertification.org](mailto:apply@healthcareinterpretercertification.org) or to CCHI, 1725 I Street NW, Suite 300, Washington, DC, 20006 (866-969-6656); or~~

~~(B) passing the National Board of Certification for Medical Interpreters (National Board) exams evidenced by a National Board credential indicating that the interpreter passed the exams and specifying the language. The certification procedure is set forth on the National Board webpage at <http://www.certifiedmedicalinterpreters.org/>. The National Board certification is valid for five years from the date when National Board granted/issued the certification. Individuals who are granted a National Board certification must comply with the National Board requirements to be recertified within this five year period to maintain their certification. Questions about an application may be sent by email to [info@certifiedmedicalinterpreters.org](mailto:info@certifiedmedicalinterpreters.org) or to National Board, P.O. Box 300, Stow, MA 01775 (1-765-633-2378); or~~

~~(3) Provisionally certified as an interpreter for purposes of medical treatment appointments or medical legal exams (A) if the claims administrator has given prior written consent to the interpreter who provides the services, or (B) the injured worker requires interpreter services in a language other than Spanish, Tagalog, Arabic, Cantonese, Japanese, Korean, Portuguese, and Vietnamese, in which case the physician may use a provisionally certified interpreter if that fact is noted in the record of the medical evaluation.~~

Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.30, 11435.35, 11435.40, 11435.55, and 11513, Government Code.

### **9795.2 Notice of Right to Interpreter.**

~~The notice of hearing, deposition, or other setting shall include a statement explaining the right to have a qualified interpreter present if the injured worker does not proficiently speak or understand the English language. Where a party is designated to serve a notice, it shall be the responsibility of that party to include this statement in the notice.~~

NOTE: Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11513 and 68562, Government Code.

### **§ 9795.3. Fees for Interpreter Services**

~~(a) Fees for services performed by a certified or provisionally certified interpreter, upon request of an employee who does not proficiently speak or understand the English language, shall be paid by the claims administrator for any of the following events:~~

~~(1) An examination by a physician to which an injured employee submits at the requests of the claims administrator, the administrative director, or the appeals board;~~

~~(2) A medical treatment appointment;~~

~~(3) A comprehensive medical-legal evaluation as defined in subdivision (c) of Section 9793, a follow-up medical-legal evaluation as defined in subdivision (f) of Section 9793, or a supplemental medical-legal evaluation as defined in subdivision (k) of Section 9793; provided, however, that payment for interpreter's fees by the claims administrator shall not be required under this paragraph unless the medical report to which the services apply is compensable in accordance with Article 5.6. Nothing in this paragraph, however, shall be construed to relieve the party who retains an interpreter from liability to pay the interpreter's fees in the event the claims administrator is not liable.~~

~~(4) A deposition of an injured employee or any person claiming benefits as a dependent of an injured employee, at the request of the claims administrator, including the following related events:~~

~~(i) Preparation of the deponent immediately prior to the deposition;~~

- ~~(ii) Reading of a deposition to a deponent prior to signing, and,~~
- ~~(iii) Reading of prior volumes to a deponent in preparation for continuation of a deposition.~~
- ~~(5) An appeals board hearing, or arbitration.~~
- ~~(6) A conference held by an information and assistance officer pursuant to Chapter 2.5 (commencing with Section 5450) of Part 4 of Division 4 of the Labor Code to assist in resolving a dispute between an injured employee and a claims administrator.~~
- ~~(7) Other similar settings determined by the Workers' Compensation Appeals Board to be reasonable and necessary to determine the validity and extent of injury to an employee.~~
- ~~(b) The following fees for interpreter services provided by a certified or provisionally certified interpreter shall be presumed to be reasonable:~~
  - ~~(1) For an appeals board hearing, arbitration, or deposition: interpreter fees shall be billed and paid at the greater of the following (i) at the rate for one half day or one full day as set forth in the Superior Court fee schedule for interpreters in the county where the service was provided, or (ii) at the market rate. The interpreter shall establish the market rate for the interpreter's services by submitting documentation to the claims administrator, including a list of recent similar services performed and the amounts paid for those services. Services over 8 hours shall be paid at the rate of one eighth the full day rate for each hour of service over 8 hours.~~
  - ~~(2) For all other events listed under subdivision (a), interpreter fees shall be billed and paid at the rate of \$ 11.25 per quarter hour or portion thereof, with a minimum payment of two hours, or the market rate, whichever is greater. The interpreter shall establish the market rate for the interpreter's services by submitting documentation to the claims administrator, including a list of recent similar services performed and the amounts paid for those services.~~
  - ~~(3) The fee in paragraph (1) or (2) shall include, when requested and adequately documented by the interpreter, payment for mileage and travel time where reasonable and necessary to provide the service, and where the distance between the interpreter's place of business and the place where the service was rendered is over 25 miles. Travel time is not deemed reasonable and necessary where a qualified interpreter listed in the master listing for the county where the service is to be provided can be present to provide the service without the necessity of excessive travel.~~
  - ~~(i) Mileage shall be paid at the minimum rate adopted by the Director of the Department of Personnel Administration pursuant to Section 19820 of the Government Code for non-~~

~~represented (excluded) employees at Title 2, CCR § 599.631(a).~~

~~(ii) Travel time shall be paid at the rate of \$ 5.00 per quarter hour or portion thereof.~~

~~(c) Unless notified of a cancellation at least 24 hours prior to the time the service is to be provided, the interpreter shall be paid no less than the minimum fee.~~

~~(d) Nothing in this section shall preclude payment to an interpreter or agency for interpreting services based on an agreement made in advance of services between the interpreter or agency and the claims administrator, regardless of whether or not such payment is less than, or exceeds, the fees set forth in this section.~~

~~(e) The fees set forth in subdivision (b) shall be presumed reasonable for services provided by provisionally certified interpreters only if efforts to obtain a certified interpreter are documented and submitted to the claims administrator with the bill for services. Efforts to obtain a certified interpreter shall also be disclosed in any document based in whole or in part on information obtained through a provisionally certified interpreter.~~

~~(f) It is the responsibility of the party producing a witness requiring an interpreter to arrange for the presence of the interpreter.~~

~~Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.30, 11435.35 and 68562, Government Code.~~

### **9795.5 Interpreter Directories**

~~a. Interpreters certified in accordance with sections 9795.1.5 (a)(1) and 9795.1.6 (a)(1) are listed at the following websites: <http://jobs.spb.ca.gov/InterpreterListing/> and <http://www.courts.ca.gov/programs-interpreters.htm>.~~

~~b. Certified interpreters for the purposes of medical treatment appointments and medical legal exams who meet the qualifications of section 9795.1.6(a)(2) are listed in the registry for Certification Commission for Healthcare Interpreters (CCHI) or National Board of Certification for Medical Interpreters (National Board) at the following websites: <https://cchi.learningbuilder.com/Account/Login?ReturnUrl=%2f> or <http://www.certifiedmedicalinterpreters.org/registry>.~~

~~(c) Proof of certification may be requested by the claims administrator and shall be provided by the certified interpreter for the purposes of medical treatment appointments and medical legal exams if the interpreter is not listed in the CCHI or National Board website directory.~~

~~Authority cited: Sections 133, 5307.3, 5710 and 5811, Labor Code. Reference: Sections 4600, 4620, 4621, 5710 and 5811, Labor Code; and Sections 11435.30, 11435.35 and 68562, Government Code.~~