LRB-3999/1 MJL:kmg:rs

2003 ASSEMBLY BILL 984

March 11, 2004 – Introduced by Representatives Krawczyk, McCormick, Nischke, Jeskewitz, Ladwig, Montgomery, Van Roy, Albers, Hahn and Berceau, cosponsored by Senator Roessler. Referred to Committee on Health.

AN ACT *to create* 895.488 of the statutes; **relating to:** immunity of volunteer interpreters for patients of health care providers and immunity of health care providers who rely on volunteer interpreters.

Analysis by the Legislative Reference Bureau

This bill grants civil liability immunity to a volunteer interpreter who interprets communication between a patient and his or her health care provider and to a health care provider who relies on information that the volunteer interpreter provides if the patient consents in writing to the use of the volunteer interpreter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **Section 1.** 895.488 of the statutes is created to read:
- 5 895.488 Immunity; volunteer interpreters and health care providers.
- 6 (1) Definitions. In this section:
- 7 (a) "Health care provider" has the meaning given in s. 146.81 (1).
- 8 (b) "Limited English proficiency" means any of the following:

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- 1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English.
- 2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English.
 - (c) "Patient" includes only a patient with limited English proficiency.
- (d) "Volunteer interpreter" means a person who, for no compensation, provides interpretation services and who is not an employee or agent of a health care provider.
- (2) VOLUNTEER INTERPRETER IMMUNITY. A volunteer interpreter is immune from civil liability for damages incurred by a patient of a health care provider resulting from interpretation services performed by the volunteer interpreter in connection with communication between the patient and the health care provider if the patient consents in writing to the use of the interpreter.
- (3) Health care provider immunity. A health care provider is immune from civil liability for damages incurred by a patient of the health care provider resulting from the health care provider's reliance on information concerning the patient furnished to the health care provider by a volunteer interpreter in connection with communication between the patient and the health care provider if the patient consents in writing to the use of the volunteer interpreter.

Section 2. Initial applicability.

(1) This act first applies to interpretation services performed on the effective date of this subsection.

(END)