

Incident Resolution Process

For Language Access Providers

February 25, 2020

INTRODUCTION

Interpreter Services Program

This program supports healthcare providers in meeting their federally required obligation to provide language access for Limited English Proficient (LEP) persons by providing interpreter services, free of charge, for eligible Medicaid healthcare appointments and eligible Department of Social and Health Services (DSHS), and Department of Children, Youth, and Families (DCYF) social service appointments. Universal Language Service is HCA's vendor, serving as the coordinating entity. Universal is responsible for implementing the Incident Resolution Process.

Quality Assurance

The State of Washington Health Care Authority (HCA) established the Incident Resolution Process (IRP) in 2014 to ensure high quality interpreter services for Limited English Proficient (LEP) Washington residents when seeking services through Washington State agencies, and to assure effective management and stewardship of state and federal resources. The IRP is administered by the coordinating entity contracted to schedule all HCA, DCYF, and DSHS appointments requiring interpreting services.

Consistent with the Collective Bargaining Agreement (CBA MOU-1)) between Washington Federation of State Employees (WFSE) for Language Access Providers (LAP) and the HCA; the HCA welcomed the Union's feedback *to improve the process of comments about services provided by language access providers. This input includes, but is not limited to, how interpreters and the Union are notified of feedback made to the coordinating entity(s) regarding services provided by interpreters.* The IRP is not subject to the CBA grievance process.

Feedback

Complaints as well as compliments can be submitted via Universal's scheduling platform, phone, fax, mail, email, or the HCA Universal website. All feedback will be handled by Universal's WeCare Program, which is dedicated to soliciting and receiving feedback from authorized requesters and interpreters in order to improve the quality of HCA's Interpreter Services Program. Interpreters will be notified immediately of any feedback that is received about them. Additionally, all feedback is tracked through Universal's online platform and is accessible to each interpreter and authorized requester.

Who can give feedback: Interpreters and authorized requesters

What can they give feedback on: Providers and interpreters' services

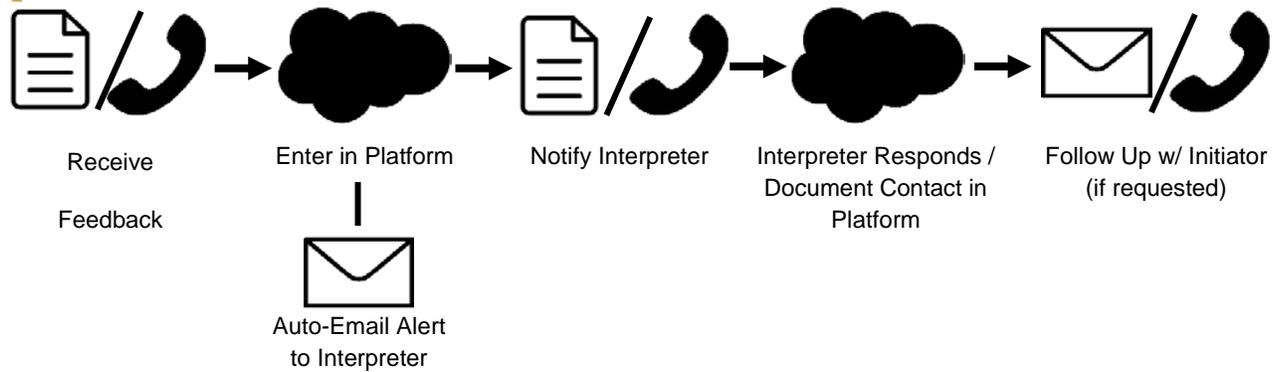
How can they submit feedback: * Phone, fax, mail, Email, HCA Universal Website, and user's scheduling platform

What are some potential outcomes: Warnings on record, partial or full suspension, or termination

*Not all methods of feedback submission are available to all users



Interpreter Feedback Process Flows



Methods for Submitting Feedback

Scheduling Platform: Authorized requesters may submit feedback via the scheduling platform (this is the preferred method for feedback relating to a specific job)

Website: Authorized requesters and interpreters may submit feedback via the [HCA Universal website](#)

Email: Authorized requesters and interpreters may submit feedback via email to WeCare@ulsonline.net

Fax: Authorized requesters and interpreters may submit feedback via fax at: 1 (877) 516-4347 or 1 (425) 454-3635

Mail: Authorized requesters and interpreters may submit feedback via mail at 929 108th Ave NE, Suite 710, Bellevue WA 98004.

Phone: Authorized requesters and interpreters may be transferred via phone to WeCare to provide feedback at 1 (888) 462-0500

Incident Resolution

Definitions

Breach: Is generally an impermissible use or disclosure under the Privacy Rule that compromises the security or privacy of the protected health information of an individual. Use or disclosure of protected health information is presumed to be a breach unless the covered entity or business associate, as applicable, demonstrates that there is a low probability that the PHI has been [compromised. HCA's privacy officer reviews every potential HIPPA or PHI violation to determine if a breach occurred.](#)

Business Days: Monday through Friday, 8:00am to 5:00pm excluding Washington State recognized holidays. All days referenced in this document are to be construed as business days **unless otherwise noted.**

Extenuating Circumstances: Death in the family; serious illness of family or self; incapacitation of self; fire or other form of destruction to immediate household family of self; an unanticipated event or difficulty beyond the interpreter's control, including reported inclement weather conditions. Interpreter that overuse the extenuating circumstances may be required to provide proof of situation.

Feedback Notification: Interpreters will immediately receive a system-generated email of each incident (complaint) entered into their profile on the interpreter platform.

Formal Written Notice: Interpreters who accumulate four (4) Low Severity Incidents or one (1) Medium Severity



Incident will receive a Formal Written Notice via email in the form of an Incident Report outlining the details of each violation. This document will also be forwarded on to the HCA Interpreter Services Program Manager.

Full HCA Job Restriction: Action taken as a consequence of interpreter's multiple violations or due to the severity of incident(s). Interpreter's platform will not show any HCA jobs nor allow the interpreter to accept any HCA jobs. In addition, all HCA jobs with dates of service during the restriction period will be removed from the interpreter's schedule.

Health and Safety Violation: The violation of an individual's rights to a safe and healthy environment, and the potential security breach of PHI.

Health Insurance Portability and Accountability Act or HIPAA: An act to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long term care services and coverage, to simplify the administration of health insurance, and for other purposes.

Incident: The resulted outcome, pending investigation, of each complaint received regarding an interpreter's action that violates the WAC 388-03-050. Depending on the severity of the complaint, the interpreter may receive a low, medium, or high incident.

Feedback: A compliment or a complaint reported by the provider.

Interpreter Incident Report: A report of the detailed incident or action that resulted in a violation of the code of conduct outline in WAC 388-03-050.

Invalid Reason: Such as, but not limited to: public road closure notices where two (2) or more days advance notice was given; forgotten appointment; cancelled the wrong appointment; overbooked schedule; vacation; previous appointment ran long.

Partial HCA Job Restriction: Action taken as a consequence of an interpreter's multiple violations or due to severity of the incident(s). Interpreter's platform will not show any HCA jobs, nor allow the interpreter to accept any new HCA jobs. HCA jobs that have already been accepted will remain on the interpreter's schedule.

Personal Health Information or PHI: The HIPAA privacy rule provides federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information. At the same time, the privacy rule is balanced so that it permits the disclosure of personal health information needed for patient care and other important purposes.

Restriction Period: Period of time during which an interpreter's access to HCA jobs is fully or partially limited in some capacity as a result of corrective action. Restriction periods may range from 7 to 90 calendar days

Severity Level: The level of an incident as outline in this IRP of code of conduct and ethical violations.

Suspensions: Interpreters portal may be inactive to accept jobs during an investigation or during a temporary suspension due to an incident or reoccurring incidents.

Termination of Contract: An Interpreter may be terminated from servicing the HCA/DSHS/DCYF contract following an investigation and finding of an incident(s) at any severity level, HIPAA or PHI violations. All terminations are reviewed and approved by HCA prior to the effective date.



Valid Reason: Such as, but not limited to: unexpected travel emergencies (i.e. short-notice road closures, traffic accidents, flat tires), illness or medical emergency of self or family; reports obstacles to practice per the WAC 388-03-50, inaccurate or incomplete information given by the requester; or other extenuating circumstances (see definition).

Incident Severity Levels

Low Severity: Classifies any violation against the WAC 388-03-50 that has minimal impact on the appointment, provider, and/or LEP person.

Examples (including but not limited to):

- Provider reported an interpreter's late arrival
- Interpreter gives back job less than 24 hours before the scheduled start time (without a valid reason)
- Interpreter left job earlier than the scheduled end time without provider approval
- Interpreter did not interpret accurately, expressing the source language message in a thorough and faithful manner

Medium Severity: Classifies any violation against the WAC 388-03-50 that has a moderate impact on the appointment, provider, and/or LEP person.

Examples (including but not limited to):

- Interpreter is a no-show (without a valid reason)
- Interpreter solicits their services to the LEP person, their family members or provider
- Interpreter expresses personal opinions; offers unwanted conversation
- Services an acquaintance, family member, or friend without disclosing the potential conflict of interest
- Interpreter requests the provider to enter incorrect start and/or end times
- Interpreter engages in unsupervised discussions with the provider and/or LEP person
- Interpreter contacts the provider or the LEP person directly
- During an interpretation session, interpreter uses a mobile device for any reason unrelated to current services

High Severity: Classifies any violation against the WAC 388-03-50 that has a significant or critical impact on the appointment, provider, and/or LEP person; including those violations that put the health and safety* of any of the parties involved at risk.

Examples (including but not limited to):

- Transporting a Medicaid LEP person to or from appointments
- Interpreter requests money or favors from the LEP person or provider
- Interpreter passes their appointments to other interpreters without Universal's knowledge and approval
- Interpreter falsifies a job invoice
- Harassment to provider or the LEP person in a manner that creates a barrier to care and services
- Any violation to HIPAA, or to the health and safety of the LEP person, provider, or facility staff*
- Violations of interpreters sending unsecure Medicaid client information via email will have a 10 day portal restriction, if two violations occur within 1 year, the interpreter will have a 90-day full suspension and will be required to provide proof of completion of an approved HIPAA training (at their cost) to be reinstated with contractor. If an additional occurrence happens within the next calendar year, interpreter may be subject to immediate termination.

* HIPAA and Health and Safety violations will have an immediate 10-day full HCA job restriction or longer, pending outcome of incident.

** A third HIPAA email violation will result in immediate termination.



Tracking Incidents

Low incidents are tracked on a rolling 12-month time period. This means that incidents are removed from the interpreter's record once that incident is 366 days old. These incidents do not disappear, they stay in the system for tracking purposes. Incidents that have reached the 366-day mark will not be used to apply any actions listed in the following chart. However, they may be reviewed, and action may be taken in the event a pattern of unethical behavior or some other concern is identified.

Medium incidents are tracked on a rolling 12-month time period. This means that incidents are removed from the interpreter's record once that incident is 366 days old. These incidents do not disappear, and they are maintained in the coordinating entities system. Incidents that have reached the 366-day mark will not be used to apply any actions listed in the following chart. However, they may be reviewed, and action may be taken in the event a pattern of unethical behavior or some other concern is identified.

High incidents are tracked for the lifetime of the interpreter's contract. There is no rolling time periodⁱ, and high severity incidents never fall off the interpreter's record. These incidents are subject to immediate action, up to and including termination of the interpreter's contract. All terminations resulting from a high severity incident are reported to DSHS LTC per WAC 388-03-160. This report will include all information from the provider, contractor, state agency and the interview with the Interpreter.

HIPAA and PHI incidents are tracked for the lifetime of the Interpreter's contract. There is no rolling time periodⁱⁱ, and high severity incidents never fall off the interpreter's record. These incidents are subject to immediate action, up to and including termination of the interpreter's contract. The HCA will determine the outcome of each incident as a result of the severity level of the HIPAA and PHI. All terminations resulting from a high severity incident are reported to DSHS LTC per WAC 388-03-160. This report will include all information from the provider, contractor, state agency and the interview with the interpreter.

Termination of Interpreter contract

Per the code of conduct interpreters are to be professional service contractors for HCA, DSHS, and DCYF clients and authorized requesters. Per the incident resolution policy, if an interpreter fails to meet the contract requirements and incurs multiple incidents, an interpreter may be terminated from the HCA contract and will not be eligible to provide interpreter services to HCA, DSHS, or DCYF clients.

Prior to termination, HCA will review all documentation from Universal and the interpreter to ensure that all processes were followed. Exceptions to this process are HIPAA and PHI related breach or violations. Termination for these violations will be determined based on the outcome of the HCA investigation.

Revocation Referral

When an interpreter has created incidents that lead to termination from the HCA sub-contract, HCA is required to provide all documentation to DSHS LTC for review. DSHS LTC will conduct a review of the circumstances and make a determination of whether the interpreter should be allowed to retain his or her credential(s), or whether the credential(s) should be revoked. DSHS LTC is the entity responsible for this decision per WAC 388.03.170. HCA and Universal do not make this determination.

Steps in the Resolution Process

1. Feedback is submitted to Universal by authorized requesters, interpreters, or via the Universal call center staff.
2. Once recorded, either by email, portal or phone call, interpreters are notified via email that they received feedback and details of the feedback are included in the notification.
3. Interpreters have **ten (10) business days** to respond to Universal in writing in order to dispute or explain the situation, except for HIPAA, PHI, or safety and health concerns where interpreters may be subject to immediate suspension pending the outcome of the investigation.



4. Once Universal receives the interpreter’s response, any necessary follow up must be completed within **twenty (20) business days**. In order to verify the validity of the interpreter’s response, WeCare may need to reach out to the authorized requester or some other entity. Interpreters must never contact the provider or the LEP person regarding the incident.
5. Universal will notify the interpreter of the investigation’s outcome and take any corrective action if warranted, according to the incident scale table.
6. Interpreters are notified three (3) business days prior to any portal restriction effective date.
7. Suspensions that result from potential client safety and health concerns, may be effective on the date of notification from provider, client or contractor and remain in effect during the investigation period.
8. If feedback takes more than **sixty (60) days** to resolve with the provider, or the incident is unable to be validated with the provider, the incident may be removed from the interpreter’s profile. ⁱⁱⁱ

Incident Scale Tables

Please note that ALL feedback reports from providers or other entities, regardless of severity, will result in a system-generated email notification immediately going to the interpreter notifying them of the feedback. Coordinating entity. Termination of contract will only happen with direct authorization of the HCA Interpreter Services Program Manager.

# OF INCIDENTS	ACTION TAKEN	DURATION
LOW SEVERITY (Within a Rolling 365-Day Period)		
1 Low Severity Incident	Automatic Email Alert	N/A
4 Low Severity Incidents	Formal Written Notice	N/A
5 Low Severity Incidents	Partial HCA Job Restriction	10 days (min)
6 Low Severity Incidents	Partial HCA Job Restriction	20 days (min)
7 Low Severity Incidents	Full HCA Job Restriction	7 days
8 Low Severity Incidents	Full HCA Job Restriction	14 days (w/final warning)
9 Low Severity Incidents	Termination of Contract	N/A
MEDIUM SEVERITY (Within a Rolling 365-Day Period)		
1 Medium Severity Incident	Formal Written Notice	N/A
2 Medium Severity Incidents	Partial HCA Job Restriction	10 days (min)
3 Medium Severity Incidents	Partial HCA Job Restriction	20 days (min)
4 Medium Severity Incidents	Full HCA Job Restriction	7 days
5 Medium Severity Incidents	Full HCA Job Restriction	14 days (w/final warning)
6 Medium Severity Incidents	Termination of Contract	N/A
HIGH SEVERITY (Within the lifespan of the contract)		
1 High Severity Incident	Partial/Full HCA Job Restriction	10 days (min) (w/final warning)
2 PHI email incidents	Temporary Suspension	90 days ¹

¹ Interpreter is required to take HIPAA training at their expense and reapply after 90 days.



2 High Severity Incidents	Termination of Contract	N/A
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HIPAA, Breach or Safety Concerns ^{iv}		
1 Incident	Partial/Full HCA Job Restriction	10 days (min) (w/final warning)
1 or 2 Incidents	Termination of Contract	N/A

ⁱ Sharing of PHI via unsecure email may be exempt from this process.

ⁱⁱ Sharing of PHI via unsecure email may be exempt from this process.

ⁱⁱⁱ This does not apply to Safety and Health violations as the investigation could take longer than 60 days to resolve.

^{iv} Severe HIPAA or PHI incidents may result in a undetermined suspension pending the outcome of the investigation and/or termination