

735 KAR 2:010. Definitions for 735 KAR Chapter 2.

RELATES TO: KRS 12.290, KRS 163.510(4), KRS 309.300, 29 U.S.C. 794, 42 U.S.C. 12101
STATUTORY AUTHORITY: KRS 12.290, 163.510(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 12.290 requires each administrative body of state government to promulgate administrative regulations in compliance with federal mandates to provide accessibility to services by persons who are deaf or hard of hearing. KRS 163.510(4) requires the Commission on the Deaf and Hard of Hearing to oversee the provision of interpreter services to the deaf and hard of hearing. This administrative regulation establishes definitions necessary to implement the Interpreter Referral Services Program.

Section 1. (1) "American Sign Language" (ASL) means a nonverbal language consisting of the following elements:

- (a) Handshape;
- (b) Position;
- (c) Hand movement;
- (d) Orientation of the hands;
- (e) Facial expression; and
- (f) Body language.

(2) "Assigned interpreter," means the independent vendor interpreter who commits to provide interpreting services for a particular event.

(3) "Assignment" means an event interpreted for the enhancement of communication between deaf, hard of hearing, and hearing individuals.

(4) "Certified interpreter or Transliterater" means a sign language, oral, or cued speech interpreter or transliterator who was awarded certification by demonstrating an advanced level of expressive and receptive skills.

(5) "Close visual range interpreting" means an interpreting technique used with deaf people with limited vision.

(6) "Communication Access Realtime Translation" (CART) means a service that is provided by a realtime reporter by converting spoken English into a printed English format, primarily used by hard of hearing people.

(7) "Code of ethics" or Code of Professional Conduct, means principles that guide ethical behavior of sign language interpreters, and is established by an interpreter's national certifying organization to guide an interpreter or transliterator in dealings with a hearing, or deaf, or hard of hearing person.

(8) "Cued speech" means a method of communication for use with and by a deaf and hard of hearing person, in which eight (8) configurations and four (4) positions of one (1), of either, hand are used to supplement the visible manifestations of natural speech.

(9) "Deaf and hard of hearing" means a person who is unable to hear and understand speech clearly by ear, with or without a hearing aid. This term includes a person who:

- (a) Is deaf or hard of hearing;
- (b) Is deaf-blind;
- (c) Is late deafened;
- (d) Is recently deafened;
- (e) Is oral deaf; or
- (f) Has a similar hearing disorder.

(10) "Deaf Interpreter" (DI) means a deaf or hard of hearing individual, who is able to assist in providing an accurate interpretation between standard sign language and variants of sign language, including home signs, by acting as an intermediary between a deaf or hard of hearing per-

son and an interpreter or transliterator.

(11) "Emergency" means a situation of an urgent nature in which the consumer or client determine that the delay of the event for more than twenty-four (24) hours is likely to result in injury or loss.

(12) "Extended Assignment" means an assigned event for an interpreter or captioner that includes an overnight stay or requires on call twenty-four (24) hour coordination.

(13) "Interaccount", for the purpose of KRS 163.510(4), means that one (1) state agency charges another state agency through the state's internal financial system, as outlined in KRS Chapter 45A.

(14) "Interpretation" means the process of transmitting spoken English into American Sign Language or gestural communication, voice-to-sign; and the process of transmitting American Sign Language or gestural communication into spoken English, sign-to-voice.

(15) "No show assignment" means an assignment at which the deaf or hard of hearing person or the state agency interpreter or captioner representative did not appear for the scheduled event.

(16) "Nontraditional interpreting services" means the utilization of video-conferencing technology to eliminate the necessity of the interpreter having to travel to the site of the event or utilization of remote captioning technology to eliminate the necessity of the captioner traveling to the site of the event.

(17) "Oral interpreting" means facilitating a mode of communication utilizing speech, speech-reading, and residual hearing as a primary means of communication and using situational and culturally appropriate gestures, without the use of sign language.

(18) "Preferred mode of communication" means the method of communication that the deaf or hard of hearing individual is most expressive and comfortable using.

(19) "Referral service" means a service that specializes in coordinating interpreting or captioning services and acts as an intermediary between the interpreter or captioner and the state agency providing services to a deaf or hard of hearing consumer.

(20) "Replacement interpreter" means an interpreter sent to replace the assigned interpreter for a specific event if there is a:

- (a) Schedule conflict;
- (b) Illness; or
- (c) Unforeseen event that prevents attendance of the assigned interpreter.

(21) "Staff interpreter" means an interpreter who works exclusively for, and is considered an employee of, a particular agency or organization.

(22) "State Agency" or "State Agencies", for purposes of KRS 163.510(4) and this Chapter, means an organizational unit within the Executive Branch of state government, as defined in KRS 12.010 (1) through (7), or an agency within the Legislative Branch of state government.

(23) "State Employee", for the purposes of KRS 163.510(4) and this Chapter, means a person who is permanently employed by a state agency within the Executive or Legislative Branch of state government.

(24) "Tactile interpreting" means a communication technique used by and with deaf-blind individuals and deaf individuals with limited vision involving touch of the shape, movement and location of signs.

- (25) "Team interpreting" means the utilization of two (2) or more interpreters who:
- (a) Function as a team;
 - (b) Rotate responsibilities at prearranged intervals; and
 - (c) Provide support and feedback to each other.

(26) "Transliteration" means the process of transmitting:

(a) Spoken English into one (1) of the English-related or English oriented varieties of sign language, voice-to-sign; and

(b) One of the English-related or English-oriented varieties of sign language into spoken English, sign-to-voice.

(27) "Traditional interpreting services" means the interpreter or captioner appears at the event in person and provides interpreting or captioning services on site. (New 25 Ky.R. 951; Am. 1357; eff. 12-3-1998 – Amd 44 Ky.R. 2394; 45 Ky.R. 38; eff. 8-6-2018.)