

## 735 KAR 2:050. Processing of requests for services.

RELATES TO: KRS 12.290, 163.510(4), 29 U.S.C. 794, 42 U.S.C. 12101, 12132

STATUTORY AUTHORITY: KRS 12.290, 163.510(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 12.290 requires that each department, program cabinet, and administrative body of state government shall promulgate administrative regulations to provide accessibility to all services by persons who are deaf or hard-of-hearing in compliance with federal mandates including 29 U.S.C. sec. 794, a part of the Rehabilitation Act of 1973, and 42 U.S.C. secs. 12101 et seq., a part of the Americans with Disabilities Act of 1990. KRS 163.510(4) requires the commission to oversee the provision of interpreter and Communication Access Realtime Translation (CART) captioning services to the deaf and hard of hearing. This administrative regulation establishes the process for requesting services from the KCDHH Interpreter Referral Services Program.

Section 1. (1) In accordance with the requirements of the Rehabilitation Act, 29 U.S.C. 794, and the Americans with Disabilities Act, 42 U.S.C. 12132, the KCDHH Interpreter Referral Services Program shall coordinate with a state agency to provide services if:

(a) A deaf or hard of hearing individual requires access to services provided by a state agency;

(b) A state agency authorizes services for an employee who is deaf or hard of hearing;

(c) Required under a provision of the Rehabilitation Act or Americans with Disabilities Act; or

(d) Necessary for a state agency to provide accessibility to a public event, as defined by the Rehabilitation Act or Americans with Disabilities Act.

(2) A request for services shall include the following information:

(a) Date and time of event to be interpreted or captioned;

(b) Expected length of the interpreted or captioned event;

(c) Deaf or hard of hearing consumer and state agency names;

(d) Consumer communication preference, if known;

(e) Assignment location;

(f) Type of event to be interpreted or captioned, i.e. one-to-one situation, small group meeting, or platform presentation, etc;

(g) On-site contact person and phone number;

(h) A request for a specific interpreter or captioner; and

(i) Pertinent billing information including:

1. Purchase order or interaccount number;
2. Authorizing agency contact person; and
3. Billing address and phone number;

(j) Other information that would be beneficial to the interpreter or captioner, including:

1. Directions to the event location;
2. Notice of special needs, including a tactile or oral interpreting request, a deaf interpreter, specialized vocabulary, or set up needs for captioning; and
3. Specific non-traditional attire requirements, if appropriate.

(3) An agency shall submit an interpreting or captioning services request by doing one (1) of the following:

(a) Telephoning or emailing the staff of the KCDHH Interpreter Referral Services Program;

(b) Submitting a request through the KCDHH Web site at <http://www.kcdhh.org>; or

(c) Videophone.

(4) A request for interpreting or captioning services shall be considered a binding agreement, in accordance with KRS Chapter 45A, between the requesting agency and the KCDHH Interpreter Referral Services Program, with the terms and conditions as outlined in this administrative regula-

tion.

(5) Unless an emergency or other unforeseen circumstance arises preventing advance notice, an agency shall submit an interpreting or captioning request at least two (2) weeks prior to the assignment date. If an emergency or unforeseen circumstance occurs, KCDHH shall attempt to fill the request.

(6) Upon receiving a request for an interpreting or captioning assignment, the Interpreter Referral Services Program staff shall first attempt to schedule an assigned interpreter or captioner for the event, if one (1) is available and qualified. If there are no assigned interpreters or captioners available, staff shall then attempt to schedule a staff interpreter or another captioner.

(7) If a specific interpreter or captioner is requested by an agency or consumer, the Interpreter Referral Services Program shall attempt to provide the requested person. However, the program shall not guarantee that a specific request will be honored.

(8) The KCDHH recognizes that the demand for interpreting services exceeds the existing supply of staff and certified interpreters; therefore, the KCDHH shall hire and assign an interpreter or captioner based on the following criteria:

(a) Current and valid interpreter certification awarded by a nationally recognized organization, as outlined in 735 KAR 2:030;

(b) Meeting interpreter licensure requirements as outlined in KRS 309.300 to 309.319;

(c) Years of experience and references for captioners;

(d) Consumer preference is honored whenever possible; and

(e). Having no financial or personal conflict of interest, as defined by KRS Chapter 45A.

(9) The KCDHH Interpreter Referral Services Program staff shall notify the state agency of the name of the assigned interpreter or captioner.

(10) Due to the high demand for interpreting and captioning services and for specialized skills, the Interpreter Referral Services Program shall reserve the right to reassign an interpreter or captioner, as appropriate, based on skill level, qualifications or regional location if fiscal constraints are evident. If an assigned interpreter or captioner is reassigned, the Interpreter Referral Services Program staff shall notify the state agency of the name of the replacement assigned interpreter or captioner.

(11) The Interpreter Referral Services Program staff shall notify the assigned interpreter or captioner of the details of the assignment, including any communication preferences, special terminology, the date, the time, and the location prior to the actual date of the assignment.

(12) The interpreter or captioner shall inform the Interpreter Referral Services Program staff of any changes to the interpreter's or captioner's ability to keep the assignment.

(13) The Interpreter Referral Services Program is not responsible for fees associated with the assignment; however, interpreters or captioners are encouraged to notify the requesting agency of their fees prior to accepting the assignment.

(14) A client or consumer may refuse the services of an interpreter or captioner and request a replacement. If a replacement is requested, Interpreter Referral Services Program staff shall try to fill the request if possible. However, the Interpreter Referral Services Program shall not guarantee a replacement.

(15) The interpreter or captioner assigned to the event, and the requesting agency, shall notify the Interpreter Referral Services Program staff of any changes related to the assignment as soon as possible.

(16) The KCDHH Interpreter Referral Services Program does not guarantee that all interpreting or captioning requests will be filled. All requests are subject to:

(a) Prior-approval by the KCDHH Executive Director; or

(b) The availability of the appropriate interpreter(s) or captioner. (New 25 Ky.R. 956; Am. 1361; eff. 12-3-1998 – Amd 44 Ky.R. 2401; 45 Ky.R. 40; eff. 8-6-2018.)