

BOARDS AND COMMISSIONS
Board of Interpreters for the Deaf and Hard of Hearing
(Amendment)

201 KAR 39:030. Application; qualifications for full licensure; and certification levels.

RELATES TO: KRS 309.304(1), 309.312(1)(b)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) require the Kentucky Board of Interpreters for the Deaf and Hard of Hearing to promulgate an administrative regulation establishing the requirements for an applicant for licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes these requirements.

Section 1. Application. Each applicant for a full license shall:

- (1) Submit a completed Application for Licensure form to the board;
- (2) Pay the application and license fee as set forth in 201 KAR 39:040; and
- (3) Submit proof of valid certification from one (1) of the following nationally recognized organizations:
 - (a) At a level recognized by RID, with the exception of NAD III;
 - (b) ~~At EIPA level 4.0 and passage of the EIPA written;~~
 - ~~(c)~~ TECUnit;
 - (c) ~~(d)~~ BEI Advanced or better achieved within three (3) years of application; or
 - (d) ~~(e)~~ Other certifications as described in 201 KAR 39:080, if applying for licensure via reciprocity.

Section 2. Appeal of Denial of an Application for Licensure.

- (1) If an Application for Full Licensure is denied, the applicant shall have the right to appeal that preliminary determination.
- (2) An appeal shall be:
 - (a) Submitted to the board in writing by certified mail; and
 - (b) Received by the board within thirty (30) days after the date the applicant receives the notice of preliminary denial by certified mail or by email message delivered to the addresses stated on the Application for Licensure.
- (3) The appeal of a preliminary denial of an Application for Licensure shall be held in accordance with the provisions of KRS Chapter 13B.

Section 3. Those fully licensed with an EIPA level 4.0 or 3.5 and passage of the EIPA written shall have until July 1, 2030, to achieve a nationally recognized certification as identified in Section 1 of this administrative regulation.

Section 4. Incorporation by Reference.

- (1) "Application for Full Licensure", DPL-KBI-001, April 2024~~[December 2016]~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street,~~[911 Leawood Drive,]~~ Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and on the board's Web site at www.kbi.ky.gov.

MARVA JOHNSON, Chair

APPROVED BY AGENCY: June 12, 2024

FILED WITH LRC: June 12, 2024 at 4:20 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 27, 2024, at 11:00 a.m., at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, phone (502) 782-2709, fax (502) 564-4818, email Sara.Janes@ky.gov, link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the procedures for the licensure of persons who wish to practice in the state as a Licensed Interpreter for the Deaf and Hard of Hearing.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set the process and minimum certification testing score for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS Chapter 309 requires the board to verify the qualifications of and establish a procedure for the licensure of persons who wish to practice in the state as a Licensed Interpreter for the Deaf and Hard of Hearing. This administrative regulation establishes the minimum qualifications and requirements for licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation informs the applicants of the examinations required, minimum test scores, and requirements for obtaining licensure from the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment will clarify this regulation relates only to applicants for full licensure; strikes the EIPA level 4.0 and passage of the EIPA written as qualification for full licensure; and provides for a revision to the form for full licensure and an update to the form.

(b) The necessity of the amendment to this administrative regulation:

The Policy Committee recommended amending the regulation to clarify its application to full licensure and the board deemed the amendment necessary to clarify confusion among applicants as to whether the regulation related to temporary licenses. Additionally, the EIPA is not a nationally recognized certification but only a testing instrument only intended for service in K-12 schools. The EIPA level 3.5 and passage of the EIPA written remains qualifying for temporary licensure. There is a limited grandfather clause for those licensees who qualified for full licensure with only the EIPA. They will have five (5) years to obtain a national certification to remain fully licensed.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 309.304(1) requires the board to evaluate the qualifications for applicants for licensure and establish procedures for the issuance of licenses. The amendment conforms with the promulgating authority to establish administrative regulations for effective administration.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will clarify that the current application for licensure form will be used for full licensure and a new form will be created for applicants for temporary

licensure. This amendment will help alleviate current confusion related to the application process. The amendment will also ensure individuals who are not qualified to provide interpreting services generally will not have a full license; and motivate those with the EIPA to obtain their national certification to provide interpreting services as a fully licensed interpreter. This will ensure students have quality language services for success.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

There are currently 533 full licensees and 45 temporary licensees. This regulation will also affect new applicants seeking temporary or full licensure from the board. There are currently seventeen (17) known fully licensed interpreters with the EIPA of 4.0. There are an additional sixty (60) licensees who were fully licensed in 2023 and 2024 with no qualifying classification on record, some of whom may be affected by this administrative regulation. Applications for new licensure are filed on paper and the data system does not capture this information when scanned into eServices. However, these licensees must file the annual renewal application online through eServices during the annual renewal period ending July 1, or within the sixty (60) day grace period thereafter and must file proof of current nationally recognized certification. After the renewal and grace period expire on September 1, 2024, the board will know the exact number of licensees affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This applicant for full licensure will be required to complete the application for consideration by the board. Fully licensed interpreters who are EIPA-qualified interpreters will have five (5) years to obtain a national certification to maintain their full license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The fee for application for full licensure as set forth in 201 KAR 36:040.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Applicants for licensure will understand the regulation relates only to application for full licensure. Additionally, licensees who are EIPA-qualified will gain stronger skills to provide quality services by obtaining a national certification within the required timeframe.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No new costs will be incurred.

(b) On a continuing basis:

No new costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The board's operations are funded by fees paid by credential holders and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding is necessary to implement this administrative regulation change.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation only sets the procedure for obtaining a full license. This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 309.304, KRS 309.312.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Board of Interpreters for the Deaf and Hard of Hearing is an administrative body created by KRS 309.302 and the promulgating agency.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None.

Cost Savings:Unknown.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no difference in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None anticipated.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None.

Cost Savings:None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no difference in expenditures, revenues or cost savings to local entities in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

There are no other regulated entities not otherwise listed.

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to determine the fiscal impact:

Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

. This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion:

Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.