

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

201 KAR 39:040. Fees.

RELATES TO: KRS 309.312(1)(a), (4), 309.306, 309.314(1), (2), (4), (6)

STATUTORY AUTHORITY: KRS 309.304(3), 309.314(1), (2), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.314 require the Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations to effectively carry out the provisions of KRS 304.300 to 309.319 and to establish requirements concerning license fees. This administrative regulation establishes all fees charged by the board.

Section 1. Fees for Licensure.

(1) The application fee for initial licensure shall consist of the following:

- (a) A nonrefundable ~~seventy-five (75)~~~~[fifty (50)]~~ dollar fee for general application; and
- (b) A ~~\$150~~~~[\$125]~~ fee for initial licensure which shall be refunded if:
 - 1. The application is denied; and
 - 2. The applicant submits a written request for the refund.

(2) The annual renewal fee shall be ~~\$150~~~~[\$125]~~. Renewal fees shall not be refundable.

Section 2. Fees for Temporary Licensure.

(1) The application fee for initial temporary licensure shall be ~~seventy-five (75)~~~~[fifty (50)]~~ dollars. This fee shall be nonrefundable.

(2) The initial licensure fee for a temporary license shall be ~~\$150~~~~[\$125]~~. ~~This fee shall be nonrefundable. [If the application for initial temporary licensure is denied, the initial licensure fee shall be refunded upon written request of the applicant.]~~ The extension application fee to maintain or extend a temporary license shall be ~~\$150~~~~[\$125]~~. This fee shall be nonrefundable.

Section 3. Late Renewal ~~[and Extension]~~ Fees.

(1) All licenses renewed during the sixty (60) day grace period shall require payment of a late renewal fee of ~~\$100~~~~[sixty (60) dollars]~~ in addition to the current renewal fee set forth in Section 1(3) of this administrative regulation.

(2) ~~[All temporary licenses extended during the sixty (60) day grace period shall pay a late fee of thirty-five (35) dollars in addition to the current extension application fee set forth in Section 2(3) of this administrative regulation.]~~

~~[(3)]~~ Late renewal ~~[and extension]~~ fees shall be nonrefundable.

Section 4. Reinstatement Fee.

(1) The reinstatement fee for a license terminated pursuant to KRS 309.314(3) shall be ~~\$150~~~~[\$125]~~, in addition to the current renewal or extension application fee as set forth in Section 1(3) or 2(3) of this administrative regulation.

(2) The reinstatement fee shall be nonrefundable.

Section 5. Fee for a Reciprocal License.

(1) The fee for a reciprocal license shall be \$250.

(2) The reciprocal license fee shall be nonrefundable.

Section 6. Duplicate License Fee. The fee for a duplicate license shall be ten (10) dollars.

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 regulation establishes fees for interpreters.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the fees which generate the revenue that the Board needs to operate.

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

The regulation is in conformity with KRS 309.309(3), KRS 309.312(1)(a), and KRS 309.314(1), (2), and (4) which authorize the Board to charge fees.

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

This regulation assists the board in establishing fees which generate the revenue which the Board needs to operate effectively to protect the public it is charged to serve.

(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 increases fees and strikes reference to refunding the licensure fee for a denial and the late fee for temporary licensees since there is no grace period.

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

The amendment is necessary to increase fees because the costs for administrative and legal services have led the Board to operate with an annual budget which leaves no room for needed services that may be requested under the ADA or investigations into board complaints; and, to strike language authorizing the board to refund the licensure fee for denials; and, to strike the late fee for temporary licensees since there is no grace period but rather a requirement for reinstatement. The Board is also in hopes the increase in the late fee will serve as a deterrent for filing a late renewal.

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

The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations related to fees as are necessary to operate in such a way to protect the public it is charged to serve.

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

The amendment will provide the Board with additional revenue necessary to continue to operate and fulfill its statutory duties.

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

There are 533 full and 45 temporarily licensed interpreters who will be affected, as well as an unknown number of new applicants.

(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:

The individuals identified in question (3) will be required to pay greater fees to obtain, renew or reinstate a license.

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

It will cost those entities twenty-five (25) – forty (40) dollars in additional costs depending on whether they apply for or hold temporary or permanent licensure or file a late renewal during the grace period.

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

The Board will be able to continue providing the services that the Board currently provides including the ability to provide reasonable accommodations for services that may be requested and for the protection of the public by investigating unethical and illegal practitioners and ensuring that qualifications are met by initial licensees.

(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 by the changes.

(b) On a continuing basis:

No new costs will be incurred by the changes.

(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:

This amendment specifically relates to a fee increase but the change will not cause any additional services to be used which would require additional revenue to implement the regulation.

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

The amendment to this administrative regulation increases 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 309.309(3), KRS 309.312(1)(a), and KRS 309.314(1), (2), and (4).

(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:This amendment should generate approximately an additional \$17,000 in revenue for Board operations and expenses.

Cost Savings:Unknown.

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

This amendment should generate approximately an additional \$17,000 in revenue for Board operations and expenses.

(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:

The fee increase should generate about \$17,000 in additional funds as it constitutes a twenty-five (25) dollar increase annually on approximately 533 full licensees and a twenty-five (25) dollar increase on approximately 45 temporary licensees. Additionally, new applicants will be paying a twenty-five (25) dollar increase which should provide some additional revenue if the Board continues to gain new

licensees. Additionally, the late renewal fee for filing for renewal during the grace period will increase from sixty (60) dollars to \$100 which will hopefully deter someone from filing late renewal. Costs associated with procuring an investigator as may be needed for complaints cannot yet be determined but any government contract awarded for an investigator will have a cap based on budget allowances and will hinge on the number of complaints filed requiring investigation, which cannot be determined. Further, requests for reasonable accommodations under the ADA are dependent upon the required services and a dollar figure cannot be determined on unknown requests and needs. However, one of the services now being requested is costly, as explained in Q. 3(c) herein, and may become an accommodation that will be required to be provided. The board currently has \$49,200 each fiscal year for its operations. Each quarter the Board is allotted \$12,300. Any dollars left at the end of each quarter will roll over to the next quarter, but will not roll over to the next fiscal year. At the end of FY2023, there was \$6,461.05 left of the Board's allotment that was not spent. However, the Board is initiating a Request for Proposal (RFP) for an investigative services contract with a cap of \$5000, and the Board anticipates the upcoming need to provide Communication Access Real-time Translation (CART) services at its meetings in the future. These services range in cost from \$125 - \$150 per hour with a two (2) hour minimum, with mileage or set-up fees in some cases for in-person services. KBI Board meetings are typically three (3) to five (5) hours in length and the board has four (4) regular meetings per year. Additionally, the Regulations and Complaints Committees meet as needed, which are open meetings and may also require CART services. Finally, the Policy Committee is a creature of statute under the umbrella of the Board. When the Policy Committee meets the Board provides administrative services and contracts for interpreting services as are required for open meetings, and which may also require CART services. If CART services are requested or otherwise offered, the current budget will not cover these Board expenses. Therefore, the Board believes additional funds will be needed to meet obligations for ongoing board expenses and obligations.

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

The board requested its fiscal administrator for a budget analysis and extrapolate the increase in board funding based on what it considered to be a modest increase in fees, in an effort to fund the investigation contract, CART services and other accommodation requests.

(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.