

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

**201 KAR 39:060. Reinstatement of full license subject to disciplinary action.**

RELATES TO: KRS Chapter 13B, 309.318

STATUTORY AUTHORITY: KRS 309.304(3), 309.314

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) requires the Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations to carry the provisions of KRS 309.300 to 309.3189. KRS 309.314 requires the board to promulgate administrative regulations concerning reinstatement and renewal fees, as well as evidence of completion of continuing education. This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.

**Section 1. Reinstatement of a License Revoked by Disciplinary Action of the Board.**

- (1) If a license has been revoked, an individual may apply for reinstatement by:
  - (a) Submitting a completed License Reinstatement Application Form;
  - (b) Paying the initial licensure fee as set forth in 201 KAR 39:040 and the reinstatement fee as set forth in 201 KAR 39:040;
  - (c) Submitting proof of qualification for licensure as set forth in 201 KAR 39:030; and
  - (d) Show evidence of completion of fifteen (15) hours of continuing education for each year since the date of revocation in accordance with the requirements established in 201 KAR 39:090.
- (2)
  - (a) The board shall review the reinstatement request and determine whether to reinstate the license, based on the provisions of this subsection.
  - (b) Based upon the information submitted, the board shall determine if the conditions for reinstatement listed in KRS 309.318(5) have been met.
  - (c) If the board finds that the conditions for reinstatement have been met, it shall reinstate the license.
  - (d) If the board finds that the conditions for reinstatement have not been met, or the applicant failed to comply with the requirements of this administrative regulation, it shall refuse to reinstate the license. The applicant may then request, and the board shall grant, a hearing on the denial conducted pursuant to KRS Chapter 13B.

**Section 2. Reinstatement of a License which was Voluntarily Surrendered as if Revoked.**

- (1) If a license has been voluntarily surrendered as if revoked, an individual may apply for reinstatement by:
  - (a) Meeting of all of the requirements of Section 1(1) of this administrative regulation; and
  - (b) Providing documentation of the successful completion of all requirements established in the agreed order that resulted in the voluntary surrender of the license as if revoked.
- (2) For a request for reinstatement of a license voluntarily surrendered as if revoked, the board shall review the reinstatement request, make its determination, and provide for an appeal in accordance with Section 1(2)(a) through (d) of this administrative regulation.

**Section 3. Incorporation by Reference.**

- (1) "Reinstatement Application for Full License", DPL-KBI-03, April 2024, [~~"License Reinstatement Application", 2011 form,~~] 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, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 4:30 p.m. and on the board's Web site at [kbi.ky.gov](http://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](mailto:Sara.Janes@ky.gov), link to PPC public comment portal: [https://ppc.ky.gov/reg\\_comment.aspx](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 creates a procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

**(b) The necessity of this administrative regulation:**

This regulation provides a procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

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

The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

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

This regulation will assist the board by creating a procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

**(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 update the material incorporated by reference, correct the agency address and add the board's website address.

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

The amendment is necessary to provide the public with the correct address for obtaining information and to update the material incorporated by reference.

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

The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

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

The amendment will correct the board's address and website information.

**(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.

**(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:**

Prospective licensees will need to meet the requirements for reinstatement of their licenses.

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

The fees as promulgated in 201 KAR 39:040 and any costs associated with testing as required. These costs have not changed as a result of this amendment.

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

They will have the opportunity to have their license reinstated if the requirements are met.

**(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 this change.

**(b) On a continuing basis:**

No continuing costs will be incurred by this change.

**(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 temporary license. This administrative regulation does not establish 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.