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

201 KAR 39:070. Application and qualifications for temporary licensure and extensions.

RELATES TO: KRS 309.312(1)(b), (3)
STATUTORY AUTHORITY: KRS 309.304(3), 309.312
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) and (3) require the board to promulgate an administrative regulation establishing the requirements for an applicant for temporary licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes the requirements regarding temporary licensure, including extensions.

Section 1. Application for Temporary Licensure. Each applicant shall submit:
(1) A completed Application for Temporary Licensure ~~[Form, as incorporated by reference in 201 KAR 39:030]~~;
(2) The appropriate application and licensure fees as required by 201 KAR 39:040;
(3) A Plan of Supervision for Temporary License from a board approved supervisor~~[mentor]~~;
(4) Proof documenting passage of the CGKE, the NIC, or EIPA Knowledge Exam for anyone working in the K-12 school setting, within the last five (5) years of application. If the interpreter is deaf or hard of hearing, forty (40)~~[eighteen (18)]~~ hours of continuing education focused on general interpretation and ethics~~[CDI preparation]~~ may be obtained in lieu of this requirement; and
(5) Proof of achieving or holding one (1) of the following:
(a) Valid NAD Level III as a currently certified member;
(b) ~~[SCPI Advanced or better, within three (3) years of application;]~~
~~[(c)]~~ SLPI Advanced or better, within three (3) years of application;
(c) ~~[(d)]~~ ASLPI of three and one-half (3.5) or better, within three (3) years of application;
(d) ~~[(e)]~~ EIPA of three and one-half (3.5) or better, within three (3) years of application~~[three (3.0) or better]~~; or
(e) ~~[(f)]~~ BEI Basic or better, within three (3) years of application.

Section 2. Temporary Licensure Duration.
(1) An individual may hold temporary licensure for a maximum of five (5) consecutive licensure years from the date of initial issuance.
(2) An individual who is deaf or hard of hearing may hold temporary licensure for a maximum of ten (10) consecutive licensure years from the date of initial licensure.
(3) Any ~~[reinstatement or]~~extension of a temporary license shall occur during the period established in subsection (1) or (2) of this section and 201 KAR 36:050, Sections 3 and 4.
~~[(4)] [The board shall, in individual cases involving medical disability, illness, undue hardship, or active military service, or other extenuating circumstances that preclude the individual from completing the requirements, grant an extension of temporary licensure for an additional one (1) year for applicants who submit to the board:]~~
~~[(a)] [A written request for an extension of the temporary licensure term delivered to the board, by certified mail, no less than thirty (30) days before the expiration of the temporary license; and]~~
~~[(b)]~~
~~[1.] [Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or]~~

[2.] [Documentation that provides evidence to support the extension.]

Section 3. Supervision Requirements.

[(1)] Each applicant for a temporary license shall be trained and supervised by a board-approved supervisor and shall meet the requirements of 201 KAR 39:075[mentor].

[(2)] [During the period of training and supervision the mentor shall meet with the licensee on a quarterly basis. One (1) of these meetings shall be on a face to face basis with each person being mentored. The remaining meetings may be through the use of video or video teleconferencing or any other method outlined in the approved plan of supervision.]

[(3)] [A mentor shall contract with no more than twenty (20) temporary licensees during a calendar year.]

Section 4. Extensions of Temporary Licenses.

(1) Temporary licenses shall expire on July 1 each year. To extend a temporary license, a request for extension shall be submitted by July 1 each year. An applicant whose temporary license has expired may apply for an extension during the initial five (5) year period for a hearing interpreter, or the initial ten (10) year period for a deaf interpreter, from the date the temporary license was issued. The board may issue the extension for good cause shown as determined by board, and the duration of the extended temporary license shall not exceed the duration of the initial temporary license.

(2) To request an extension of a temporary license a temporary licensee shall submit:

(a) A completed Temporary License Extension Application form;

(b) The appropriate fee set forth in 201 KAR 39:040;

(c) Proof of completion of the continuing education requirements set forth in 201 KAR 39:090;

(d) A letter recommending extension written by the board-approved supervisor for the previous licensure term which describes the progress achieved by the supervisee; and

(e) A revised plan of supervision for the upcoming licensure year.

(3) The extensions of temporary licenses under this section shall be subject to the term limitations imposed by Section 2(1) and (2) of this administrative regulation.

(4) The board may extend the use of the temporary license to an applicant who has submitted an Application for Extension on or before the July 1 deadline for a period not to exceed sixty (60) days. The board shall review the application for extension prior to the expiration of the sixty (60) day period.

Section 5. Appeal of Denial of an Application for Temporary Licensure.

(1) If an Application for Temporary 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 6. Incorporation by Reference.

(1) "Application for Temporary Licensure", DPL-KBI-04, April 2024, is incorporated by reference.

(2) "Plan of Supervision for Temporary License", DPL-KBI-05, April 2024[10/2011], is incorporated by reference.

(3) "Temporary License Extension Application", DPL-KBI-06, April 2024.

(4) ~~[(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 can be found on the board website at 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 AM, 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: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, 2 NC WK#2, Phone Number: (502) 782-2709 (office), 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:
Establishes the requirements to obtain a temporary license as an 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 scores for temporary licensure and establish an expiration date for certifications.

(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 temporary 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 supervision requirements for temporary licensure and the expiration date for certifications.

(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 supervision requirements for obtaining temporary 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: 1. Clarifies the proper application for temporary licensure; 2. Requires that the temporary licensee have a board-approved "supervisor" rather than "mentor" in compliance with the requirements of KRS 309.312(3); 3. Adds the CASLI Generalist Knowledge Exam (CGKE) which is the current exam administered which replaces the NIC Knowledge Exam, which was retired on January 1, 2021, and retired with the CGKE. However, the Board will still accept passage of the NIC for applicants who took the exam prior to 2021; 4. Clarifies that the EIPA Knowledge Exam is appropriate only for those working in the K-12 school setting; 5. Strikes reference to CDI preparation since CDI is too limiting, does not have enough courses and is only offered every two (2) years and replaces it with CE focused on general interpretation and ethics; 6. Strikes reference to an assessment (SCPI) that is no longer available and increases certain skill assessment scores to ensure proper knowledge for protection of the public served; 7. Strikes language allowing the Board to grant additional extensions of temporary licensure under extenuating circumstances; 8. Strikes the language relating to the number of supervisees a supervisor may have to place the language in a new regulation relating only to supervision; 9. Inserts appeal rights for a denial; 10. To add regulations relating to extensions to the regulation relating to temporary licensure; and, 11. Updates the MIR.

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

The amendment is necessary in order to: 1. Clear up confusion on the proper form to use for temporary licensure applicants; 2. To be consistent with KRS 309.312(3) requiring supervision rather than a mentor; 3. To list current examinations for licensure eligibility based on the current examinations offered for certification; 4. To increase the score to ensure individuals with EIPA Knowledge Exam passage-only have more proficiency and are limited to the K-12 school setting, the setting that assessment of skills is designed for and which is not an appropriate assessment of skills for someone working with the general public; 5. To remove courses that are not widely available and which make licensure too limiting and replace them with courses that are more readily accessible to increase opportunities for licensure; 6. To increase assessment scores and thus the level of proficiency in interpreting before issuance of a temporary license in an effort to protect the public; 7. To strike language relating to extensions of the temporary license for extenuating circumstances since this led to extensions beyond the five (5) years authorized in Section 2.(1) and (2). Further, the Board felt the authorization for extension under extenuating circumstances was too subjective; 8. To strike all reference to reinstatement of temporary and put all regulations relating to supervision of a temporary licensee into one regulation rather than having them in multiple regulations; 9. To provide clarification on appeal rights for a denial of temporary licensure; 10. To add regulations relating to the extension of a temporary license so all regulations relating to temporary licensure are together and to reduce confusion. This was also a recommendation made by the Policy Committee; and 11. To update the MIR based on the amendments to the regulation.

(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 temporary licenses. KRS 309.312 requires applicants to meet current certification standards from a nationally recognized organization at the requisite level for sign language interpreters. The amendment clarifies multiple items for the proper administration of temporary licensees.

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

This amendment will clear up substantial confusion experienced by applicants in ensuring the proper form is used and the proper application of the credential, and allow to update the certifications that have expired to ensure licensees have up to date skills.

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

There 45 temporarily licensed interpreters and an unknown number of future 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:

This administrative regulation requires applicants to complete the current application for licensure as the first step of obtaining temporary licensure as an interpreter. This application will require licensees to obtain current certification in sign language skills and have higher scores for certain exams to qualify for temporary licensure.

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

The board does not anticipate any additional cost to the applicants affected by the amendment.

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

Applicants for licensure will know the correct title of the current application for temporary licensure and will better understand the required qualifications for temporary licensure, as well as the appropriate setting for using the temporary license for those qualifying with the EIPA Knowledge Exam.

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

(a) Initially:

It will not cost the administrative body any additional funds to implement this administrative regulation.

(b) On a continuing basis:

It will not cost the administrative body any additional funds to implement this administrative regulation.

(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 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.