

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

**201 KAR 39:100. Complaint procedure.**

RELATES TO: KRS 309.304(7), 309.316, 309.318

STATUTORY AUTHORITY: KRS 309.304(3), 309.316(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.316(2) authorizes the board to establish procedures for receiving and investigating complaints. KRS 309.318 delineates the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

**Section 1. Receipt of Complaints.**

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity.

(b) Shall:

1. Be in writing or contained on a videotape or digital media; and
2. Include the signature or stated name, address, and telephone or videophone number of the person submitting the complaint; and

(c) May be filed by the board or board member based upon information in its possession.

(2) Upon receipt of the complaint a copy of the complaint shall be sent to the licensee named in the complaint along with a request for the licensee's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written, videotaped, or other digital media response.

**Section 2. Initial Review.**

(1) After the receipt of a complaint and the expiration of the period for the licensee's response, ~~the case manager or~~ the complaint screening committee shall consider the complaint, the licensee's response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and licensee of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

- (a) Authorize an investigation into the matter; and
- (b) Order a report to be made to the ~~case manager or the~~ complaint screening committee at the earliest opportunity.

**Section 3. Results of Formal Investigation; Board Decision on Hearing.**

(1) Upon completion of the formal investigation, the investigator shall submit a written report to ~~the case manager or~~ the complaint screening committee of the facts regarding the complaint. The ~~case manager or the~~ complaint screening committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 309.300 to 309.319 or the

administrative regulations promulgated thereunder and if a formal complaint should be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee in accordance with KRS 309.316(4).

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the board attorney in conjunction with ~~the case manager or~~ the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 309.301(1), it shall:

(a) Order the individual to cease and desist from further violations of KRS 309.301(1);

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 309.301(1) with a request that appropriate action be taken under KRS 309.319; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 309.301(1) pursuant to KRS 309.304(7).

#### Section 4. Settlement by Informal Proceedings.

(1) The board through counsel and ~~the case manager or~~ the complaint screening committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair~~man~~.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 5. Notice and Service of Process. A notice required by KRS 309.300 to 309.319 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

#### Section 6. Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 309.316(3); and

(2) An action to restrain or enjoin a violation of KRS 309.301(1).

#### Section 7. Incorporation by Reference.

(1) "Complaint Form", DPL-KBI-009, April 2024, ~~2011,~~ 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, ~~Division of Occupations and Professions, 911 Leawood Drive,~~ Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and found on the board's Web site at [www.kbi.ky.gov](http://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](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 the procedure for filing a disciplinary complaint with the Board and sets the disciplinary process utilized by the Board.

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

This regulation creates the procedure for filing a disciplinary complaint with the Board and sets the disciplinary process utilized by the Board.

**(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 creates the procedure for filing a disciplinary complaint with the Board and sets the disciplinary process utilized by 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:**

This amendment clarifies existing procedures and requirements and increases transparency of Board actions.

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

This amendment clarifies existing procedures and requirements and increases transparency of Board actions.

**(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:**

This amendment clarifies existing procedures and requirements and increases transparency of Board actions.

**(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.

**(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:**

Aggrieved parties or members of the public will submit complaints in the same way that those complaints have been submitted.

**(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 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):**

The profession will be stronger through the discipline of bad actors.

**(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 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.