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

201 KAR 39:050. Renewal and reinstatement of full licenses~~[, extension of temporary licenses and reinstatement]~~.

RELATES TO: KRS 309.304(5), 309.312, 309.314.
STATUTORY AUTHORITY: KRS 309.304(3), 309.312, 309.314
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3), 309.312, and 309.314 require the Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations to carry the provisions of KRS 309.300 to 309.319; to establish certification requirements for licensure; and to establish renewal and reinstatement fees. This administrative regulation establishes requirements for renewal of licenses, ~~[extension of temporary licenses,]~~and reinstatement.

Section 1. Renewal of Full Licenses. A person licensed as an interpreter shall renew that license annually, as required by KRS 309.314(1) by submitting the following to the board:
(1) A completed License Renewal Application form;
(2) The renewal fee as established in 201 KAR 39:040;
(3) Proof of current certification of the licensee as an interpreter for the deaf and hard of hearing by a nationally recognized organization; and
(4) Documentation of completion of the continuing education requirement established in 201 KAR 39:090.

Section 2. Grace Period. If a full license is not renewed by July 1, it may be renewed during the following sixty (60) day period, in accordance with KRS 309.314, by:
(1) Complying with the requirements established in Section 1 of this administrative regulation; and
(2) Submitting the late renewal fee established in 201 KAR 39:040.

Section 3.
~~[(1)]~~ Reinstatement of full license. A license not renewed prior to the close of the sixty (60) day grace period, in accordance with KRS 309.314(4), may be reinstated upon:
(1) ~~[(a)]~~ Payment of the renewal fee plus a reinstatement fee as established by 201 KAR 39:040, Section 4(1);
(2) ~~[(b)]~~ Submission of a completed Reinstatement Application for Licensed Interpreters form to the board;
(3) ~~[(c)]~~ Submission of evidence of completion of continuing education as required by 201 KAR 39:090, Section 10; and
(4) ~~[(d)]~~ Proof of current certification of the licensee as an interpreter for the deaf and hard of hearing by a nationally recognized organization.
~~[(2)] [The board may reinstate a temporary license only if the licensee submits proof sufficient to the board of situations such as:]~~
~~[(a)] [Medical disability of the licensee;]~~
~~[(b)] [Illness of the licensee or an immediate family member; or]~~
~~[(c)] [Death or serious injury of an immediate family member.]~~
~~[(3)] [A request for reinstatement of a temporary license involving medical disability or illness shall be:]~~
~~[(a)] [Submitted by the person holding a license; and]~~
~~[(b)] [Accompanied by a verifying document signed by a licensed physician.]~~
~~[(4)] [To request reinstatement of a temporary license a licensee shall submit:]~~

[(a)] [Sufficient proof in support of the reinstatement as required by subsections (2) and (3) of this section;]
[(b)] [A completed Temporary License Reinstatement Application form;]
[(c)] [The appropriate fee set forth in 201 KAR 39:040;]
[(d)] [Proof of completion of the continuing education requirements in 201 KAR 39:090;]
[(e)] [A letter recommending the reinstatement and extension written by the Mentor(s) of Record for the previous licensure term which describes the progress achieved by the mentee. The board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and]
[(f)] [A revised plan of supervision for the upcoming licensure 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.]

[(2)] [To request an extension of a temporary license:]

[(a)] [A temporary licensee shall submit:]

[1.] [A completed Temporary License Extension Application form;]

[2.] [The appropriate fee set forth in 201 KAR 39:040;]

[3.] [Proof of completion of the continuing education requirements set forth in 201 KAR 39:090;]

[4.] [A letter recommending extension written by the Mentor(s) of Record for the previous licensure term which describes the progress achieved by the mentee. The board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and]

[5.] [A revised plan of supervision for the upcoming licensure year.]

[(b)] [A deaf or hard of hearing temporary licensee shall submit:]

[1.] [Upon applying for a first, second, or third extension:]

[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 Mentor(s) of Record which describes the progress achieved by the Mentee. The board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and]

[e.] [A revised plan of supervision for the upcoming licensure year.]

[2.] [Upon applying for a fourth and subsequent extensions, a temporary license holder shall submit to the board documentation proving:]

[a.] [All requirements listed in paragraph (a) of this subsection; and]

[b.] [Proof of passage of the RID CDI Knowledge Exam.]

[(3)] [The extensions of temporary licenses under this section shall be subject to the term limitations imposed by 201 KAR 39:070, Section 2(2).]

[Section 5.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Full License Renewal Application", DPL-KBI-02, April 2024[June 2017]; and

(b) "Reinstatement Application for Full License[Licensed Interpreters]", DPL-KBI-03, April 2024.[December 2016;]

[(c)] ["Temporary License Reinstatement Application", December 2016; and]

[(d)] ["Temporary License Extension Application", June 2017.]

(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 kbi.ky.gov.

Pursuant to KRS 13A.040(9), technical, nonsubstantive changes have been made to this administrative regulation. The numbering of subsections in Section 3 has been corrected to comply with drafting requirements established in KRS 13A.220(5).

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 the renewal and reinstatement application requirements, as well as the requirements for extension of a temporary license for interpreters.

(b) The necessity of this administrative regulation:
This regulation is necessary to provide appropriate procedures for the application process for renewing or reinstating license or extending a temporary license as an interpreter.

(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 in administering this program by ensuring that licensees have a clear understanding of the process for renewing and reinstating a license and extending a temporary license and requirements for doing so.

(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 that the renewal, renewal grace period and reinstatement of license apply to full licensure only. The amendment also strikes language relating to reinstatement of a temporary license, as well as striking the terms “mentor” and “mentee” and replacing it with “supervisor” and “supervisee” to be consistent with the statutory requirement for supervision set forth in KRS 309.312(3). The amendment also strikes language permitting a waiver of the letter recommending extension by the supervisor describing progress achieved because it has never been used and the Board wished to close the loophole waiving the supervisor’s recommendation for an extension. The language relating to an extension request by a deaf or hard of hearing temporary licensee has been stricken because it is repetitious and unnecessary as the extension requirements in place can be used by all temporary licensees. Additionally, the amendment will strike the reinstatement of the temporary license since there is no reinstatement authorized by statute, however extensions are authorized by statute, and move the language relating to extensions to 201 KAR 39:070 which relates only to temporary licenses in order to reduce confusion. Finally, the materials incorporated by reference will be updated and some moved in conformity with these amendments.

(b) The necessity of the amendment to this administrative regulation:
These amendments are necessary to reduce the confusion surrounding renewal, reinstatement and extension of full and temporary licenses and to make the regulations consistent with the statutory requirements of supervision versus mentoring and reinstatement versus extensions of temporary licenses. the amendment also closes a loophole that would allow a temporary licensee to bypass the temporary license extension requirement, to reduce confusion created by

requirements for temporary license extension by both hearing and deaf interpreters and to update the forms.

(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 assist in effective administration by clarifying what the options for renewal, reinstatement and extension are for different license types which will in turn reduce questions and confusion by licensees requiring the board to process. The amendment will also make the regulations consistent with statute which specifically precludes renewal of a temporary license and never authorized reinstatement of a temporary license in the first place.

(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:
Licensees will be required to apply for renewal and reinstatement of a full license; and an extension of a temporary license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):
The fees for renewal, extension or reinstatement of licensure are established in 201 KAR 36:030. There are no costs provided for in this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):
The entities will understand how to apply for renewal, reinstatement and extensions of each license.

(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 renewal or reinstatement of a full license and extension or reinstatement of 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.