BOARDS AND COMMISSIONS
Board of Interpreters for the Deaf and Hard of Hearing
(Amended After Comments)

201 KAR 39:090. Continuing education unit requirements.

RELATES TO: KRS 309.304(5)
STATUTORY AUTHORITY: KRS 309.304(3), 309.314(7)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.314(7) authorizes the board to promulgate an administrative regulation that requires interpreters who apply for renewal or reinstatement to show evidence of completion of continuing education. This administrative regulation delineates the requirements for continuing education units and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Accrual of Continuing Education Hours Mandatory for Full Licensure; Computation of Accrual.

(1) A person who is licensed as an interpreter shall have earned a minimum of fifteen (15) continuing education unit hours during each licensure period.~~[total of fifteen (15) hours of approved continuing education during the compliance period, prior to renewal of his or her license for the next licensure period.]~~

(2) A minimum of half of the fifteen (15) hours shall be from any of the following sources, alone or in combination:

(a) Alexander Graham Bell Association of the Deaf;
(b) American Sign Language Teacher Association;
(c) National Association of the Deaf;
(d) National Educational Interpreters Conference;
(e) Registry of Interpreters for the Deaf - Certificate Maintenance Program; or
(f) Registry of Interpreters for the Deaf - Associate Continuing Education Training.

(3) ~~[A minimum of fifteen (15) continuing education hours shall be accrued by each licensee during the licensure period for renewal for the following year.]~~

~~[(4)]~~ A minimum of three (3) of the fifteen (15)~~[total]~~ continuing education unit hours shall be related to ethics. **To be approved:**

(a) The program title shall contain the word "ethics"; or,
(b) The licensee shall submit the course description for the board to review to determine whether the program relates to the code of ethics for interpreters.

Section 2. Accrual of Continuing Education Unit Hours Mandatory for Temporary Licensure; Computation of Accrual.

(1) A person who holds a temporary license as an interpreter shall have earned a minimum~~[total]~~ of eighteen (18) hours of approved continuing education units during each~~[the compliance period, prior to renewal or extension of his or her license for the next]~~ licensure period.

(2) A minimum of seven and one-half (7.5) of the eighteen (18) hours shall be from any of the following sources, alone or in combination;

(a) Alexander Graham Bell Association for the Deaf;
(b) American Sign Language Teacher Association;
(c) National Association of the Deaf;
(d) National Educational Interpreters Conference;
(e) Registry of Interpreters for the Deaf - Certificated Maintenance Program; or
(f) Registry of Interpreters for the Deaf - Associate Continuing Education Training.

(3) A minimum of three (3) of the eighteen (18)~~[total]~~ continuing education unit hours shall be related to ethics. **To be approved:**

(a) The program title shall contain the word "ethics"; or,

(b) The licensee shall submit the course description for the board to review to determine whether the program relates to the code of ethics for interpreters.

Section 3. Methods of Acquiring Continuing Education Unit Hours. Continuing education unit hours applicable to the renewal of the license shall be directly related to the professional growth and development of an interpreter. The hours shall be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. An educational program from any of the following providers shall be deemed to be relevant to the practice of interpreting and shall be approved without further review by the board:

(a) A program sponsored or approved by the:

1. Alexander Graham Bell Association of the Deaf;
2. American Sign Language Teacher Association;
3. National Association of the Deaf; or
4. Registry of Interpreters for the Deaf; or
5. National Association of Interpreters in Education.

(b) An academic course offered by an accredited postsecondary institution that is directly related to interpreting. Credit shall only be granted for grades of "C" or above.

(2) Programs requiring board review and approval. A program from any of the following sources shall be reviewed and determined if the program is relevant and therefore subsequently approved by the board:

(a) Relevant programs, including asynchronous and synchronous learning either in-person or virtual,~~[home study courses and in-service]~~ training provided by other organizations, educational institutions, or other service providers approved by the board;

(b) Relevant programs or academic courses presented by the licensee. Presenters of relevant programs or academic courses may earn full continuing education credit for each contact hour of instruction, not to exceed three (3) hours of continuing education credits. Credit shall not be issued for repeated presentation of the same course.

(c) Authoring an article in a relevant, professionally-recognized, or juried publication. Credit shall not be granted for an article unless the article was published within the one (1) year period immediately preceding the renewal date. A licensee shall earn three (3) hours of continuing education credit toward the hours required for renewal. No more than one (1) publication shall be counted during a renewal period.

(d) A general education course, elective course, or a course designed to meet degree requirements offered by an accredited postsecondary institution. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals 10 continuing education hours. Credit shall only be granted for grades of "C" or above.

Section 4. Procedures for Preapproval of Continuing Education Unit Sponsors and Programs.

(1) Any entity seeking to obtain approval of a continuing education program prior to its offering shall complete and submit the Application for Continuing Education Program Approval form to the board at least sixty (60) days in advance of the commencement of the program, stating the following:

(a) A published course or similar description containing educational objectives;

(b) Names and qualifications of the instructors;

(c) A copy of the program agenda indicating hours of instruction, coffee and lunch breaks;~~[and]~~

(d) Number of continuing education unit hours being requested~~[offered]~~; and

(e) A copy of the evaluation.

(2) A continuing education activity shall be approved[qualified for approval] if the board determines the activity being offered:

(a) Is an organized program of learning;

(b) Pertains to subject matters, which integrally relate to the practice of interpreting;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have educational training or experience acceptable to the board.

(3) A sponsor of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 5. Responsibilities and Reporting Requirements of Licensees. A licensee shall be responsible for obtaining the required continuing education unit hours.[He shall identify his own continuing education needs, take the initiative in seeking continuing education activities to meet these needs, and seek ways to integrate new knowledge, skills and attitudes. Each person holding a license shall:]

[(1)] [Select approved activities by which to earn continuing education hours;]

[(2)] [Submit to the board when applicable a request for approval for continuing education activities not approved by the board as set forth in Section 7 of this administrative regulation;]

(1) [(3)] Maintain records of continuing education unit hours. Each licensee shall maintain all documentation verifying successful completion of continuing education unit hours for a period of two (2) years from the date of renewal. During each licensure renewal period, up to fifteen (15) percent of all licensees, chosen at random, shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education unit hours for the current renewal period. Verification of continuing education unit hours shall not be otherwise reported to the board;

[(4)] [Document attendance and participation in a continuing education activity in the form of official documents including transcripts, certificates, affidavits signed by instructors,] [receipts for fees paid to the sponsor,] [or less formal evidence including written summaries of experience that are not otherwise formally or officially documented in any way. The type of documentation required shall vary depending on the specific activity submitted to the board for approval; and]

(2) [(5)] Fully comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 309.318(1)(e) and may result in the refusal to renew, suspension, or revocation of the licensure.

Section 6. Procedures for Approval of Continuing Education Programs. A program[course,] which has not been preapproved by the board, may be used for continuing education units if the licensee submits the program for board approval[is secured from the board for the course]. In order for the board to adequately review a program for approval, the following information shall be submitted:

(1) A published course or similar description containing educational objectives; and

(2) Names and qualifications of the instructors.

(3) A copy of the program agenda indicating hours of instruction, coffee and lunch breaks;

(4) Number of continuing education hours being requested; and

(5) A copy of the course evaluation.

Section 7. Carry Over of Continuing Education Unit Hours. A licensee with a full license may carry over six (6) continuing education unit hours earned in excess of those required under Section 1 of this administrative regulation for one (1) renewal period, after which

time they expire. All carry-over hours shall comply with the requirements of Sections 1 through 3 of this administrative regulation.

Section 8. Board to Approve Continuing Education Unit Hours; Appeal when Approval Denied. In the event of a denial, in whole or in part, of any application for approval of continuing education hours, the licensee shall have the right to request reconsideration by the board of its decision. The request shall be in writing, specifically stating the reasons for reconsideration, and shall be received by the board within thirty (30) days of the board's decision denying approval of continuing education hours.

Section 9. ~~[Waiver or Extensions of Continuing Education. All requests for waiver or extension shall accompany the License Renewal Application Form.]~~

~~[(1)] [Upon written request, the board shall consider whether to grant a waiver of continuing education requirements or an extension of time within which to fulfill the requirements, in the following cases:]~~

~~[(a)] [Medical disability of the licensee;]~~

~~[(b)] [Illness of the licensee or an immediate family member;]~~

~~[(c)] [Death or serious injury of an immediate family member; or]~~

~~[(d)] [For good cause shown.]~~

~~[(2)] [A written request for a waiver or extension of time 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.]~~

~~[(3)] [A request for a waiver or extension of the continuing education requirements applies only to the current licensure year.]~~

~~[(a)] [Subsequent requests for waiver or extension of the continuing education requirements shall be made at the time of licensure renewal.]~~

~~[(b)] [There shall be no limit to the number of waivers or extensions that the board may grant, as long as the applicant meets the requirements set forth in subsections (1) and (2) of this section.]~~

~~[Section 10.]~~ Continuing Education Requirements for Reinstatement of License.

(1) A person requesting reinstatement of licensure shall submit evidence of completion of required hours of continuing education units within the twelve (12) month period immediately preceding the date on which the request for reinstatement is submitted to the board.

(2) If the person seeking reinstatement does not meet the requirements established in subsection (1) of this section, the board may conditionally reinstate licensure, requiring the applicant to obtain required hours of continuing education units within six (6) months of the date on which licensure is reinstated.

(3) The continuing education unit hours received in compliance with this section for reinstatement shall be in addition to the regular continuing education unit requirements established in Section 1 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 10. ~~[Section 11.]~~ Incorporation by Reference.

(1) "Application for Continuing Education Unit Program Approval", DPL-KBI-08, April 2024~~[10/2011]~~, 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,~~[Division of Occupations and Professions, 911 Leawood Drive,]~~ Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or found on the board's Web site at www.kbi.ky.gov.

MARVA JOHNSON, Chair

APPROVED BY AGENCY: October 11, 2024

FILED WITH LRC: October 14, 2024 at 11:10 a.m.

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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 sets requirements for approval of continuing education courses and sets licensee requirements for acceptable continuing education.

(b) The necessity of this administrative regulation:
This regulation sets requirements for approval of continuing education courses and sets licensee requirements for acceptable continuing education.

(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 sets requirements for approval of continuing education courses and sets licensee requirements for acceptable continuing education.

(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 adds the word "unit" throughout to clarify the standard for this profession which may differ from the continuing education calculation for various certifying organizations or agencies.

(b) The necessity of the amendment to this administrative regulation:
This amendment clarifies existing procedures and requirements.

(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 will incorporate the current application for licensure form. This amendment will allow the board to determine certifications that have expired and licensees that may not 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 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:
Licensees will need to meet the requirements for renewal of licensure.

(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 or education 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 renew their license if they meet the stated requirements.

(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(3).

(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.