

1 GENERAL GOVERNMENT CABINET

2 BOARD OF INTERPRETERS FOR THE DEAF AND HARD OF HEARING

3 (Amendment)

4 201 KAR 39:001. Definitions for 201 KAR Chapter 39.

5 RELATES TO: KRS 309.300(4), 309.304, 309.301(2)(a).

6 STATUTORY AUTHORITY: KRS 309.304(3)

7 NECESSITY, FUNCTION, AND CONFORMITY:

8 KRS 309.304(3) requires the Kentucky Board of Interpreters for the Deaf and Hard of
9 Hearing to promulgate administrative regulations pertaining to the practice and licensure of a deaf
10 or hearing~~[an]~~ interpreter, a deaf or hearing~~[an]~~ interpreter intern, or a deaf or hearing student in
11 training. This administrative regulation establishes definitions for 201 KAR Chapter 39.

12 Section 1. Definitions.

13 (1) "American Sign Language Proficiency Interview (ASLPI) as administered by Gallaudet
14 University" means the assessment that rates the ability to use American Sign Language grammar
15 and vocabulary in most formal and informal conversations on social and work topics.

16 (2) "BEI" means the Board for Evaluation of Interpreters sponsored by the Department of
17 Assistive and Rehabilitative Services in Texas, and the University of Arizona National Center for
18 Interpretation Testing, Research, and Policy.

19 (3) "Board-approved supervisor~~[mentor]~~" means a licensed interpreter in this state or the
20 resident of another state who meets the requirements established by 201 KAR 39:075.~~[=~~

1 ~~(a) Meets the requirements for licensure in this state as set forth in KRS 309.300 to 390.319~~
2 ~~and 201 KAR Chapter 39;~~

3 ~~(b) Holds a valid certificate meeting the requirements for full licensure for a minimum of~~
4 ~~three (3) years prior to serving as a mentor; and]~~

5 ~~(c) Has completed forty five (45) hours of continuing education since obtaining~~
6 ~~certification.]~~

7 (4) "Case manager" means a member of the board appointed by the chair of the board to
8 review complaints and investigative reports, and to participate in informal proceedings to resolve
9 a formal complaint.

10 (5) "CASLI" means the Center for Assessment of Sign Language Interpretation.

11 (6) "CGKE" means the CASLI Generalist Knowledge Exam is an exam administered by
12 CASLI to both hearing and deaf candidates.

13 (7) "CGPE-NIC" means the CASLI Generalist Performance Exam-NIC administered to
14 hearing candidates after passing the CGKE.

15 (8) "CGPE-CDI" means the CASLI Generalist Performance Exam-CDI administered to
16 deaf candidates after passing the CGKE.

17 (9)~~(5)~~ Certificate of Interpretation (CI) granted by RID" means a certificate indicating
18 that the holder has demonstrated the ability to interpret between American Sign Language and
19 spoken English in both sign-to-voice and voice-to-sign, without consideration of the interpreter's
20 ability to transliterate.

21 (10)~~(6)~~ "Certificate of Transliteration (CT) granted by RID" means a certificate indicating
22 that the holder has demonstrated the ability to transliterate between English-based sign language

1 and spoken English in both sign-to-voice and voice-to-sign, without consideration of the
2 transliterator's ability to interpret.

3 (11)~~(7)~~ "Certified Deaf Interpreter (CDI) granted by RID" means a certificate indicating
4 the holder of this certificate is an interpreter who is deaf or hard of hearing, has passed
5 comprehensive written and performance tests, and is recommended for a broad range of
6 assignments where an interpreter who is deaf or hard of hearing would be beneficial.

7 (12)~~(8)~~ "Chair" means the chair or vice-chair of the board.

8 (13)~~(9)~~ "Charge" means a specific allegation contained in a formal complaint issued by
9 the board alleging a violation of a specified provision of KRS 309.300 to 309.319, 201 KAR
10 Chapter 39, or any other state or federal statute or administrative regulation.

11 (14)~~(10)~~ "Complaint" means any written or videotaped allegation of misconduct by a
12 licensed individual that might constitute a violation of KRS 309.300 to 309.319, 201 KAR Chapter
13 39, or any state or federal statute regulating the practice of interpreting.

14 (15)~~(11)~~ "Complaint screening committee" means a committee consisting of three (3)
15 persons on the board appointed by the chairman of the board to review complaints and
16 investigative reports, and to participate in informal proceedings to resolve a formal complaint or
17 recommend action to the board.

18 (16)~~(12)~~ "Comprehensive Skills Certificate (CSC) granted by RID" means a certificate
19 indicating that the holder has demonstrated the ability to interpret between American Sign
20 Language and Spoken English and to transliterate between spoken English and an English-based
21 sign language.

22 (17)~~(13)~~ "Conditional Legal Interpreting Permit-Relay (CLIP-R) granted by RID" means
23 that the holder of this conditional permit has completed a RID-recognized training program

1 designed for interpreters and transliterators who work in legal settings, who are also deaf or hard
2 of hearing, and who are recommended for a broad range of assignments in the legal setting.

3 (18)~~(14)~~ "Cued Language Transliterator National Certification Examination (CLTNCE)"
4 means the examination which measures skills that satisfy the TECUnit minimum standard of both
5 knowledge and skills in cued language transliteration and passage of which is required to
6 recommend the individual for limited settings that require cued speech.

7 (19)~~(15)~~ "Deaf Interpreter" means an individual who is deaf or hard of hearing and holds
8 licensure or temporary licensure indicating the holder is an interpreter who is deaf or hard of
9 hearing, has submitted proof of qualification to the board, and is recommended for a broad range
10 of assignments where an interpreter who is deaf or hard of hearing would be beneficial.

11 (20)~~(16)~~ "Deaf or Hard of Hearing Individuals" means individuals who have hearing
12 disorders and who cannot hear and understand speech clearly through the ear alone with or without
13 amplification, as verified by a licensed medical professional specializing in the provision of
14 services to the deaf and hard of hearing.

15 (21)~~(17)~~ "Education Interpreter Performance Assessment (EIPA) granted by Boys Town
16 National Research Hospital" means a proficiency assessment for K-12 interpreting only, which
17 indicates that the holder:

- 18 (a) Has demonstrated the ability to expressively interpret classroom content and discourse;
19 (b) Has demonstrated the ability to receptively interpret student sign language;
20 (c) Is not limited to any one sign language or system; and
21 (d) Is recommended to work with students who predominately use American Sign
22 Language (ASL), Manually-Coded English (MCE), or Pidgin Sign English (PSE).

1 ~~(22)~~~~(18)~~ "Educational Certificate: K-12 (Ed: K-12) granted by RID" means that the
2 holder has demonstrated:

3 (a) The ability to interpret classroom content, discourse, and student sign language; and

4 (b) Proficient expressive and receptive interpreting skills in all elementary and secondary
5 school classroom settings.

6 ~~(23)~~~~(19)~~ "Formal complaint" means a formal administrative pleading authorized by the
7 board which:

8 (a) Sets forth charges against a licensed individual or other person; and

9 (b)

10 1. Commences a formal disciplinary proceeding pursuant to KRS Chapter 13B; or

11 2. Requests the court to take criminal or civil action.

12 ~~(24)~~~~(20)~~ "Informal proceedings" means the proceedings instituted at any stage of the
13 disciplinary process with the intent of reaching a dispensation of any matter without further
14 recourse to formal disciplinary procedures under KRS Chapter 13B.

15 ~~(25)~~~~(21)~~ "Interpretation Certificate (IC) granted by RID" means that the holder has
16 demonstrated the ability to interpret between American Sign Language and spoken English.

17 ~~(26)~~~~(22)~~ "Interpreting Certificate/Transliteration Certificate (IC/TC) granted by RID"
18 means that the holder has demonstrated the ability to transliterate between English and a signed
19 code for English and the ability to interpret between American Sign Language and spoken English.

20 ~~(27)~~~~(23)~~ "Investigator" means an individual designated by the board to assist the board
21 in the investigation of a complaint.

1 (28)[(24)] "Licensure year" means the period between July 1st of each year and June 30th
2 of the following year or the time from which a license or temporary license was granted until the
3 next June 30th.

4 (29)[(25)] "Master Comprehensive Skills Certificate (MCSC) granted by RID" means that
5 the holder has demonstrated a higher standard of performance than holders of the CSC and is
6 recommended for a broad range of interpreting and transliterating assignments.

7 (30)[(26)] "NAD" means the National Association of the Deaf.

8 (31)[(27)] "NAD Level III (Generalist)" means that the holder has demonstrated average
9 voice-to-sign skills, good sign-to-voice skills, and the minimum competence needed to meet
10 generally accepted interpreter standards, except that this individual is not qualified for all
11 situations.

12 (32)[(28)] "NAD Level IV (Advanced)" means that the holder has demonstrated excellent
13 voice-to-sign skills and above average sign-to-voice skills, and this individual is recommended for
14 most situations.

15 (33)[(29)] "NAD Level V (Master)" means that the holder has demonstrated superior voice-
16 to-sign skills and excellent sign-to-voice skills, and this individual is recommended for a broad
17 range of interpreting assignments.

18 (34)[(30)] "National Interpreter Certification (NIC)" means a certification indicating that
19 the holder has passed the NIC Knowledge exam [~~as administered by RID~~] and has scored within
20 the standard range on the interview and performance portions of the test.

21 (35)[(31)] "National Interpreter Certification (NIC Advanced)" means a certification
22 indicating that the holder has passed the NIC Knowledge exam [~~as administered by RID~~], scored

1 within the standard range on the interview portion, and scored within the high range on the
2 performance portion of the test.

3 (36)[(32)] "National Interpreter Certification Master (NIC Master)" means a certification
4 indicating that the holder has passed the NIC Knowledge exam [~~as administered by RID~~] and has
5 scored within the high range on both the interview and performance portions of the test.

6 (37)[(33)] "Nationally Recognized Organization" means an organization that owns or
7 administers an interpreting skills assessment that has been adopted by law or regulation by two (2)
8 or more state agencies or state regulatory boards.

9 (38) "Nonresident Interpreter" means a person who resides in another state and engages in
10 the practice of interpreting for less than twenty (20) days without a Kentucky license.

11 (39) "Nonresident Interpreter Registry" means the registry required for tracking the number
12 of days of service a nonresident interpreter provides in Kentucky which is authorized without a
13 license.

14 (40)[(34)] "One (1) continuing education hour" means sixty (60) contact minutes of
15 participating in continuing education experiences.

16 (41)[(35)] "Oral Interpreting Certificate. Comprehensive (OIC:C) granted by RID" means
17 a certificate indicating that the holder has demonstrated the ability to transliterate a spoken message
18 from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand
19 and repeat the message and intent of the speech and mouth movements of the person who is deaf
20 or hard-of-hearing.

21 (42)[(36)] "Oral Interpreting Certificate. Spoken to Visible (OIC:S/V) granted by RID"
22 means a certificate indicating that the holder has demonstrated the ability to transliterate a spoken
23 message from a person who hears to a person who is deaf or hard-of-hearing.

1 (43)[(37)] "Oral Interpreting Certificate. Visible to Spoken (OIC:V/S) granted by RID"
2 means a certificate indicating that the holder has demonstrated the ability to understand the speech
3 and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message
4 for a hearing person.

5 (44)[(38)] "Oral Transliteration Certificate (OTC) granted by RID" means a certificate
6 indicating that the holder has demonstrated ability to transliterate a spoken message from a person
7 who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the
8 message and intent of the speech and mouth movements of the person who is deaf and hard-of-
9 hearing.

10 (45)[(39)] "Reverse Skills Certificate (RSC) granted by RID" means a certificate indicating
11 that the holder:

12 (a) Is deaf or hard of hearing; and

13 (b) Has demonstrated the ability to:

- 14 1. Interpret between American Sign Language and English-based sign language; or
15 2. Transliterate between spoken English and a signed code for English.

16 (46)[(40)] "Revoked" means the process by which the board terminates all rights and
17 privileges associated with that license, in settlement of a disciplinary action initiated by the board.

18 (47)[(41)] "RID" means Registry of Interpreters for the Deaf, Inc.

19 ~~[(42)] "Sign Communication Proficiency Interview (SCPI) as developed by National~~
20 ~~Technical Institute for the Deaf" means the assessment that rates the ability to communicate~~
21 ~~expressively and receptively in a video-taped one-on-one interview or conversation with a trained~~
22 ~~interviewer.]~~

1 (48)[(43)] "Sign Language Proficiency Interview (SLPI) as developed by National
2 Technical Institute for the Deaf" means the assessment that rates the ability to communicate
3 expressively and receptively in a video-taped one-on-one interview or conversation with a trained
4 interviewer.

5 (49)[(44)] "Specialist Certificate: Legal (SC:L) granted by RID" means a certificate
6 indicating that the holder has demonstrated specialized knowledge of legal settings and greater
7 familiarity with language used in the legal system and is recommended for a broad range of
8 assignments in the legal setting.

9 (50)[(45)] "Specialist Certificate: Performing Arts (SC:PA) granted by RID" means a
10 certificate indicating that the holder has demonstrated specialized knowledge in performing arts
11 interpretation and is recommended for a broad range of assignments in the performing arts setting.

12 (51)[(46)] "TECUnit" means the National Training, Evaluation, and Certification Unit.

13 (52)[(47)] "Transliteration Certificate (TC) granted by RID" means a certificate indicating
14 that the holder has demonstrated the ability to transliterate between spoken English and a signed
15 code for English.

16 (53)[(48)] "Voluntary surrender" means the process by which a person who holds a license
17 issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights
18 and privileges associated with that license, in settlement of a disciplinary action initiated by the
19 board.

201 KAR 39:001

APPROVED BY AGENCY:

A handwritten signature in black ink, appearing to read "Marva Johnson", written in a cursive style.

Marva Johnson
Chair, Board of Interpreters for the Deaf and Hard of Hearing
Date: June 12, 2024

PUBLIC HEARING AND PUBLIC 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 public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 39:001

Contact Person: Sara Boswell Janes

Phone Number: (502) 782-2709 (office)

Email: sara.janes@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This defines terms for this regulatory chapter.
- (b) The necessity of this administrative regulation: This defines terms for this regulatory chapter.
- (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 defines terms for this regulatory chapter.

(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 adds definitions for a change in the nationally recognized organization for certification and strike reference to “mentor”.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary because the nationally recognized organization for certification has changed and references needed to be added and defined. Additionally, “mentor” has been changed to “supervisor” to be consistent with the requirements of KRS 309.312(3) relating to training under the supervision of a licensed interpreter. Definitions for “nonresident interpreter” and “nonresident interpreter registry” have been added to clarify the meaning of a new regulation requiring registration for services being provided in the Commonwealth that are authorized by KRS 309.301(2)(a).
- (c) How the amendment conforms to the content of the authorizing statutes: KRS 309.312 requires applicants to meet current certification standards from a nationally recognized organization at the requisite level for sign language interpreters and consistency with KRS 309.312(3) relating to training under the supervision of a licensed interpreter. The amendment conforms to the authorizing statute, KRS 309.304(3) providing that the Board shall promulgate necessary and reasonable administrative regulations to effectively carry out and enforce the provisions of KRS 309.300 to 309.319.
- (d) How the amendment will assist in the effective administration of the statutes: This amendment will incorporate the current nationally recognized organization for certification to ensure applicants have up to date skills and establish standards for supervision within the definition and strike reference to “mentor” which has a different connotation than “supervisor”, and provide definitions for a nonresident interpreter and nonresident interpreter registry that will provide a means to track the number of days an unlicensed interpreter provides services in Kentucky without the protections afforded to Kentucky consumers by the licensing requirements.

(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, and an unknown number of nonresident interpreters in Kentucky who may be providing services for less than twenty “20” days per year in Kentucky

(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: More individuals will be able to obtain licensure with the inclusion of current national certifying entities being added to the regulations. Additionally, nonresident interpreters without a Kentucky license and the register being created to track services will understand who they are and what the registry is.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation will not cause any increase in cost for applicants.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): More individuals will be able to obtain licensure with the inclusion of current national certifying entities being added to the regulations and temporary licensees and the supervisor will have a clearer understanding of the role and expectations for supervision. Additionally, Kentucky will have a way to track the number of days a nonresident interpreter provides unlicensed services in Kentucky.

(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.
- (b) On a continuing basis: No new costs will be incurred.

(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 fees will be required to implement this amended administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fee directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applied to this regulation.

FISCAL IMPACT STATEMENT

Regulation No. 201 KAR 39:001

Contact Person: Sara Boswell Janes

Phone Number: (502) 782-2709 (office)

Email: sara.janes@ky.gov

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.