

1 GENERAL GOVERNMENT CABINET

2 BOARD OF INTERPRETERS FOR THE DEAF AND HARD OF HEARING

3 (Amendment)

4 201 KAR 39:120. Code of ethics.

5 RELATES TO: KRS 309.304(3), 309.318(1)(e), (f)

6 STATUTORY AUTHORITY: KRS 309.304(3), 309.318(1)(f)

7 NECESSITY, FUNCTION, AND CONFORMITY:

8 KRS 309.318(1)(e) and (f) authorizes the board to take disciplinary action against a licensee  
9 who violates any state statute or administrative regulation governing the practice of interpreting or  
10 violates the code of ethics, known as the Professional Code of Conduct of the licensee's national  
11 certifying organization or organizations. This administrative regulation establishes the code of  
12 ethics in accordance with KRS 309.318(1)(f).

13 Section 1. A licensee [~~licensee~~] shall abide by the following standards of professional and  
14 ethical conduct:

15 (1) A licensee shall keep all service-related [~~assignment-related~~] information strictly  
16 confidential. From the moment of accepting the service [~~assignment~~], the licensee [~~interpreter~~]  
17 holds a trustworthy relationship with the consumer, in which the licensee [~~interpreter~~] is bound to  
18 confidentiality.

19 (a) All information [~~obtained from the interpreter service~~] shall be considered confidential.  
20 This applies whether the licensee [~~interpreter~~] accepts or declines the request for services  
21 [~~assignment~~].

1 (b) All information about a consumer that is received from other licensees~~[interpreters]~~  
2 shall be considered confidential and shall be exchanged in a manner which protects both the  
3 consumer and the service ~~[assignment]~~.

4 (c) The licensee ~~[interpreter]~~ shall comply with the requirements of KRS 620.030 by  
5 reporting to the proper authorities the dependency, neglect, or abuse of a child if the licensee  
6 ~~[interpreter]~~ reasonably believes that the dependency, neglect, or abuse of a child is ongoing or  
7 has occurred.

8 (2) A licensee shall faithfully convey the content and spirit of the speaker using language most  
9 readily understood by the persons whom they serve. Every interpretation shall be faithful to the  
10 message of the source text. A faithful interpretation should not be confused with a literal  
11 interpretation. The fidelity of an interpretation includes an adaptation to make the form, the tone,  
12 and the deeper meaning of the source text felt in the target language and culture.

13 (3) A licensee shall possess the knowledge and skills to support accurate and appropriate  
14 interpretation. A licensee works in a variety of settings and with a wide range of consumers and  
15 therefore shall be adept at meeting the linguistic needs of consumers, the cultural dynamics of each  
16 situation, and the spirit and content of the discourse.

17 (4) A licensee shall not counsel, advise or interject personal opinions.

18 (a) A licensee~~[An interpreter]~~ shall remain neutral, impartial, and objective. If the licensee  
19 ~~is~~~~[interpreter finds himself or herself]~~ unable to put aside personal biases or reactions which  
20 threaten impartiality, the licensee ~~[interpreter]~~ is under an obligation to examine options and take  
21 actions to remedy the situation.

22 (b) A licensee~~[An interpreter]~~ shall refrain from altering a message for political, religious,  
23 moral, or philosophical reasons, or for any other biased or subjective considerations.

1 (c) The licensee [~~interpreter~~] shall advise the consumer that the licensee [~~he or she~~] assumes  
2 a position of neutrality in the relationship between all parties during an interpreting service  
3 [~~assignment~~]. The licensee [~~interpreter~~] shall not become personally involved in [~~regards to~~] the  
4 issues or persons present at the interpreting service [~~assignment~~].

5 (5) A licensee shall accept a request for services [~~assignments~~] using discretion with regard to  
6 skill, setting, and the consumers involved.

7 (a) Licensees shall approach requests for services with respect and cultural sensitivity  
8 towards all participants.

9 (b) When a request for services demands an additional deaf or hearing licensee, a licensee  
10 shall not accept the request, or continue with the services if it has been initially accepted, until  
11 the additional deaf or hearing licensee is included in the professional interpreting team.

12 (a) [~~An interpreter shall recognize the need for a deaf interpreter and advocate his or her~~  
13 ~~participation as part of the interpreting team. A deaf interpreter may be necessary if working with~~  
14 ~~individuals who use regional sign dialects, nonstandard signs, foreign sign languages, and those~~  
15 ~~with emerging language use.]~~

16 (c) [(b)] A licensee [~~An interpreter~~] shall [~~generally~~] refrain from accepting a request for  
17 services [~~providing services in situations~~] where family members, personal or business associations  
18 may affect impartiality. In an emergency situation, a licensee [~~an interpreter~~] may provide services  
19 for family members, friends or business associates, and the licensee [~~. In those situations, the~~  
20 ~~interpreter~~] shall guard against allowing [~~his or her~~] personal involvement to affect the licensee's  
21 [~~his or her~~] ability to interpret impartially. If the licensee [~~an interpreter~~] [~~finds that he or she can~~  
22 ~~no longer~~] is unable to be impartial, the licensee [~~an interpreter~~] shall inform the parties involved  
23 and may assist in finding another licensee [~~an interpreter~~].

1 (6) Prior to accepting an engagement for services, a licensee shall advise the party responsible  
2 for payment of the services to be provided of the amount of compensation to be charged for the  
3 services.

4 (7) A licensee shall not advertise the licensee's [~~his or her~~] services in a false, deceptive or  
5 misleading manner.

6 (8) A licensee shall function in a manner appropriate to the situation. A licensee[~~An interpreter~~]  
7 shall [~~attempt to~~] become familiar with the anticipated discussion topic, type of activity, level of  
8 formality, expected behaviors, and possible presentational materials prior to commencement of the  
9 service [~~assignment~~].

10 [~~(9) Each licensee shall strictly adhere to the parameters set forth by RID specific to the~~  
11 ~~certification or certifications awarded which address appropriate conduct for a particular situation~~  
12 ~~and setting.~~

13 ~~Section 2. In addition to the standards delineated in Section 1 of this administrative regulation,~~  
14 ~~a licensee shall abide by the code of ethics or code of professional conduct for his or her respective~~  
15 ~~certification or certifications.]~~

201 KAR 39:120

APPROVED BY AGENCY:

A handwritten signature in black ink, appearing to read "Marva Johnson", written over a horizontal line.

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 canceled. 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](https://ppc.ky.gov/reg_comment.aspx)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 39:120  
Contact Person: Sara Boswell Janes  
Phone Number: (502) 782-5245 (office)  
Email: sara.janes@ky.gov

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This regulation creates a code of conduct for interpreters.
  - (b) The necessity of this administrative regulation: This regulation creates a code of conduct for interpreters.
  - (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 a code of conduct for interpreters.
  
- (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 strengthens ethical standards by requiring licensees to meet the standards of their national certifying body in addition to those of the Board and clarifies standards when team interpreting is needed. The amendments include housekeeping to use the term “licensee” rather than “interpreter” and strike the word “assignment” and replace it with “services”.
  - (b) The necessity of the amendment to this administrative regulation: This amendment strengthens ethical standards by requiring licensees to meet the standards of their national certifying body in addition to those of the Board.
  - (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 strengthens ethical standards by requiring licensees to meet the standards of their national certifying body in addition to those of the Board.
  
- (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 ethical standards of the national certifying bodies to which they belong.

(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 as licensees will be required to comply with additional ethical standards in some instances.

(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 by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(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 administrative regulation amendment.

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

(9) TIERING: Is tiering applied? (Explain why or why not): This regulation does not distinguish between similarly situated individuals on the basis of any factor.



## FISCAL IMPACT STATEMENT

Regulation No. 201 KAR 39:120

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.