

1 GENERAL GOVERNMENT CABINET

2 BOARD OF INTERPRETERS FOR THE DEAF AND HARD OF HEARING

3 (New Administrative Regulation)

4 201 KAR 39:075. Supervision.

5 RELATES TO: KRS 309.304(3), 309.312(3).

6 STATUTORY AUTHORITY: KRS 309.304(3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) requires the Kentucky Board
8 of Interpreters for the Deaf and Hard of Hearing to promulgate necessary and reasonable
9 administrative regulations to effectively carry out and enforce the provisions of KRS 309.300 to
10 309.319, pertaining to the practice and licensure of a deaf or hearing interpreter. This
11 administrative regulation establishes regulations relating to the supervision of temporary licensees,
12 or a licensee under discipline with supervisory conditions, as referenced in KRS 309.312(3) and
13 309.316(3).

14 Section 1. Qualification for Supervision Status.

15 (1) To qualify as a board-approved supervisor of record for a temporary licensee or a
16 licensee under discipline, a licensed interpreter shall:

17 (a) Complete an application to become a board-approved supervisor;

18 (b) Meet the requirements for licensure in Kentucky as set forth in KRS 309.300 to
19 309.319 and 201 KAR Chapter 39;

20 (c) Hold a valid certificate meeting the requirements for full licensure for a minimum
21 of three (3) years prior to application to serve as a supervisor, with the exception of those who are

1 fully licensed who do not have a nationally recognized certification and who shall not be eligible
2 to serve as a supervisor;

3 (d) Have completed forty-five (45) hours of continuing education since obtaining
4 certification; and

5 (e) Be approved by the board as a board-approved supervisor pursuant to the
6 requirements of this section.

7 Section 2. Supervision Requirements.

8 (1) General obligations.

9 (a) An interpreter who has applied and been approved as a supervisor by the board as
10 required in Section 1 of this administrative regulation, shall supervise a temporary license or a
11 licensee under discipline.

12 (b) During the period of supervision, the board-approved supervisor shall meet with the
13 temporary licensee or licensee under discipline on a quarterly basis. One (1) of the meetings
14 shall be face-to-face between the supervisor and temporary licensee or the licensee under
15 discipline. The remaining meetings may be through the use of video or video conferencing
16 or any other method outlined in the approved plan of supervision.

17 (c) The board-approved supervisor shall direct and oversee each supervisee who holds
18 a temporary licensee or who is a licensee under discipline with supervisory conditions imposed
19 as the result of an investigation of a complaint, taking responsibility for the professional
20 interpreting practice of the supervisee.

21 (b) The supervisor shall have access to, and shall review, the supervisee's
22 documentation, and when needed:

23 1. Review the supervisee's documentation and records;

1 2. View the supervisee's services in face-to-face format, recorded format, or both, if
2 available; and

3 3. Communicate with the supervisee's clients, if applicable, regarding the supervisee's
4 performance.

5 (c) The supervisor shall use observations from the supervisee's documentation, client
6 sessions, and communications with any third parties, including the administrative supervisor,
7 if applicable, to inform supervision and shall document these observations in his or her
8 supervisory notes.

9 (2) Extension of Temporary License. The board-approved supervisor shall provide the
10 board with the following information upon the request by a supervisee applying for extension of a
11 temporary license:

12 (a) A letter recommending extension which describes the progress achieved by the
13 supervisee; and

14 (b) For supervision of a temporary licensee, a revised plan of supervision for the upcoming
15 licensure year.

16 Section 3. Plan of Supervision .

17 (1) A temporary licensee shall enter into a written plan of supervision with an approved
18 supervisor which shall be submitted with the application for temporary licensure as provided in
19 201 KAR 39:070 . The plan of supervision shall contain:

20 (a) The name and address of the supervisee;

21 (b) The name, address, license or certification number, and number of years of practice of
22 the supervisor of record;

- 1 (c) The name, address, license or certification number, and number of years of practice of
2 other supervisors;
- 3 (d) The nature, duration, and frequency of the supervision, including the:
- 4 1. Number of hours of supervision per quarter;
- 5 2. Number of hours of individual supervision;
- 6 3. Methodology for transmission of information; and
- 7 4. Number of hours of face-to-face supervision;
- 8 (h) The conditions or procedures for termination of the supervision;
- 9 (i) A statement that:
- 10 1. The supervisor of record understands that the supervisor shall be held accountable to the
11 board for the interpreting services given to the supervisee's clients; and
- 12 2. The supervisor of record meets the criteria established in Section 1 of this administrative
13 regulation;
- 14 (j) The signatures of both the supervisor and the supervisee.
- 15 (2) If a supervisee changes his or her supervisor of record, the supervisee shall submit a
16 new plan of supervision, which sets forth the information required by this section.
- 17 (3) The supervisee may begin the practice of interpreting services upon the board's approval
18 of the plan.
- 19 (4) A supervisee shall not continue to practice interpreting services if:
- 20 (a) The conditions for supervision set forth in the plan of supervision are not followed; or
- 21 (b) The plan of supervision is terminated for any reason other than the extenuating
22 circumstances as authorized by the board.

1 (5) If the terms of the plan of supervision are not being met by the supervisee, the
2 supervisor shall immediately notify this board in writing.

3 Section 4. A supervisor of record shall assume responsibility for the practice of the
4 supervisee. A supervisor shall not serve as a supervisor of record for more than six (6) persons
5 obtaining experience for licensure at the same time. Any supervisor with more than six (6)
6 supervisees on or before January 1, 2025, shall reduce the number of supervisees to six (6) or less
7 through attrition and shall not accept new supervisees until the supervisor has fewer than six (6)
8 supervisees of record.

9 Section 5. A supervisor who is placed under discipline shall be ineligible to act as a
10 supervisor and shall not become eligible to apply for reinstatement as a supervisor earlier than two
11 (2) years following the completion of any disciplinary action, including completion of any
12 suspension or probationary period. Further, a board-approved supervision training shall be
13 required prior to reinstatement.

14 Section 6. Incorporation by Reference.

15 (1) "Application for Board Approved Supervisor", DPL-KBI-007, April 2024, is
16 incorporated by reference.

17 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
18 law, at the Board of Interpreters for the Deaf and Hard of Hearing, 500 Mero St, Frankfort,
19 Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m. This material is also available on
20 the board's website at www.kbi.ky.gov.

201 KAR 39:075

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 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 PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 39:075
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 new administrative regulation establishes the requirements of supervision.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 309.312(3) provides for supervision of a temporary licensee under circumstances defined by the board in administrative regulation. Currently, supervision requirements are housed in multiple regulations. This new administrative regulation will house all supervision requirements in one regulation providing ease in administration and compliance.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 309.304(3) which authorizes the Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations pursuant to KRS Chapter 13A, and KRS 309.312(3) which provides for supervision of a temporary licensee under circumstances defined by the board in administrative regulation.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will house all supervision requirements in one regulation providing ease in administration and compliance.

(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: N/A
- (b) The necessity of the amendment to this administrative regulation: N/A
- (c) How the amendment conforms to the content of the authorizing statutes: N/A
- (d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect any of the 533 fully licensed interpreters who wish to provide supervision services and 45 temporary licensed interpreters, and will also affect new applicants for temporary licensure.

(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:

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost for the licensees and applicants.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, the Board will have more effective administration over supervision which will also assist with public protection.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There is no additional cost for the implementation of this administrative regulation.
 - (b) On a continuing basis: There is no additional cost.
- (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 will be required.
- (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): Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

Regulation No. 201 KAR 39:075

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. 309.304(3), 309.312(3).

2. Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Interpreters for the Deaf and Hard of Hearing is the promulgating agency and the only other affected state unit, part or division.

(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? None.

(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 in the first year.

(b) Methodology and resources used to determine the fiscal impact: Methodology and resources used were a determination by the fiscal administrator that this new administrative regulation will be absorbed since these services are already required. This new administrative regulation will provide more efficiency and ease in administration and for licensee compliance.

(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 used were a determination by the fiscal administrator that this new administrative regulation will be absorbed since these services are already required. This new administrative regulation will provide more efficiency and ease in administration and for licensee compliance.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 39.075

The new form "Application for Board Approved Supervisor", DPL-KBI-007, April 2024, consisting of three (3) pages, is the material that is incorporated by reference in this new administrative regulation.

Commonwealth of Kentucky Board of Interpreters for the Deaf and Hard of Hearing P.O. Box 1360 Frankfort, KY 40602 Ph: 502-892-4252 Fax: 502-564-4818 KBI@ky.gov	 APPLICATION FOR BOARD-APPROVED SUPERVISOR	DPL-KBI-007 Rev. April 2024 Page 1 of 3 KRS 309.304 201 KAR 39:001, 39:070 & 39:075
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SECTION 1
(TYPE OR PRINT ALL INFORMATION)

<u>Last Name</u>	<u>First Name</u>	<u>Middle Name</u>	<u>License Number</u>
<u>Mailing Address</u>			
<u>Street or P.O. Box:</u>			
<u>City:</u>	<u>State:</u>	<u>Zip:</u>	<u>County:</u>
<u>Telephone Numbers</u> (including area code)			
<u>Work:</u>	<u>Cell:</u>	<u>Home:</u>	
<u>E-mail Address</u>			

SECTION 2 – CERTIFICATION

Select one or more of the following certifications of competence or skill assessments:

Note: Certification must be held for a minimum of three (3) years prior to serving as a supervisor. You **must** attach documentation of the selected certifications.

<input type="checkbox"/> BEI- Board for Evaluation of Interpreters (Advanced)	<input type="checkbox"/> CDI-P- Certified Deaf Interpreter- Provisional	<input type="checkbox"/> CLIP-R- Conditional Legal Interpreting Permit-Relay
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<input type="checkbox"/> NIC- National Interpreter Certification	<input type="checkbox"/> CSC- Comprehensive Skills Certificate	<input type="checkbox"/> MCSC- Master Comprehensive Skills Certificate
<input type="checkbox"/> Ed: K-12- Educational Certificate: K-12	<input type="checkbox"/> RSC- Reverse Skills Certificate	<input type="checkbox"/> SC-L- Specialist Certificate: Legal
<input type="checkbox"/> NIC-Advanced – National Interpreter Certification (Advanced)	<input type="checkbox"/> OTC- Oral Transliteration Certificate	<input type="checkbox"/> Prov. SC: L- Provisional Specialist Certificate: Legal
<input type="checkbox"/> NIC-Master- National Interpreter Certification (Master)	<input type="checkbox"/> IC/TC- Interpreting Certificate/Transliteration Certificate	<input type="checkbox"/> SC: PA- Specialist Certificate: Performing Arts
<input type="checkbox"/> OIC: V/S- Oral Interpreting Certificate: Visible to Spoken	<input type="checkbox"/> IC- Interpreting Certificate	<input type="checkbox"/> OIC: C- Oral Interpreting Certificate: Comprehensive
<input type="checkbox"/> CT- Certificate of Transliteration	<input type="checkbox"/> TC- Transliteration Certificate	<input type="checkbox"/> OIC: S/V- Oral Interpreting Certificate: Spoken to Visible
<input type="checkbox"/> CI- Certificate of Interpretation	<input type="checkbox"/> CLIP- Conditional Legal Interpreting Permit	

National Association for the Deaf

<input type="checkbox"/> NAD IV- Level IV Advanced	<input type="checkbox"/> NAD V- Level V Masters
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National Training, Evaluation, and Certification Unit (NTECUnit)

<input type="checkbox"/> CLTNCE- Cued Language Transliterator National Certification Examination
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SECTION 3- CONTINUING EDUCATION UNITS

Note: Must have forty-five (45) hours of continuing education units since obtaining the previously stated certification. You **must** attach documentation of continuing education units. It is your responsibility to maintain all documentation of attendance.

Course Name	Dates Attended mm/dd/yr	CEU Hours Earned	Sponsoring Organization

This form may be returned by email to kbi@ky.gov or mail to the Kentucky Board of Interpreters for the Deaf and Hard of Hearing, P. O. Box 1360, Frankfort, Kentucky 40602.

Signature of Applicant

Date