

1 GENERAL GOVERNMENT CABINET

2 BOARD OF INTERPRETERS FOR THE DEAF AND HARD OF HEARING

3 (New Administrative Regulation)

4 201 KAR 39:130. Registration for nonresident interpreters.

5 RELATES TO: KRS 309.301(2)(a)

6 STATUTORY AUTHORITY: KRS 309.301(2)(a), KRS 309.304(3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.301(2)(a) provides the provisions of
8 KRS 309.300 to 309.319 shall not apply to nonresident interpreters working in the Commonwealth
9 less than twenty (20) days per year. Nonresident interpreters are exempt from licensure so long as
10 they provide interpreting services in this state for less than twenty (20) days per year. This
11 regulation is necessary to ensure nonresident interpreting services do not exceed the number of
12 days authorized by statute.

13 Section 1. Registration.

14 (1) A nonresident interpreter providing interpreting services in the state shall:

15 (a) Register with the Board of Interpreters for the Deaf and Hard of Hearing before
16 providing nonresident interpreting services using the form provided in Section 2(1) of this
17 administrative regulation; and

18 (b) Report each date of nonresident interpreting service being provided in the state to the
19 Board of Interpreters for the Deaf and Hard of Hearing using the form provided in Section 2(2)
20 of this administrative regulation.

1 (2) For purposes of the duty to register and report, each partial day of interpreting by a
2 nonresident interpreter shall be counted as a full day.

3 (3) Nonresident interpreting services shall be less than twenty (20) days per calendar year.

4 (4) A registration number shall be provided by the board and the nonresident interpreter shall
5 include the registration number on any report of services for purposes of record keeping.

6 Section 2. Incorporation by Reference.

7 (1) Form "Registration of Nonresident Interpreter", DPL-KBI-010, April 2024, is incorporated
8 by reference.

9 (2) Form "Report of Service by Nonresident Interpreter", DPL-KBI-011, April 2024, is
10 incorporated by reference.

11 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
12 the Board of Interpreters for the Deaf and Hard of Hearing, 500 Mero St., Frankfort, Kentucky
13 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and on the Board's website at
14 www.kbi.ky.gov.

201 KAR 39:130

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 39:130
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 establishes a registry for nonresident interpreters who are authorized to provide interpreting services in Kentucky for less than twenty (2) days without having a Kentucky licensure.

(b) The necessity of this administrative regulation: This regulation is necessary to ensure nonresident interpreters provide less than twenty (20) days of interpreting services in Kentucky per year in compliance with KRS 309.30. Without a registry, there is no ability to track compliance with this exemption and therefore protect the public from an interpreter providing ongoing and continuous services without the Kentucky license which ensure quality and standards for the interpreting service.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity with KRS 309.304(3), the authorizing statute which 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 in the effective administration of the statutes by providing a registry for services rendered by an unlicensed nonresident interpreter, to ensure they do not exceed the limited number of services authorized.

(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 is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(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: Nonresident interpreters without a Kentucky license and will be required to register with the Kentucky board as someone providing services in Kentucky without a license under the KRS 309.304(3) exemption; and,

the nonresident interpreter will be required to register each day of interpreting services being provided so the Board is able to track services to ensure the exemption is not exceeded.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation does not impose any cost for registrants. However, if a registrant exceeds the exempted service limits, the registrant may apply for licensure and pay the required fees for application.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky will have a way to track the number of days a nonresident interpreter provides unlicensed services in Kentucky. This will benefit licensees identified in question (3) to ensure that others are not given an unfair advantage to provide unlicensed services in excess of the statutory restriction, and further benefit nonresident interpreters by providing a resource and accountability for the number of days services is being rendered to ensure the statutory restrictions are not exceeded.

(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 administrative regulation amendment.

(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 39:130

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.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 39:130

This is a new administrative regulation. The new materials incorporated by reference will establish a list of nonresident interpreters who must register the days of service provided in Kentucky in an effort to ensure compliance with Kentucky's licensing requirements and to protect the public at large.

The following forms have been incorporated by reference:

(1) The "Registration of Nonresident Interpreter", DPL-KBI-010, April 2024, consisting of one (1) page; and

(2) The "Report of Service by Nonresident Interpreter", DPL-KBI-011, April 2024, consisting of one (1) page.

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
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**Registration of
 Nonresident Interpreters**

DPL-KBI- 010
 Rev. April 2024
 Page 1 of 1

 KRS 309.304
 201 KAR 39:130

This form allows you to work as an interpreter in Kentucky without holding a Kentucky interpreting license. You must register to provide this service in Kentucky by submitting this form to the Kentucky Board of Interprets for the Deaf and Hard of Hearing (KBI). This exemption is authorized by KRS 302.301(2)(a) and required by 201 KAR 39:130 as follows:

Nonresident interpreters are exempt from licensure so long as they provide interpreting service in the state **for less than 20 days per year**. A nonresident interpreter shall submit this Registration form to the KBI before providing nonresident interpreting services.

Nonresident interpreters shall report each date of nonresident interpreting service, utilizing the "Report of Service by Nonresident Interpreter", DPL-KBI-011, for each day a service is provided after this registration is filed.

Each partial day of interpreting shall be counted as a full day.

Date of registration:			
Full Name			
Address			
City, State, Zip	City	State	Zip
Phone 1			
Phone 2			
Email			

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. You must submit this form prior to providing your first service in the state or upon any change to the information provided in this registration.

Commonwealth of Kentucky
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REPORT OF SERVICE BY NONRESIDENT INTERPRETER

DPL-KBI-011
Rev. April 2024
Page 1 of 1

KRS 309.304
201 KAR 39:130

You are required to report each service provided by you as a nonresident interpreter in Kentucky if you do not hold a Kentucky interpreting license. You must report each interpreting service you provide in Kentucky by submitting this form to the Kentucky Board of Interpreters for the Deaf and Hard of Hearing (KBI). The reporting requirement is authorized by KRS 301.304 and 201 KAR 39:130.

Nonresident interpreters are exempt from licensure so long as they provide interpreting service in the state **for less than 20 days per year**. A nonresident interpreter **shall report each date of nonresident interpreting service** for each day a service is provided after registration.

Note: A nonresident interpreter using this form shall already be registered as a nonresident utilizing the form DPL-KBI-010, Registration of Nonresident Interpreter.

Each partial day of interpreting shall be counted as a full day.

Full Name	
Registration Number	
Date of service	
Service location	

This form may be returned by email to kbi@ky.gov or mail to Kentucky Board of Interpreters for the Deaf and Hard of Hearing, P. O. Box 1360, Frankfort, Kentucky 40602. You must submit this report for each date of service in the state.