



1 GENERAL GOVERNMENT CABINET

2 BOARD OF INTERPRETERS FOR THE DEAF AND HARD OF HEARING

3 (Amended After Comments)

4 201 KAR 39:070. Application and qualifications for temporary licensure and extensions.

5 RELATES TO: KRS 309.312(1)(b), (3)

6 STATUTORY AUTHORITY: KRS 309.304(3), 309.312

7 NECESSITY, FUNCTION, AND CONFORMITY:

8 KRS 309.304(3) and 309.312(1)(b) and (3) require the board to promulgate an  
9 administrative regulation establishing the requirements for an applicant for temporary licensure as  
10 an interpreter for the deaf and hard of hearing. This administrative regulation establishes the  
11 requirements regarding temporary licensure, including extensions.

12 Section 1. Application for Temporary Licensure. Each applicant shall submit:

13 (1) A completed Application for Temporary Licensure [~~Form, as incorporated by reference~~  
14 ~~in 201 KAR 39:030~~];

15 (2) The appropriate application and licensure fees as required by 201 KAR 39:040;

16 (3) A Plan of Supervision for Temporary License from a board approved  
17 supervisor[~~mentor~~];

18 (4) Proof documenting passage of the CGKE fundamentals of interpreting, the NIC, or  
19 EIPA Skills and Knowledge Assessment[~~Exam~~] for anyone working in the K-12 school setting.

1 within the last five (5) years of application or another current certification from a nationally  
2 recognized organization at the requisite level for sign language interpreters, oral  
3 interpreters, or cued speech transliterators as determined by the board. If the interpreter is  
4 deaf or hard of hearing, forty (40)[eighteen (18)] hours of continuing education focused on general  
5 interpretation and ethics [CDI preparation] may be obtained in lieu of this requirement; and

6 (5) Proof of achieving or holding one (1) of the following:

7 (a) Valid NAD Level III as a currently certified member;

8 (b) [SCPI Advanced or better, within three (3) years of application;]

9 [(e)] SLPI Advanced or better, within three (3) years of application;

10 (c)[(d)] ASLPI of three and one-half (3.5) or better, within three (3) years of  
11 application;

12 (d)[(e)] EIPA of three and one-half (3.5) or better, within three (3) years of application;

13 or

14 (e)[(f)] BEI Basic or better, within three (3) years of application.

15 Section 2. Temporary Licensure Duration.

16 (1) An individual may hold temporary licensure for a maximum of five (5) consecutive  
17 licensure years from the date of initial issuance.

18 (2) An individual who is deaf or hard of hearing may hold temporary licensure for a  
19 maximum of ten (10) consecutive licensure years from the date of initial licensure.

20 (3) Any [~~reinstatement or~~] extension of a temporary license shall occur during the period  
21 established in subsection (1) or (2) of this section and 201 KAR 36:050. Section 3 and Section 4.

22 (4) The board may, in individual cases involving medical disability, illness, undue

1 hardship, or active military service, or other extenuating circumstances that preclude the  
2 individual from completing the requirements within the timeframe set forth in (1) and (2)  
3 above, grant an extension of temporary licensure for one (1) additional one (1) year period  
4 for applicants who submit to the board:

5 (a) A written request for a one (1) time, one (1) year extension of the temporary  
6 licensure term identified in (1) and (2) above, delivered to the board, by certified mail, no  
7 less than thirty (30) days before the expiration of the temporary license; and

8 (b)1. Verifying documentation signed by a licensed physician or proper military  
9 personnel, if applicable; or

10 2. Documentation that provides evidence to support the extension.

11 ~~[(4) The board shall, in individual cases involving medical disability, illness, undue~~  
12 ~~hardship, or active military service, or other extenuating circumstances that preclude the individual~~  
13 ~~from completing the requirements, grant an extension of temporary licensure for an additional one~~  
14 ~~(1) year for applicants who submit to the board:~~

15 ~~(a) A written request for an extension of the temporary licensure term delivered to the~~  
16 ~~board, by certified mail, no less than thirty (30) days before the expiration of the temporary license;~~  
17 ~~and~~

18 ~~(b)~~

19 ~~1. Verifying documentation signed by a licensed physician or proper military personnel, if~~  
20 ~~applicable; or~~

21 ~~2. Documentation that provides evidence to support the extension.]~~

22 Section 3. Supervision Requirements.

1           [~~(4)~~] Each applicant for a temporary license shall be trained and supervised by a board-  
2 approved supervisor and shall meet the requirements of 201 KAR 39:075~~[mentor]~~.

3           ~~[(2) During the period of training and supervision the mentor shall meet with the licensee~~  
4 ~~on a quarterly basis. One (1) of these meetings shall be face to face basis with each person being~~  
5 ~~mentored. The remaining meetings may be through the use of video or video conferencing or~~  
6 ~~any other method outlined in the approved plan of supervision.~~

7           ~~(3) A mentor shall contract with no more than twenty (20) temporary licensees during a~~  
8 ~~calendar year.]~~

9           Section 4. Extensions of Temporary Licenses.

10          (1) Temporary licenses shall expire on July 1 each year. To extend a temporary license, a  
11 request for extension shall be submitted by July 1 each year. An applicant whose temporary license  
12 has expired may apply for an extension during the initial five (5) year period for a hearing  
13 interpreter, or the initial ten (10) year period for a deaf interpreter, from the date the temporary  
14 license was issued. The board may issue the extension for good cause shown as determined by  
15 board, and the duration of the extended temporary license shall not exceed the duration of the  
16 initial temporary license.

17          (2) To request an extension of a temporary license a temporary licensee shall submit:

18               (a) A completed Temporary License Extension Application form;

19               (b) The appropriate fee set forth in 201 KAR 39:040;

20               (c) Proof of completion of the continuing education requirements set forth in 201 KAR  
21 39:090;

1           (d) A letter recommending extension written by the board-approved supervisor for the  
2           previous licensure term which describes the progress achieved by the supervisee; and

3           (e) A revised plan of supervision for the upcoming licensure year.

4           (3) The extensions of temporary licenses under this section shall be subject to the term  
5           limitations imposed by Section 2(1) and (2) of this administrative regulation.

6           (4) The board may extend the use of the temporary license to an applicant who has submitted  
7           an Application for Extension on or before the July 1 deadline for a period not to exceed sixty (60)  
8           days. The board shall review the application for extension prior to the expiration of the sixty (60)  
9           day period.

10           Section 5. Appeal of Denial of an Application for Temporary Licensure.

11           (1) If an Application for Temporary Licensure is denied, the applicant shall have the right  
12           to appeal that preliminary determination.

13           (2) An appeal shall be:

14           (a) Submitted to the board in writing by certified mail; and

15           (b) Received by the board within thirty (30) days after the date the applicant receives the  
16           notice of preliminary denial by certified mail or by email message delivered to the  
17           addresses stated on the Application for Licensure.

18           (3) The appeal of a preliminary denial of an Application for Licensure shall be held in  
19           accordance with the provisions of KRS Chapter 13B.

20           Section 6. Incorporation by Reference.

21           (1) "Application for Temporary Licensure" , DPL-KBI-04, April 2024, is incorporated by  
22           reference.

1           (2) "Plan of Supervision for Temporary License", DPL-KBI-05, April 2024~~[10/2011]~~, is  
2 incorporated by reference.

3           (3) "Temporary License Extension Application", DPL-KBI-06, ~~October~~[April] 2024.

4           (4) [(2)] This material may be inspected, copied, or obtained, subject to applicable  
5 copyright law, at the Department of Professional Licensing, 500 Mero Street, ~~911 Leewood Drive~~,  
6 Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and can be found on  
7 the board website at kbi.ky.gov.

201 KAR 39:070

APPROVED BY AGENCY:



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Marva Johnson  
Chair, Board of Interpreters for the Deaf and Hard of Hearing

Date: October 11, 2024

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 39:070  
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: Establishes the requirements to obtain a temporary license as an Interpreter for the Deaf and Hard of Hearing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set the process and minimum certification testing scores for temporary licensure and establish an expiration date for certifications.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 309 requires the board to verify the qualifications of and establish a procedure for the temporary licensure of persons who wish to practice in the state as a Licensed Interpreter for the Deaf and Hard of Hearing. This administrative regulation establishes the minimum qualifications and supervision requirements for temporary licensure and the expiration date for certifications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation informs the applicants of the examinations required, minimum test scores, and supervision requirements for obtaining temporary licensure from the board.

(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:

1. Clarifies the proper application for temporary licensure; 2. Requires that the temporary licensee have a board-approved "supervisor" rather than "mentor" in compliance with the requirements of KRS 309.312(3); 3. Adds the CASLI Generalist Knowledge Exam (CGKE) which is the current exam administered which replaces the NIC Knowledge Exam, which was retired on January 1, 2021, and retired with the CGKE. However, the Board will still accept passage of the NIC for applicants who took the exam prior to 2021; 4. Clarifies that the EIPA Knowledge Exam is appropriate only for those working in the K-12 school setting; 5. Strikes reference to CDI preparation since CDI is too limiting, does not have enough courses and is only offered every two (2) years and replaces it with CE focused on general interpretation and ethics; 6. Strikes reference to an assessment (SCPI) that is no longer available and increases certain skill assessment scores to ensure proper knowledge for protection of the public served; 7. Strikes language allowing the Board to grant additional extensions of temporary licensure under extenuating circumstances; 8. Strikes the language relating to the number of supervisees a supervisor may have to place the language in a new regulation relating only to supervision; 9. Inserts appeal rights for a denial; 10. To add regulations relating to extensions to the regulation relating to temporary licensure; and, 11. Updates the MIR.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary in order to: 1. Clear up confusion on the proper form to use for temporary licensure applicants; 2. To be consistent with KRS 309.312(3) requiring supervision rather than a mentor;



3. To list current examinations for licensure eligibility based on the current examinations offered for certification; 4. To increase the score to ensure individuals with EIPA Knowledge Exam passage-only have more proficiency and are limited to the K-12 school setting, the setting that assessment of skills is designed for and which is not an appropriate assessment of skills for someone working with the general public; 5. To remove courses that are not widely available and which make licensure too limiting and replace them with courses that are more readily accessible to increase opportunities for licensure; 6. To increase assessment scores and thus the level of proficiency in interpreting before issuance of a temporary license in an effort to protect the public; 7. To strike language relating to extensions of the temporary license for extenuating circumstances since this led to extensions beyond the five (5) years authorized in Section 2.(1) and (2). Further, the Board felt the authorization for extension under extenuating circumstances was too subjective; 8. To strike all reference to reinstatement of temporary and put all regulations relating to supervision of a temporary licensee into one regulation rather than having them in multiple regulations; 9. To provide clarification on appeal rights for a denial of temporary licensure; 10. To add regulations relating to the extension of a temporary license so all regulations relating to temporary licensure are together and to reduce confusion. This was also a recommendation made by the Policy Committee; and 11. To update the MIR based on the amendments to the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 309.304(1) requires the board to evaluate the qualifications for applicants for licensure and establish procedures for the issuance of temporary licenses. KRS 309.312 requires applicants to meet current certification standards from a nationally recognized organization at the requisite level for sign language interpreters. The amendment clarifies multiple items for the proper administration of temporary licensees.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clear up substantial confusion experienced by applicants in ensuring the proper form is used and the proper application of the credential, and allow to update the certifications that have expired to ensure licensees 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 45 temporarily licensed interpreters and an unknown number of future applicants.

(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: This administrative regulation requires applicants to complete the current application for licensure as the first step of obtaining temporary licensure as an interpreter. This application will require licensees to obtain current certification in sign language skills and have higher scores for certain exams to qualify for temporary licensure.

(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 additional 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): Applicants for licensure will know the correct title of the current application for temporary licensure and will better understand the required qualifications for temporary licensure, as well as the appropriate setting for using the temporary license for those qualifying with the EIPA Knowledge Exam.

(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 established any fees or directly or indirectly increased any fees: This regulation only sets the procedure for obtaining a temporary license. 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 39:070  
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.

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(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 39:070

The "Plan of Supervision for Temporary License", 10/2011, consisting of three (3) pages, is the form required to be used by for the supervision plan for temporary licensure applicants. This form is incorporated by reference.

## SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

### 201 KAR 39:070

A new form, the "Application for Temporary Licensure" , DPL-KBI-04, April 2024, consisting of six (6) pages, is incorporated by reference, and is being adopted for ease in administration between the different licensing types rather than using the same for both full license and temporary license.

Additionally, the "Plan of Supervision for Temporary License", DPL-KBI-05, April 2024, consisting of four (4) pages, is incorporated by reference. The form has been updated for format and the statutory and regulatory citation has been added, as well as an assigned form number.

Finally, the "Temporary License Extension Application", DPL-KBI-006, October 2024, consisting of four (4) pages, has been moved from 201 KAR 39:050 to this administrative regulation since it is the form required to be used for a temporary license extension and this administrative regulation will now house all items relating to temporary licensure application and extension.

STATEMENT OF CONSIDERATION  
Relating to 201 KAR 039:070

Kentucky Board of Interpreters for the Deaf and Hard of Hearing  
(Amended After Comments)

I. The public hearing on 201 KAR 039:070, scheduled for August 27, 2024, at 11:00 AM EST in Room 127 CW, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601 was canceled; however, written comments were received during the public comment period.

II. The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Amanda Lambert	Other
Jessica Meeks, Interpreter	Other
Dr. Daniel Rausch	Eastern Kentucky University
Gary Andrew Bailey Pickle, Teacher	Other
Carrie Wedding	Owensboro Schools
Kim Saalwaechter	Webster County Schools
Melissa Waddey	Other
Jessica Taylor	Other

III. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Marva Johnson, Chair	Board of Interpreters for DHH
Edie Ryan	Board of Interpreters for DHH
Rebecca Kreutzer	Board of Interpreters for DHH
Hunter Bryant	Board of Interpreters for DHH

IV. Summary of Comments and Responses.

1. Subject Matter: Elimination of extensions of temporary licenses beyond five (5) years.

(a) Comment: Multiple comments were received objecting to the elimination of extensions of temporary licenses beyond five (5) years due to the shortage of interpreters, the time it may take temporary licensees to pass the national certification for full licensure and life circumstances that may prevent completion within five (5) years, and the impact to deaf children if they were to lose their temporary interpreter due to the elimination of extensions beyond five (5) years.

(b) Response: The Board concurs and therefore that regulation will be amended after these comments and comments to 201 KAR 039:050 to allow one (1) additional, one (1) year extension of a temporary license beyond five (5) years at the Board's discretion with proof of extenuating circumstances warranting the extension.

2. Subject Matter: EIPA Requirements for Temporary Licensure.

(a) Comment: One comment was received that the current EIPA score of 3.0 or better for temporary licensure should be increased but recommended that the EIPA score of 4.0 or better be the standard for entry-level educational interpreters to obtain a temporary license to work with deaf children, rather than a score of 3.5 or better as amended by the Board in the original proposed amendment.

(b) Response: The Board concurs with the approval of the increase in the EIPA score and acknowledges the comment relative to raising it higher but did not amend after comments. The Board split on the vote to increase the EIPA score to 4.0 or better for temporary licensure and the motion failed for lack of majority.

3. Subject Matter: School-based Interpreters.

(a) Comment: Multiple comments were received requesting no alteration of the licensure requirements for school-based interpreters due to fear of not finding qualified professionals to interpret in the educational setting and would impede school districts' ability to secure interpreters for deaf or hard of hearing students.

(b) Response. The Board acknowledges these comments but did not amend after comments. The Board states its goal is to ensure that its licensees are qualified to provide appropriate interpreters in all settings, particularly in the educational setting where the consumer of the interpreting services are Kentucky's deaf or hard of hearing children. To this end, the score for the current EIPA qualification for temporary licensure of 3.0 or better was raised to a 3.5 or better in the original amendment to ensure our deaf or hard of hearing children have quality interpreting in an effort to reduce the risk of cognitive impairment due to language deprivation.

4. Subject Matter: Narrowing Down a Route to Certification to Funnel Money.

(a) Comment: One comment was received that this regulation is meant to pigeonhole and narrow down a route to certification in an effort to funnel money into the KBI board's pockets, effectively removing interpreters and hurting the children they work with all for the sake of money and to glorify one specific form of licensure. The people who are attempting to do this should be held accountable for their actions, as they seem to not care one bit who this new regulation affects, they seem to only be worrying about the weight of their wallets.

(b) Response: The Board acknowledges this comment but states that Board members are volunteers who are not paid for their work on the Board and there is nothing to amend based on these comments.

Summary of Statement of Consideration and  
Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was canceled; however, eight (8) written comments were received. The Kentucky Board of Interpreters for the Deaf and Hard of Hearing is amending this administrative regulation in response to public comments received.

Page 1  
Section 1  
Line 18

After "CGKE", insert "fundamentals of interpreting".

Line 19

After "EIPA", insert "Skills and".

After "Knowledge", insert "Assessment".

Delete "Exam".

Page 2  
Section 1  
Line 1

After "application", insert the following:

or another current certification from a nationally recognized organization at the requisite level for sign language interpreters, oral interpreters, or cued speech transliterators as determined by the board.

Page 2  
Section 2  
Line 22

Insert the following:

(4) The board may, in individual cases involving medical disability, illness, undue hardship, or active military service, or other extenuating circumstances that preclude the individual from completing the requirements within the timeframe set forth in (1) and (2) above, grant an extension of temporary licensure for one (1) additional one (1) year period for applicants who submit to the board:

(a) A written request for a one (1) time, one (1) year extension of the temporary licensure term identified in (1) and (2) above, delivered to the board, by certified mail, no less than thirty (30) days before the expiration of the temporary license; and

(b)1. Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or

2. Documentation that provides evidence to support the extension.



Page 6

Section 6

Line 3

After "DPL-KBI-06," insert "October".

Delete "April".

Material Incorporated by Reference

DPL-KBI-06

Page 1

After "Rev.", insert "October".

Delete "April".

After "initial issuance.", delete the following:

At the end of that timeframe, there are no additional extensions.