



STATEMENT OF CONSIDERATION
Relating to 201 KAR 039:130

Kentucky Board of Interpreters for the Deaf and Hard of Hearing
(Not Amended After Comments)

- I. The public hearing on 201 KAR 039:130, 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> |
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| Salem Thompson, Temporary Interpreter (expired) | Other |
| Tiffany Barnes, Interpreter | 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: Non-Resident Interpreter's Less than Twenty (20) Day Exemption to Licensure Requirements.
- (a) Comment: One comment was received asking why non-resident interpreters are allotted 20 days or less to interpret without any licensures however, KY resident interpreters are forbidden to interpret any job without a license. Are outside the state interpreters more qualified? What is the rationale? Is this process based on an honor system?
- (b) Response: The Board acknowledges this comment but will not amend after comment. KRS 309.301(2)(a) states nonresident interpreters working in the Commonwealth less than 20 days per year are not subject to the provisions of KRS 309.300 to 309.319, and therefore the actual limit for interpreting without a license in Kentucky is nineteen (19) days. The exemption does not relate to Kentucky residents, who are required to be licensed to provide interpreting services. However, there are licensing exemptions for Kentucky residents who work at religious activities, work as volunteers without compensation, or working in an emergency. The Board has no authority over non-resident interpreters who provide services for less than twenty (20)

days per year and believes the registry is necessary to provide for some method of enforcement of the nineteen (19) day provision for nonresidents to practice in Kentucky without a license. The Board acknowledges this will be an honor system of sorts but the Board is limited in its ability to regulate this partially exempt population.

- (a) Comment: One comment was received as follows: I do not feel this proposal will help alleviate the ongoing concerns of non-resident interpreters coming to Kentucky. There are already many working interpreters crossing into Kentucky illegally simply because there is no way to monitor/police this situation. Adding more rules for people to follow will do nothing. Those who are already breaking the rules will continue to break the rules. Those who follow the current rules will continue to comply and follow the rules. Adding more steps for non-resident interpreters will only make it more confusing and harder for non-residents to work in Kentucky. I do appreciate the board recognizing that this is a problem because it is a huge issue. Allowing an anonymous reporting system could possibly help. This community is extremely small. No requesting business wants to report an agency who is providing interpreters to their company and have their name attached to a report. Adding a registration, as well as a document to report working days, will only create more work for someone to monitor. In addition, the current (and proposed) regulations state "less than twenty (20) days per year". It is generally known to interpreters that nonresidents can work for 20 days. However, the wording of "less than twenty days per year" means a nonresident can work for 19 days. If it is truly 20 days, it should be worded as "twenty days or less", not "less than twenty".
- (b) The Board acknowledges this comment but will not amend after comments. KRS 309.301(2)(a) states nonresident interpreters working in the Commonwealth less than 20 days per year are not subject to the provisions of KRS 309.300 to 309.319, and therefore the actual limit for interpreting without a license in Kentucky is nineteen (19) days. The Board has no statutory authority to regulate businesses that use the services of nonresident interpreters. The Board has no authority over non-resident interpreters who provide services for less than twenty (20) days per year and believes the registry is necessary to provide for some method of enforcement of the nineteen (19) day provision for nonresidents to practice in Kentucky without a license.

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

The public hearing on this administrative regulation was canceled; however, two (2) written comments were received. The Kentucky Board of Interpreters for the Deaf and Hard of Hearing responded to the comment and will not be amending this administrative regulation.
