

1 AN ACT relating to reorganization.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS CHAPTER 308 IS ESTABLISHED AND A NEW
4 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

5 *As used in this chapter, unless the context otherwise requires:*

6 *(1) "Board" means one (1) of the state administrative agencies listed in Section 3 of*
7 *this Act;*

8 *(2) "Department" means the Department of Professional Licensing within the*
9 *Public Protection Cabinet; and*

10 *(3) "Enabling act" means the statutory scheme containing the statutes establishing a*
11 *board.*

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
13 READ AS FOLLOWS:

14 *It is hereby declared to be the policy and intent of the Commonwealth to:*

15 *(1) Protect the public health, safety, and welfare through the reasonable regulation*
16 *of occupations and professions;*

17 *(2) Prohibit an unlicensed person from practicing an occupation or profession or*
18 *using a title that requires licensure from a board;*

19 *(3) Foster and encourage legitimate competition in all occupations and professions*
20 *covered by this chapter;*

21 *(4) Eliminate unnecessary burdens to market entry;*

22 *(5) Provide active state supervision of boards; and*

23 *(6) Create administrative efficiencies by standardizing certain practices among the*
24 *boards.*

25 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
26 READ AS FOLLOWS:

27 *Except as otherwise specifically stated, this chapter shall prevail over any enabling act*

- 1 and over other laws and administrative regulations that purport to govern a board.
- 2 This chapter shall apply to the following professional licensing boards:
- 3 (1) State Board of Accountancy;
- 4 (2) Kentucky Board of Barbering;
- 5 (3) Kentucky State Board of Chiropractic Examiners;
- 6 (4) Kentucky Applied Behavior Analysis Licensing Board;
- 7 (5) Kentucky Board of Licensed Professional Counselors;
- 8 (6) Kentucky Board of Licensure for Pastoral Counselors;
- 9 (7) Kentucky Board of Alcohol and Drug Counselors;
- 10 (8) Kentucky Board of Interpreters for the Deaf and Hard of Hearing;
- 11 (9) Kentucky Board of Licensure for Massage Therapy;
- 12 (10) Kentucky Board of Prosthetics, Orthotics, and Pedorthics;
- 13 (11) Kentucky Board of Dentistry;
- 14 (12) Kentucky Board of Licensure and Certification for Dietitians and Nutritionists;
- 15 (13) Board of Embalmers and Funeral Home Directors;
- 16 (14) Kentucky Board of Architects;
- 17 (15) Kentucky Board of Landscape Architects;
- 18 (16) Kentucky Board of Examiners of Psychology;
- 19 (17) Kentucky Board of Social Work;
- 20 (18) Kentucky Board of Cosmetology;
- 21 (19) Kentucky Licensing Board for Specialists in Hearing Instruments;
- 22 (20) Kentucky Board of Licensure for Long-Term Care Administrators;
- 23 (21) State Board of Medical Licensure;
- 24 (22) Kentucky Board of Nursing;
- 25 (23) Kentucky Board of Ophthalmic Dispensers;
- 26 (24) Kentucky Board of Optometric Examiners;
- 27 (25) Kentucky Board of Licensure for Professional Art Therapists;

- 1 **(26) Board of Occupational Therapy;**
- 2 **(27) Board of Respiratory Care;**
- 3 **(28) Kentucky Board of Licensure of Marriage and Family Therapists;**
- 4 **(29) Kentucky Board of Pharmacy;**
- 5 **(30) Board of Physical Therapy;**
- 6 **(31) State Board of Podiatry;**
- 7 **(32) State Board of Licensure for Professional Engineers and Land Surveyors;**
- 8 **(33) Board of Speech-Language Pathology and Audiology;**
- 9 **(34) Kentucky Board of Veterinary Examiners;**
- 10 **(35) Kentucky Board of Licensure for Private Investigators;**
- 11 **(36) Board of Registration for Professional Geologists;**
- 12 **(37) Kentucky Board of Licensed Diabetes Educators;**
- 13 **(38) Kentucky Board for Medical Imaging and Radiation Therapy;**
- 14 **(39) Kentucky Board of Durable Medical Equipment Suppliers;**
- 15 **(40) Kentucky Real Estate Commission;**
- 16 **(41) Real Estate Appraisers Board;**
- 17 **(42) Board of Auctioneers; and**
- 18 **(43) Kentucky Board of Home Inspectors.**

19 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
20 READ AS FOLLOWS:

- 21 **(1) Each board shall be organized within the department except as otherwise stated**
22 **in an enabling act.**
- 23 **(2) The department shall provide administrative services, technical assistance,**
24 **personnel staffing, and meeting space to the boards organized within the**
25 **department. All of the boards shall maintain their individual identities.**
- 26 **(3) The department may charge each board a reasonable amount for services**
27 **provided.**

- 1 (4) Each board shall be organized within an authority for purposes of providing
2 administrative services, technical assistance, and personnel staffing to carry out
3 the duties and functions of the boards. These authorities shall be organized
4 within the department as follows:
- 5 (a) Medical Licensure Authority:
- 6 1. State Board of Medical Licensure;
- 7 (b) Nursing Authority:
- 8 1. Kentucky Board of Nursing;
- 9 (c) Pharmacy Authority:
- 10 1. Kentucky Board of Pharmacy;
- 11 (d) Health and Restoration Authority:
- 12 1. Kentucky State Board of Chiropractic Examiners;
13 2. Kentucky Board of Dentistry;
14 3. Kentucky Board of Examiners of Psychology;
15 4. Kentucky Board of Optometric Examiners;
16 5. Board of Respiratory Care;
17 6. State Board of Podiatry;
18 7. Board of Physical Therapy; and
19 8. Kentucky Board for Medical Imaging and Radiation Therapy;
- 20 (e) Land Development Authority:
- 21 1. Kentucky Board of Architects;
22 2. Kentucky Board of Landscape Architects;
23 3. State Board of Licensure for Professional Engineers and Land
24 Surveyors; and
25 4. Board of Registration for Professional Geologists;
- 26 (f) Professional Licensing Authority:
- 27 1. Kentucky Board of Barbering;

- 1 2. Kentucky Board of Prosthetics, Orthotics, and Pedorthics;
- 2 3. Board of Embalmers and Funeral Home Directors;
- 3 4. Kentucky Board of Cosmetology;
- 4 5. Kentucky Licensing Board for Specialists in Hearing Instruments;
- 5 6. Kentucky Board of Licensure for Private Investigators; and
- 6 7. Kentucky Board of Durable Medical Equipment Suppliers;
- 7 (g) Behavioral Health and Wellness Authority:
- 8 1. Kentucky Applied Behavior Analysis Licensing Board;
- 9 2. Kentucky Board of Licensed Professional Counselors;
- 10 3. Kentucky Board of Licensure for Pastoral Counselors;
- 11 4. Kentucky Board of Alcohol and Drug Counselors;
- 12 5. Kentucky Board of Interpreters for the Deaf and Hard of Hearing;
- 13 6. Kentucky Board of Licensure for Massage Therapy;
- 14 7. Kentucky Board of Licensure and Certification for Dietitians and
- 15 Nutritionists;
- 16 8. Kentucky Board of Licensure for Long-Term Care Administrators;
- 17 9. Kentucky Board of Ophthalmic Dispensers;
- 18 10. Kentucky Board of Licensure for Professional Art Therapists;
- 19 11. Board of Occupational Therapy;
- 20 12. Kentucky Board of Licensure of Marriage and Family Therapists;
- 21 13. Board of Speech-Language Pathology and Audiology;
- 22 14. Kentucky Board of Licensed Diabetes Educators; and
- 23 15. Kentucky Board of Social Work; and
- 24 (h) Real Estate Authority:
- 25 1. Kentucky Board of Home Inspectors;
- 26 2. Board of Auctioneers;
- 27 3. Real Estate Appraisers Board; and

1 4. Kentucky Real Estate Commission.

2 (5) Each authority shall be managed by an executive director. The executive
 3 directors of the Medical Licensure Authority, Nursing Authority, and Pharmacy
 4 Authority shall be appointed by their respective boards with the consent of the
 5 secretary. The remaining executive directors shall be appointed by the secretary
 6 of the Public Protection Cabinet with the approval of the Governor in accordance
 7 with KRS 12.050.

8 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 9 READ AS FOLLOWS:

10 (1) All board members shall be appointed by the Governor, except for ex officio
 11 members.

12 (2) A board position shall be vacant upon the expiration of a board member's term
 13 until the position is filled by gubernatorial appointment. No individual may serve
 14 as a board member past an expired term unless reappointed.

15 (3) If new boards are created or existing boards are reorganized, initial terms shall
 16 be staggered as evenly as possible so that members are initially appointed for a
 17 one (1) year, two (2) year, or three (3) year term.

18 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 19 READ AS FOLLOWS:

20 (1) A majority of the voting members of a board shall constitute a quorum for the
 21 transaction of business. If a board has one (1) or more vacancies in its
 22 membership, a board shall not be required to include one (1) such vacant position
 23 to determine the existence of a quorum.

24 (2) Except as otherwise provided in this chapter or in an enabling act, every member
 25 of a board shall be a voting member entitled to vote on all matters.

26 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 27 READ AS FOLLOWS:

1 A board may reimburse a member for actual and necessary expenses, including
2 mileage, incurred in the performance of the member's official duties consistent with
3 the laws and administrative regulations governing state employees. A board may
4 reimburse a member for lodging only if the member is required to travel more than one
5 hundred (100) miles from the member's residence to attend an official board function.
6 Except as authorized in its enabling act, a board shall not otherwise pay, or in any way
7 compensate, board members for their services.

8 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
9 READ AS FOLLOWS:

10 (1) A board shall annually elect a chair, vice chair, and any other necessary officers
11 at the board's first meeting of a calendar year. The vice chair shall act in the
12 chair's absence. The officers shall serve until the next election or until their
13 terms expire, whichever occurs first. If there is a vacancy in an officer position,
14 the board shall hold an election to fill any vacancy at its next meeting.

15 (2) A board shall meet at least semiannually and may meet at any other times it
16 deems necessary.

17 (3) A board shall adopt a regular schedule of meetings in accordance with KRS
18 61.820 no later than the board's first meeting of a calendar year. The regular
19 schedule of meetings shall include the date, time, and location of meetings for
20 that calendar year.

21 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
22 READ AS FOLLOWS:

23 A board member shall be disqualified from service on a board, thereby creating a
24 vacancy, if as voted upon by the board, a member:

25 (1) Ceases to hold the license required for membership;

26 (2) Is a consumer or citizen member of the board who acquires, or a member of
27 whose household acquires, a license or financial interest in the profession or

1 trade regulated by the board;

2 (3) Enters a plea of guilty to, or has been found guilty of, a felony or any other crime
 3 involving fraud, dishonesty, or sexual misconduct during the member's time of
 4 service on the board;

5 (4) Displays incompetence, neglect of duty, or unprofessional conduct, as voted upon
 6 by the board;

7 (5) Fails to adhere to the board's duly adopted code of ethics; or

8 (6) Misses three (3) consecutive meetings or misses more than fifty percent (50%) of
 9 the meetings held over the previous twelve (12) month period.

10 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 11 READ AS FOLLOWS:

12 In addition to administering and enforcing the provisions of its enabling act, a board
 13 may:

14 (1) Examine witnesses, administer oaths, and investigate allegations of actions
 15 violating this chapter, the board's enabling act, and any administrative regulation
 16 promulgated under the board's enabling act;

17 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
 18 this chapter and the board's enabling act;

19 (3) Conduct administrative hearings in accordance with KRS Chapter 13B;

20 (4) Evaluate the qualifications and authorize the issuance, renewal, reinstatement,
 21 reactivation, or reregistration of licenses, certificates, or permits to qualified
 22 individuals;

23 (5) Issue disciplinary action, including to:

24 (a) Suspend, revoke, or restrict licenses;

25 (b) Deny the issuance, renewal, reinstatement, reactivation, or reregistration of
 26 a license;

27 (c) Impose probationary conditions on the licensee; and

- 1 (d) Levy fines not to exceed two thousand dollars (\$2,000) per violation except
2 as otherwise provided by a board's enabling act or a board's administrative
3 regulations;
- 4 (6) Require the continuing professional education of individuals subject to this
5 chapter and the board's enabling act;
- 6 (7) Institute civil actions in Franklin Circuit Court, the Circuit Court of the county
7 where the board's principal place of business is located, or the Circuit Court of
8 the county where the violation occurred to restrain or enjoin any violation of this
9 chapter, the board's enabling act, or any administrative regulation promulgated
10 by the board, in addition to any other civil or criminal penalties;
- 11 (8) Approve appropriate examinations for licensees and establish standards for
12 acceptable performance;
- 13 (9) Adopt a code of ethics;
- 14 (10) Delegate responsibilities to committees or staff who serve the board;
- 15 (11) Establish by administrative regulation any fees, including fees for licensure,
16 subject to any maximum established by law;
- 17 (12) Establish advisory councils or other bodies to advise the board on matters within
18 its jurisdiction. A member of an advisory council or other appointed body shall
19 not be compensated but may be reimbursed for travel costs; and
- 20 (13) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
21 expungement of a disciplinary action.

22 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
23 READ AS FOLLOWS:

- 24 (1) Pursuant to KRS 13A.120(3), a board shall submit an administrative regulation
25 to the executive director of the authority within which the board is organized
26 prior to the board filing the administrative regulation. The executive director
27 shall review the proposed administrative regulation to determine whether it

1 complies with clearly articulated state policy as provided by the General Assembly
2 and is narrowly tailored to avoid unnecessary barriers to market entry. The
3 commissioner of the department or the secretary of the Public Protection Cabinet
4 may act in the absence of the executive director. A proposed administrative
5 regulation that does not comply with clearly articulated state policy as provided
6 by the General Assembly or is not narrowly tailored to avoid unnecessary barriers
7 to market entry, both as determined by the executive director, shall not be filed.

8 (2) When a board completes the regulatory impact analysis required by KRS
9 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall include
10 a brief narrative summary of:

11 (a) How the administrative regulation complies with clearly articulated state
12 policy as provided by the General Assembly;

13 (b) Why the administrative regulation is necessary to protect the public health,
14 safety, and welfare; and

15 (c) How the administrative regulation is narrowly tailored to avoid unnecessary
16 barriers to market entry.

17 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
18 READ AS FOLLOWS:

19 A board shall:

20 (1) Keep a register of all individuals licensed by the board. The register shall show
21 the name of every licensee, the licensee's last known professional and home
22 address, e-mail address if one exists, telephone number, the type of license held,
23 and the date and number of each license; and

24 (2) Make an annual report to the Governor and the Legislative Research
25 Commission by September 1 of each year. The Legislative Research Commission
26 shall forward a copy of each report to the Interim Joint Committee on Licensing,
27 Occupations, and Administrative Regulations or its successor committee. The

1 annual report shall cover the preceding fiscal year. The annual report shall
2 contain an account of duties performed, actions taken, number of licensees over
3 the most recent three (3) years, financial condition, and appropriate
4 recommendations.

5 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) The General Assembly finds and declares that the timely issuance of a license to
8 a deserving person is of great importance to that person's livelihood and to
9 market competition.

10 (2) A board may authorize one (1) or more of its members or department staff to
11 review license applications and to approve or deny issuance of a license without
12 review and action by the board at a board meeting.

13 (3) If a board offers electronic licensing or electronic renewals, any licensing
14 applicant that submits a paper application for that licensure or renewal shall pay
15 an additional twenty-five dollars (\$25) processing fee, in addition to all other
16 application fees.

17 (4) A board that administers its own examination for licensure shall offer the
18 examination at least once every seventy-five (75) days. A board may cancel a
19 scheduled examination if no person has indicated an intent to take the
20 examination at least three (3) days before the examination is scheduled.

21 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
22 READ AS FOLLOWS:

23 If a licensee of any professional licensing board identified in Section 3 of this Act,
24 including any person who holds an inactive or escrowed license, is convicted of, pleads
25 guilty to, pleads no contest to, or enters an Alford plea to any felony or misdemeanor,
26 excluding only misdemeanor convictions under KRS Chapter 189, the licensee shall
27 notify the board in writing of the conviction within thirty (30) days after the entry of an

1 order or judgment of conviction unless a shorter time is specified in an administrative
2 regulation. The licensee shall include a letter of explanation and a certified copy of the
3 order or judgment of conviction with the written notice.

4 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
5 READ AS FOLLOWS:

6 All members of a board, as well as all staff, legal counsel, or other persons who act for
7 or on behalf of a board, an authority, or the department shall be immune from suit or
8 civil liability for damages for conduct that is taken in good faith and is within the scope
9 and arising out of the performance of their duties.

10 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) Notwithstanding any other law, a board shall send notice of the upcoming
13 expiration of a license to each licensee at least thirty (30) days prior to the
14 expiration of the license.

15 (2) Notwithstanding any other law, a board shall send notice of the expiration of a
16 license to each licensee within thirty (30) days following the expiration of the
17 license.

18 (3) If a license is first issued to an individual less than ninety (90) days before the
19 license is scheduled to expire, the license issued to the individual shall not expire
20 on that date, but instead it shall expire at the conclusion of the next licensing
21 period.

22 (4) Absent good cause shown, a board shall require that a licensee or license
23 applicant provide an electronic mail address for purposes of official
24 communications. Any notice required by this chapter or a board's enabling act
25 may be sent to a licensee's or license applicant's electronic mail address unless a
26 board has excused that person from providing an electronic mail address.

27 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO

1 READ AS FOLLOWS:

2 Except as permitted in an enabling act, no board shall issue an advisory opinion
3 interpreting any statute, administrative regulation, or code of ethics pertaining to any
4 matter under its jurisdiction.

5 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
6 READ AS FOLLOWS:

- 7 (1) There is hereby established within the department a Prescribing Boards Advisory
8 Council. The council shall consist of eight (8) ex officio members, including a
9 representative of the:
- 10 (a) Kentucky Medical Licensure Authority;
 - 11 (b) Kentucky Nursing Authority;
 - 12 (c) Kentucky Pharmacy Authority;
 - 13 (d) Kentucky Board of Dentistry;
 - 14 (e) Kentucky Office of Drug Control Policy;
 - 15 (f) State Board of Podiatry;
 - 16 (g) Kentucky Board of Optometric Examiners; and
 - 17 (h) Inspector general of the Cabinet for Health and Family Services.
- 18 (2) The council shall meet at least quarterly to discuss matters relating to the
19 prescribing of drugs, with an emphasis on controlled substances. The council
20 shall discuss and coordinate efforts to combat prescription drug abuse.
- 21 (3) The council shall submit an annual report by December 31 of each year to the
22 Governor and to the Legislative Research Commission that:
- 23 (a) States the council's meeting dates and topics for the preceding year;
 - 24 (b) Provides relevant statistical information;
 - 25 (c) Describes the efforts made by the council to share information related to
26 issues with prescription drugs, including controlled substances; and
 - 27 (d) Provides policy recommendations, including recommendations for statutory

1 *changes or administrative regulation changes.*

2 *(4) Members shall not receive any additional compensation for their service on the*
3 *council but shall be reimbursed for all necessary expenses.*

4 →Section 19. KRS 12.020 is amended to read as follows:

5 Departments, program cabinets and their departments, and the respective major
6 administrative bodies that they include are enumerated in this section. It is not intended
7 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
8 bureau, interstate compact, commission, committee, conference, council, office, or any
9 other form of organization shall be included in or attached to the department or program
10 cabinet in which they are included or to which they are attached by statute or statutorily
11 authorized executive order; except in the case of the Personnel Board and where the
12 attached department or administrative body is headed by a constitutionally elected officer,
13 the attachment shall be solely for the purpose of dissemination of information and
14 coordination of activities and shall not include any authority over the functions,
15 personnel, funds, equipment, facilities, or records of the department or administrative
16 body.

17 I. Cabinet for General Government - Departments headed by elected officers:

- 18 (1) The Governor.
19 (2) Lieutenant Governor.
20 (3) Department of State.
21 (a) Secretary of State.
22 (b) Board of Elections.
23 (c) Registry of Election Finance.
24 (4) Department of Law.
25 (a) Attorney General.
26 (5) Department of the Treasury.
27 (a) Treasurer.

- 1 (6) Department of Agriculture.
- 2 (a) Commissioner of Agriculture.
- 3 (b) Kentucky Council on Agriculture.
- 4 (7) Auditor of Public Accounts.
- 5 II. Program cabinets headed by appointed officers:
- 6 (1) Justice and Public Safety Cabinet:
- 7 (a) Department of Kentucky State Police.
- 8 (b) Department of Criminal Justice Training.
- 9 (c) Department of Corrections.
- 10 (d) Department of Juvenile Justice.
- 11 (e) Office of the Secretary.
- 12 (f) Office of Drug Control Policy.
- 13 (g) Office of Legal Services.
- 14 (h) Office of the Kentucky State Medical Examiner.
- 15 (i) Parole Board.
- 16 (j) Kentucky State Corrections Commission.
- 17 (k) Office of Legislative and Intergovernmental Services.
- 18 (l) Office of Management and Administrative Services.
- 19 (m) Department of Public Advocacy.
- 20 (2) Education and Workforce Development Cabinet:
- 21 (a) Office of the Secretary.
- 22 1. Governor's Scholars Program.
- 23 2. Governor's School for Entrepreneurs Program.
- 24 (b) Office of Legal and Legislative Services.
- 25 1. Client Assistance Program.
- 26 (c) Office of Communication.
- 27 (d) Office of Budget and Administration.

- 1 1. Division of Human Resources.
- 2 2. Division of Administrative Services.
- 3 (e) Office of Technology Services.
- 4 (f) Office of Educational Programs.
- 5 (g) Office for Education and Workforce Statistics.
- 6 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 7 (i) Board of Directors for the Center for School Safety.
- 8 (j) Department of Education.
 - 9 1. Kentucky Board of Education.
 - 10 2. Kentucky Technical Education Personnel Board.
- 11 (k) Department for Libraries and Archives.
- 12 (l) Department of Workforce Investment.
 - 13 1. Office for the Blind.
 - 14 2. Office of Vocational Rehabilitation.
 - 15 3. Office of Employment and Training.
 - 16 a. Division of Grant Management and Support.
 - 17 b. Division of Workforce and Employment Services.
 - 18 c. Division of Unemployment Insurance.
- 19 (m) Foundation for Workforce Development.
- 20 (n) Kentucky Office for the Blind State Rehabilitation Council.
- 21 (o) Kentucky Workforce Investment Board.
- 22 (p) Statewide Council for Vocational Rehabilitation.
- 23 (q) Unemployment Insurance Commission.
- 24 (r) Education Professional Standards Board.
 - 25 1. Division of Educator Preparation.
 - 26 2. Division of Certification.
 - 27 3. Division of Professional Learning and Assessment.

- 1 4. Division of Legal Services.
- 2 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 3 (t) Kentucky Educational Television.
- 4 (u) Kentucky Environmental Education Council.
- 5 (3) Energy and Environment Cabinet:
- 6 (a) Office of the Secretary.
- 7 1. Office of Legislative and Intergovernmental Affairs.
- 8 2. Office of Legal Services.
- 9 a. Legal Division I.
- 10 b. Legal Division II.
- 11 3. Office of Administrative Hearings.
- 12 4. Office of Communication.
- 13 5. Mine Safety Review Commission.
- 14 6. Office of Kentucky Nature Preserves.
- 15 7. Kentucky Public Service Commission.
- 16 (b) Department for Environmental Protection.
- 17 1. Office of the Commissioner.
- 18 2. Division for Air Quality.
- 19 3. Division of Water.
- 20 4. Division of Environmental Program Support.
- 21 5. Division of Waste Management.
- 22 6. Division of Enforcement.
- 23 7. Division of Compliance Assistance.
- 24 (c) Department for Natural Resources.
- 25 1. Office of the Commissioner.
- 26 2. Division of Mine Permits.
- 27 3. Division of Mine Reclamation and Enforcement.

- 1 4. Division of Abandoned Mine Lands.
- 2 5. Division of Oil and Gas.
- 3 6. Division of Mine Safety.
- 4 7. Division of Forestry.
- 5 8. Division of Conservation.
- 6 9. Office of the Reclamation Guaranty Fund.
- 7 (d) Office of Energy Policy.
- 8 1. Division of Energy Assistance.
- 9 (e) Office of Administrative Services.
- 10 1. Division of Human Resources Management.
- 11 2. Division of Financial Management.
- 12 3. Division of Information Services.
- 13 (4) Public Protection Cabinet.
- 14 (a) Office of the Secretary.
- 15 1. Office of Communications and Public Outreach.
- 16 2. Office of Legal Services.
- 17 a. Insurance Legal Division.
- 18 b. Charitable Gaming Legal Division.
- 19 c. Alcoholic Beverage Control Legal Division.
- 20 d. Housing, Buildings and Construction Legal Division.
- 21 e. Financial Institutions Legal Division.
- 22 f. Professional Licensing Legal Division.
- 23 3. Office of Administrative Hearings.
- 24 4. Office of Administrative Services.
- 25 a. Division of Human Resources.
- 26 b. Division of Fiscal Responsibility.
- 27 (b) Kentucky Claims Commission.

- 1 (c) Kentucky Boxing and Wrestling Commission.
- 2 (d) Kentucky Horse Racing Commission.
 - 3 1. Office of Executive Director.
 - 4 a. Division of Pari-mutuel Wagering and Compliance.
 - 5 b. Division of Stewards.
 - 6 c. Division of Licensing.
 - 7 d. Division of Enforcement.
 - 8 e. Division of Incentives and Development.
 - 9 f. Division of Veterinary Services.
- 10 (e) Department of Alcoholic Beverage Control.
 - 11 1. Division of Distilled Spirits.
 - 12 2. Division of Malt Beverages.
 - 13 3. Division of Enforcement.
- 14 (f) Department of Charitable Gaming.
 - 15 1. Division of Licensing and Compliance.
 - 16 2. Division of Enforcement.
- 17 (g) Department of Financial Institutions.
 - 18 1. Division of Depository Institutions.
 - 19 2. Division of Non-Depository Institutions.
 - 20 3. Division of Securities.
- 21 (h) Department of Housing, Buildings and Construction.
 - 22 1. Division of Fire Prevention.
 - 23 2. Division of Plumbing.
 - 24 3. Division of Heating, Ventilation, and Air Conditioning.
 - 25 4. Division of Building Code Enforcement.
- 26 (i) Department of Insurance.
 - 27 1. Division of Insurance Product Regulation.

- 1 2. Division of Administrative Services.
- 2 3. Division of Financial Standards and Examination.
- 3 4. Division of Agent Licensing.
- 4 5. Division of Insurance Fraud Investigation.
- 5 6. Division of Consumer Protection.
- 6 7. Division of Kentucky Access.
- 7 (j) Department of Professional Licensing.
- 8 1. Real Estate Authority.
- 9 **2. Medical Licensure Authority.**
- 10 **3. Nursing Authority.**
- 11 **4. Pharmacy Authority.**
- 12 **5. Health and Restoration Authority.**
- 13 **6. Land Development Authority.**
- 14 **7. Professional Licensing Authority.**
- 15 **8. Behavioral Health and Wellness Authority.**
- 16 **9. Division of Administrative Services.**
- 17 (5) Labor Cabinet.
- 18 (a) Office of the Secretary.
- 19 1. Office of General Counsel.
- 20 a. Workplace Standards Legal Division.
- 21 b. Workers' Claims Legal Division.
- 22 2. Office of Administrative Services.
- 23 a. Division of Human Resources Management.
- 24 b. Division of Fiscal Management.
- 25 c. Division of Professional Development and Organizational
- 26 Management.
- 27 d. Division of Information Technology and Support Services.

- 1 3. Office of Inspector General.
- 2 (b) Department of Workplace Standards.
- 3 1. Division of Apprenticeship.
- 4 2. Division of Occupational Safety and Health Compliance.
- 5 3. Division of Occupational Safety and Health Education and
- 6 Training.
- 7 4. Division of Wages and Hours.
- 8 (c) Department of Workers' Claims.
- 9 1. Division of Workers' Compensation Funds.
- 10 2. Office of Administrative Law Judges.
- 11 3. Division of Claims Processing.
- 12 4. Division of Security and Compliance.
- 13 5. Division of Information Services.
- 14 6. Division of Specialist and Medical Services.
- 15 7. Workers' Compensation Board.
- 16 (d) Workers' Compensation Funding Commission.
- 17 (e) Occupational Safety and Health Standards Board.
- 18 (f) Apprenticeship and Training Council.
- 19 (g) State Labor Relations Board.
- 20 (h) Employers' Mutual Insurance Authority.
- 21 (i) Kentucky Occupational Safety and Health Review Commission.
- 22 (j) Workers' Compensation Nominating Committee.
- 23 (6) Transportation Cabinet:
- 24 (a) Department of Highways.
- 25 1. Office of Project Development.
- 26 2. Office of Project Delivery and Preservation.
- 27 3. Office of Highway Safety.

- 1 4. Highway District Offices One through Twelve.
- 2 (b) Department of Vehicle Regulation.
- 3 (c) Department of Aviation.
- 4 (d) Department of Rural and Municipal Aid.
 - 5 1. Office of Local Programs.
 - 6 2. Office of Rural and Secondary Roads.
- 7 (e) Office of the Secretary.
 - 8 1. Office of Public Affairs.
 - 9 2. Office for Civil Rights and Small Business Development.
 - 10 3. Office of Budget and Fiscal Management.
 - 11 4. Office of Inspector General.
- 12 (f) Office of Support Services.
- 13 (g) Office of Transportation Delivery.
- 14 (h) Office of Audits.
- 15 (i) Office of Human Resource Management.
- 16 (j) Office of Information Technology.
- 17 (k) Office of Legal Services.
- 18 (7) Cabinet for Economic Development:
 - 19 (a) Office of the Secretary.
 - 20 1. Office of Legal Services.
 - 21 2. Department for Business Development.
 - 22 3. Department for Financial Services.
 - 23 a. Kentucky Economic Development Finance Authority.
 - 24 b. Finance and Personnel Division.
 - 25 c. IT and Resource Management Division.
 - 26 d. Compliance Division.
 - 27 e. Incentive Administration Division.

- 1 f. Bluegrass State Skills Corporation.
- 2 4. Office of Marketing and Public Affairs.
- 3 a. Communications Division.
- 4 b. Graphics Design Division.
- 5 5. Office of Workforce, Community Development, and Research.
- 6 6. Office of Entrepreneurship.
- 7 a. Commission on Small Business Advocacy.
- 8 (8) Cabinet for Health and Family Services:
 - 9 (a) Office of the Secretary.
 - 10 (b) Office of Health Policy.
 - 11 (c) Office of Legal Services.
 - 12 (d) Office of Inspector General.
 - 13 (e) Office of Communications and Administrative Review.
 - 14 (f) Office of the Ombudsman.
 - 15 (g) Office of Finance and Budget.
 - 16 (h) Office of Human Resource Management.
 - 17 (i) Office of Administrative and Technology Services.
 - 18 (j) Department for Public Health.
 - 19 (k) Department for Medicaid Services.
 - 20 (l) Department for Behavioral Health, Developmental and Intellectual
 - 21 Disabilities.
 - 22 (m) Department for Aging and Independent Living.
 - 23 (n) Department for Community Based Services.
 - 24 (o) Department for Income Support.
 - 25 (p) Department for Family Resource Centers and Volunteer Services.
 - 26 (q) Office for Children with Special Health Care Needs.
 - 27 (r) Governor's Office of Electronic Health Information.

- 1 (s) Office of Legislative and Regulatory Affairs.
- 2 (9) Finance and Administration Cabinet:
- 3 (a) Office of the Secretary.
- 4 (b) Office of the Inspector General.
- 5 (c) Office of Legislative and Intergovernmental Affairs.
- 6 (d) Office of General Counsel.
- 7 (e) Office of the Controller.
- 8 (f) Office of Administrative Services.
- 9 (g) Office of Policy and Audit.
- 10 (h) Department for Facilities and Support Services.
- 11 (i) Department of Revenue.
- 12 (j) Commonwealth Office of Technology.
- 13 (k) State Property and Buildings Commission.
- 14 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 15 (m) Kentucky Employees Retirement Systems.
- 16 (n) Commonwealth Credit Union.
- 17 (o) State Investment Commission.
- 18 (p) Kentucky Housing Corporation.
- 19 (q) Kentucky Local Correctional Facilities Construction Authority.
- 20 (r) Kentucky Turnpike Authority.
- 21 (s) Historic Properties Advisory Commission.
- 22 (t) Kentucky Tobacco Settlement Trust Corporation.
- 23 (u) Kentucky Higher Education Assistance Authority.
- 24 (v) Kentucky River Authority.
- 25 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 26 (x) Executive Branch Ethics Commission.
- 27 (10) Tourism, Arts and Heritage Cabinet:

- 1 (a) Kentucky Department of Tourism.
- 2 1. Division of Tourism Services.
- 3 2. Division of Marketing and Administration.
- 4 3. Division of Communications and Promotions.
- 5 (b) Kentucky Department of Parks.
- 6 1. Division of Information Technology.
- 7 2. Division of Human Resources.
- 8 3. Division of Financial Operations.
- 9 4. Division of Facilities Management.
- 10 5. Division of Facilities Maintenance.
- 11 6. Division of Customer Services.
- 12 7. Division of Recreation.
- 13 8. Division of Golf Courses.
- 14 9. Division of Food Services.
- 15 10. Division of Rangers.
- 16 11. Division of Resort Parks.
- 17 12. Division of Recreational Parks and Historic Sites.
- 18 (c) Department of Fish and Wildlife Resources.
- 19 1. Division of Law Enforcement.
- 20 2. Division of Administrative Services.
- 21 3. Division of Engineering, Infrastructure, and Technology.
- 22 4. Division of Fisheries.
- 23 5. Division of Information and Education.
- 24 6. Division of Wildlife.
- 25 7. Division of Marketing.
- 26 (d) Kentucky Horse Park.
- 27 1. Division of Support Services.

- 1 2. Division of Buildings and Grounds.
- 2 3. Division of Operational Services.
- 3 (e) Kentucky State Fair Board.
- 4 1. Office of Administrative and Information Technology Services.
- 5 2. Office of Human Resources and Access Control.
- 6 3. Division of Expositions.
- 7 4. Division of Kentucky Exposition Center Operations.
- 8 5. Division of Kentucky International Convention Center.
- 9 6. Division of Public Relations and Media.
- 10 7. Division of Venue Services.
- 11 8. Division of Personnel Management and Staff Development.
- 12 9. Division of Sales.
- 13 10. Division of Security and Traffic Control.
- 14 11. Division of Information Technology.
- 15 12. Division of the Louisville Arena.
- 16 13. Division of Fiscal and Contract Management.
- 17 14. Division of Access Control.
- 18 (f) Office of the Secretary.
- 19 1. Office of Finance.
- 20 2. Office of Government Relations and Administration.
- 21 3. Office of Film and Tourism Development.
- 22 (g) Office of Legal Affairs.
- 23 (h) Office of Human Resources.
- 24 (i) Office of Public Affairs and Constituent Services.
- 25 (j) Office of Arts and Cultural Heritage.
- 26 (k) Kentucky African-American Heritage Commission.
- 27 (l) Kentucky Foundation for the Arts.

- 1 (m) Kentucky Humanities Council.
- 2 (n) Kentucky Heritage Council.
- 3 (o) Kentucky Arts Council.
- 4 (p) Kentucky Historical Society.
- 5 1. Division of Museums.
- 6 2. Division of Oral History and Educational Outreach.
- 7 3. Division of Research and Publications.
- 8 4. Division of Administration.
- 9 (q) Kentucky Center for the Arts.
- 10 1. Division of Governor's School for the Arts.
- 11 (r) Kentucky Artisans Center at Berea.
- 12 (s) Northern Kentucky Convention Center.
- 13 (t) Eastern Kentucky Exposition Center.
- 14 (11) Personnel Cabinet:
- 15 (a) Office of the Secretary.
- 16 (b) Department of Human Resources Administration.
- 17 (c) Office of Employee Relations.
- 18 (d) Kentucky Public Employees Deferred Compensation Authority.
- 19 (e) Office of Administrative Services.
- 20 (f) Office of Legal Services.
- 21 (g) Governmental Services Center.
- 22 (h) Department of Employee Insurance.
- 23 (i) Office of Diversity, Equality, and Training.
- 24 (j) Office of Public Affairs.
- 25 III. Other departments headed by appointed officers:
- 26 (1) Council on Postsecondary Education.
- 27 (2) Department of Military Affairs.

- 1 (3) Department for Local Government.
- 2 (4) Kentucky Commission on Human Rights.
- 3 (5) Kentucky Commission on Women.
- 4 (6) Department of Veterans' Affairs.
- 5 (7) Kentucky Commission on Military Affairs.
- 6 (8) Office of Minority Empowerment.
- 7 (9) Governor's Council on Wellness and Physical Activity.
- 8 (10) Kentucky Communications Network Authority.

9 ➔ Section 20. KRS 198B.704 is amended to read as follows:

- 10 (1) (a) There is hereby created~~[an independent agency of state government to be~~
 11 ~~known as]~~ the Kentucky Board of Home Inspectors~~[, which shall be attached~~
 12 ~~to the Department of Professional Licensing for administrative purposes]~~. The
 13 board shall consist of five (5) members, each appointed by the Governor. Each
 14 board member shall serve a term of three (3) years~~[. The board shall annually~~
 15 ~~select one (1) of its members to serve as chair and one (1) of its members to~~
 16 ~~serve as vice chair to act in the chair's absence]~~. The board shall designate
 17 either a board member or a member of the board's administrative staff to serve
 18 as secretary to the board.
- 19 (b)~~[Any member appointed to fill a vacancy occurring other than by expiration of~~
 20 ~~a term shall be appointed for the remainder of the unexpired term.~~
- 21 (c)~~[~~ No more than three (3) members of the same political party shall serve on the
 22 board at the same time.
- 23 (c)~~[(d)]~~ No member of the board shall reside in the same county as another
 24 member. The members of the board shall be residents of Kentucky.
- 25 (e)~~[1. A majority of the board shall constitute a quorum for the transaction of~~
 26 ~~business. The affirmative vote of a majority of the members is necessary~~
 27 ~~for the board to take official action.]~~

1 ~~(d)~~^[2-] If the chair and vice chair are absent from a meeting of the board when a
2 quorum exists, the members who are present may elect a presiding officer who
3 shall serve as acting chair until the conclusion of the meeting or until the
4 arrival of the chair or vice chair.

5 ~~(e)~~^[(f)] No member may serve on the board for more than six (6) consecutive
6 years. A member may serve on the board for six (6) consecutive years on more
7 than one (1) occasion if that person is not a member of the board for at least
8 two (2) years between periods of board service.

- 9 (2) The five (5) members of the board shall be chosen as follows:
- 10 (a) Three (3) members shall:
- 11 1. Have been actively engaged in performing home inspections in
12 Kentucky for at least five (5) years immediately before the member's
13 appointment to the board, or have completed no less than one hundred
14 (100) fee-paid inspections per year over the last five (5) years; and
- 15 2. Be licensed by the board as a home inspector;
- 16 (b) One (1) member shall represent the public at large and shall not be associated
17 with the home inspection, home building, or real estate business other than as
18 a consumer; and
- 19 (c) One (1) member shall be a real estate professional licensed under KRS
20 Chapter 324 who has been actively engaged in selling, trading, exchanging,
21 optioning, leasing, renting, managing, or listing residential real estate in
22 Kentucky for at least five (5) years immediately before the member's
23 appointment to the board. This member shall be selected from a list of three
24 (3) names submitted to the Governor from the Kentucky Association of
25 Realtors. When a vacancy occurs in this member position, the Kentucky
26 Association of Realtors shall have sixty (60) days after the vacancy occurs to
27 submit a list of three (3) names to the Governor to fill the vacancy. The

1 Governor may reject the list of three (3) names and request that the Kentucky
2 Association of Realtors submit a new list of three (3) names within sixty (60)
3 days of the Governor's request. If the Kentucky Association of Realtors fails
4 to timely submit this list to the Governor, the Governor may immediately
5 appoint a qualified person to fill this vacancy.

6 ~~(3) A board member shall be automatically removed from the board and a vacancy shall~~
7 ~~occur when the board member:~~

8 ~~(a) Ceases to be a resident of the Commonwealth of Kentucky;~~

9 ~~(b) Displays incompetence, neglect of duty, or unprofessional conduct;~~

10 ~~(c) Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to~~
11 ~~this code shall be determined by official action of the board;~~

12 ~~(d) Enters a plea of guilty to, or has been found guilty of, a felony and the time for~~
13 ~~appeal has passed or the judgment of conviction has been finally affirmed on~~
14 ~~appeal; or~~

15 ~~(e) Misses three (3) consecutive meetings or misses more than twenty five percent~~
16 ~~(25%) of the meetings held over the previous twelve (12) month period.~~

17 ~~(4)~~ Voting members of the board shall be compensated no more than three hundred
18 dollars (\$300) per day for official business, subject to an annual maximum of six
19 thousand dollars (\$6,000). ~~Members shall be reimbursed for all expenses paid and~~
20 ~~incurred in the discharge of official business consistent with the reimbursement~~
21 ~~policy for state employees.]~~ With the approval of the executive director of the
22 Kentucky Real Estate Authority within the Department of Professional Licensing,
23 board members and board staff may attend and travel to and from meetings and
24 events relevant to the board or the industry the board represents.

25 ~~(4)~~~~(5)~~ The board shall meet at least quarterly each calendar year upon the call of the
26 chair or the written request of a majority of the members of the board.

27 ~~(5)~~~~(6)~~ The chair shall establish the date, time, and place for each meeting.

1 ➔Section 21. KRS 198B.706 is amended to read as follows:

2 The board shall:

- 3 (1) Through the promulgation of administrative regulations:
- 4 (a) Determine the requirements for and prescribe the form of licenses,
5 applications, and other documents that are required by KRS 198B.700 to
6 198B.738; and
- 7 (b) Require that a home inspection report include a statement that the home
8 inspection report does not address environmental hazards and list all other
9 exclusions with specificity;
- 10 (2) Grant, deny, suspend, and revoke approval of examinations and courses of study
11 regarding home inspections;
- 12 (3) Issue or deny applications for licensure and renewals;
- 13 (4) Investigate complaints concerning licensees, or persons the board has reason to
14 believe should be licensees, including complaints concerning failure to comply with
15 KRS 198B.700 to 198B.738 or administrative regulations promulgated under KRS
16 198B.700 to 198B.738, and, when appropriate, take action in accordance with KRS
17 198B.728 and 198B.730;
- 18 (5) Bring actions in the name of the state in an appropriate court in order to enforce
19 compliance with KRS 198B.700 to 198B.738 or the administrative regulations
20 promulgated under KRS 198B.700 to 198B.738;
- 21 (6) Establish license fees in an amount not to exceed two hundred fifty dollars (\$250)
22 annually;
- 23 (7) Inspect the records of a licensee in accordance with administrative regulations
24 promulgated by the board;
- 25 (8) Conduct or designate a member or other representative to conduct public hearings
26 on any matter for which a hearing is required under KRS 198B.728 and 198B.730;
- 27 (9) Adopt a seal containing the words "Kentucky Board of Home Inspectors" and,

- 1 through the board's secretary, certify copies and authenticate all acts of the board;
- 2 (10) ~~[Use counsel, consultants, and other persons,]~~Enter into contracts, and authorize
3 expenditures that are reasonably necessary or appropriate to administer and enforce
4 KRS 198B.700 to 198B.738 and administrative regulations promulgated under
5 those sections~~[thereunder]~~;
- 6 (11) Establish continuing education requirements for licensed home inspectors in
7 accordance with KRS 198B.722 and 198B.724;
- 8 (12) Conduct disciplinary actions against licensees to include:
- 9 (a) Suspension, probation, or permanent revocation of a license;
- 10 (b) Requiring a licensee to obtain additional continuing education; and
- 11 (c) Issuance of a written reprimand;
- 12 (13) Require all fee-paid home inspections to be conducted in accordance with the
13 standards of practice of:
- 14 (a) The American Society of Home Inspectors;
- 15 (b) The International Association of Certified Home Inspectors; or
- 16 (c) Any other approved standards of practice that are equal to the standards of
17 practice of the organizations in paragraphs (a) and (b) of this subsection as
18 determined by the board.
- 19 The board may establish standards of practice for home inspectors licensed in
20 Kentucky at a later date, which will supersede any other standards of practice
21 previously adopted by the board and, if adopted by administrative regulation, the
22 standards in paragraphs (a) and (b) of this subsection;
- 23 (14) Exercise all other powers specifically conferred on the board under KRS 198B.700
24 to 198B.738; and
- 25 (15) Promulgate administrative regulations to carry out the effective administration and
26 the requirements of KRS 198B.700 to 198B.738, with the approval of the executive
27 director of the Kentucky Real Estate Authority.

1 ➔Section 22. KRS 216A.040 is amended to read as follows:

2 There shall be a Kentucky Board of Licensure for Long-term Care Administrators located
3 within the Public Protection Cabinet~~[for administrative and budgetary purposes]~~. The
4 board shall be composed of ten (10) members. The secretary of the Cabinet for Health
5 and Family Services, or his or her designee, shall be an ex officio member of the board.
6 The other members of the board shall be appointed by the Governor. One (1) member
7 shall be a practicing hospital administrator, to be appointed from a list of two (2) names
8 submitted by the Kentucky Hospital Association. One (1) member shall be a practicing
9 medical physician, to be appointed from a list of two (2) names submitted by the
10 Kentucky State Medical Association. One (1) member shall be an educator in the field of
11 allied health services. One (1) member shall be a citizen at large who is not associated
12 with or financially interested in the practice or business regulated. One (1) member shall
13 be a practicing long-term care administrator appointed from a list of two (2) names
14 submitted by LeadingAge Kentucky. The other four (4) members shall be practicing long-
15 term care administrators appointed from a list of two (2) names for each vacancy
16 submitted by the Kentucky Association of Health Care Facilities and duly licensed under
17 this chapter. No person who has been disciplined in the previous five (5) years by the
18 board, or by another state's board of licensure governing the same profession, shall be
19 appointed to the board.

20 ➔Section 23. KRS 216A.050 is amended to read as follows:

21 The term of office of each member shall be four (4) years~~[or until a successor is~~
22 ~~appointed and qualified]~~. No appointive member shall serve more than two (2) full
23 consecutive terms.

24 ➔Section 24. KRS 216A.060 is amended to read as follows:

25 (1) ~~[The board shall elect annually from its membership a chair and vice chair.]~~The
26 board shall hold three (3) or more meetings each year.~~[At any meeting a majority of~~
27 ~~the appointed members with unexpired terms shall constitute a quorum.]~~ The board

1 may procure specialized consultation through the formation of any~~[such]~~ technical
2 advisory committees to execute the board's~~[as it may deem necessary in the~~
3 ~~execution of its]~~ responsibilities.

4 (2) Members of the board shall receive per diem compensation to be established by
5 administrative regulation. This compensation shall not exceed one hundred twenty
6 dollars (\$120) per day~~]. Members shall be reimbursed for actual and necessary~~
7 ~~expenses].~~

8 ➔Section 25. KRS 309.081 is amended to read as follows:

9 (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors
10 consisting of seven (7) members who shall be appointed by the Governor. One (1)
11 member shall be a citizen at large who is not associated with or financially
12 interested in the practice or business of alcohol and drug counseling, and the six (6)
13 remaining members shall be licensed clinical alcohol and drug counselors or
14 certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089~~]. The~~
15 ~~board shall elect a chairperson each year at the first meeting called after the~~
16 ~~appointment of new members].~~

17 (2) Each member of the board shall serve for a term of four (4) years with a maximum
18 of two (2) full consecutive terms.

19 (3) Each counselor member appointed to the board shall be a licensed clinical alcohol
20 and drug counselor or certified alcohol and drug counselor and shall be actively
21 engaged in the practice or teaching of alcohol and drug counseling in Kentucky.

22 (4) All reappointments to and vacancies on the board shall be filled by the Governor
23 from a list of three (3) names for each position that shall be submitted by the
24 Kentucky Association of Addiction Professionals. The list shall consist of the three
25 (3) nominees receiving the most votes in an election for each position to be filled.
26 The election shall be administered by the Kentucky Association of Addiction
27 Professionals, and nominations may be submitted by any interested party. The

1 nominees shall be selected by all alcohol and drug counselors licensed or certified
2 under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an
3 unexpired term in the same manner as set out in this subsection.

4 ~~[(5) The citizen at large member shall be disqualified from serving on the board if:~~

5 ~~(a) The member, a person who is a part of the member's household, or the~~
6 ~~member's relative becomes associated with or financially interested in the~~
7 ~~business of alcohol and drug counseling, or participates or has participated in~~
8 ~~a professional field related to alcohol and drug counseling; or~~

9 ~~(b) The member, a person who is a part of the member's household, or the~~
10 ~~member's relative becomes, or is in training to become, a licensed clinical~~
11 ~~alcohol and drug counselor or certified alcohol and drug counselor.~~

12 ~~(6) A counselor member of the board shall be disqualified from serving on the board if:~~

13 ~~(a) He or she violates the code of professional ethics or standards of practice~~
14 ~~established pursuant to KRS 309.0813; or~~

15 ~~(b) He or she ceases to be a licensed clinical alcohol and drug counselor or~~
16 ~~certified alcohol and drug counselor in Kentucky.~~

17 ~~(7) Board members shall be reimbursed for all reasonable and necessary expenses they~~
18 ~~incur because of their board duties.]~~

19 ➔Section 26. KRS 309.0813 is amended to read as follows:

20 The board shall:

21 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
22 administration and enforcement of KRS 309.080 to 309.089;

23 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a
24 code of ethics, standards of practice, and continuing education for licensed clinical
25 alcohol and drug counselors, licensed clinical alcohol and drug counselor
26 associates, certified alcohol and drug counselors, and registered alcohol and drug
27 peer support specialists;

- 1 (3) Approve and disapprove, at least twice a year, those persons who shall be licensed,
2 certified, or registered under KRS 309.080 to 309.089;
- 3 (4) Approve the examination required of applicants for licensure or certification as
4 alcohol and drug counselors and applicants for registration as alcohol and drug peer
5 support specialists, and promulgate administrative regulations pursuant to KRS
6 Chapter 13A for the administration and grading of the examination;
- 7 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the
8 process to register with the board as a registered alcohol and drug peer support
9 specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug
10 counselor associate, or licensed clinical alcohol and drug counselor;
- 11 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
12 grounds and procedures for denying, suspending, failing to reissue, or revoking a
13 license, certificate, or registration, and issuing reprimands and admonishments
14 pursuant to KRS 309.080 to 309.089;
- 15 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved
16 licensee, licensee associate, certificate holder, or registrant, or an applicant for a
17 license, certificate, or registration;
- 18 ~~(8) Employ needed personnel and establish their duties and compensation;~~
- 19 ~~(9)~~ Maintain a register of licensed clinical alcohol and drug counselors, licensed
20 clinical alcohol and drug counselor associates, certified alcohol and drug
21 counselors, and registered alcohol and drug peer support specialists;
- 22 ~~(9)~~ Keep a complete record of the board's proceedings;
- 23 ~~(10)~~ Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
24 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 25 ~~(11)~~ Promulgate administrative regulations pursuant to KRS Chapter 13A
26 establishing an initial licensure fee, certification fee, registration fee, and annual
27 renewal fees not to exceed three hundred dollars (\$300) each;

1 ~~(12)~~~~(13)~~ Take legal action as necessary to restrain or enjoin violations of KRS 309.080
2 to 309.089 and the administrative regulations promulgated pursuant to KRS
3 309.080 to 309.089;

4 ~~(13)~~~~(14)~~ Submit an annual report to the Governor and the Legislative Research
5 Commission by September~~January~~ 1 of each year, which lists all hearings
6 conducted by the board and the decisions rendered; and

7 ~~(14)~~~~(15)~~ Collect and deposit all fees, fines, and other moneys owed to the board into
8 the State Treasury to the credit of the revolving fund established in KRS 309.082.

9 ➔Section 27. KRS 309.131 is amended to read as follows:

10 (1) There is hereby created the Kentucky Board of Licensure for Professional Art
11 Therapists~~that shall be attached to the Department of Professional Licensing in the~~
12 ~~Public Protection Cabinet for administrative purposes~~. The board shall consist of
13 five (5) members who are United States citizens and have been Kentucky residents
14 for at least five (5) years prior to their appointment. The board membership shall be
15 determined as follows:

16 (a) Four (4) members shall be professional art therapists who are licensed
17 pursuant to KRS 309.133, and shall have engaged in art therapy practice for at
18 least five (5) years. These members shall not hold any elected or appointed
19 office in any professional organization of art therapy or closely related field
20 during their tenure on the board; and

21 (b) One (1) member shall represent the public. The public member shall not have
22 been licensed or have practiced as a professional art therapist, nor have any
23 significant financial interest, either direct or indirect, in the profession of art
24 therapy.

25 (2) All members of the board shall be appointed by the Governor for staggered terms of
26 four (4) years.

27 (3) The four (4) professional members shall be appointed from a list of eight (8) names

1 submitted by the board of directors of the Kentucky Art Therapy Association, Inc.,
2 and the one (1) public member shall be a citizen at large~~[- Each member shall hold~~
3 ~~office until a successor is appointed]~~. Vacancies shall be filled in the same manner
4 as original appointments. No board member shall serve more than two (2)
5 consecutive terms.

6 (4) Each board candidate shall be licensed as an art therapist prior to nomination and
7 shall be actively engaged in the practicing or teaching of art therapy, except for the
8 one (1) public member.

9 ~~[(5) Members of the board shall receive no compensation, perquisite, or allowance.~~

10 ~~(6) The board shall elect annually from its membership a chairman, secretary, and other~~
11 ~~officers as necessary to carry out its duties.~~

12 ~~(7) The board shall meet at least two (2) times each year. Additional meetings may be~~
13 ~~called by the chairman, upon the written request of at least two (2) members of the~~
14 ~~board. A simple majority of the board members shall constitute a quorum of the~~
15 ~~board.]~~

16 ➔Section 28. KRS 309.1315 is amended to read as follows:

17 The board shall:

18 (1) Promulgate administrative regulations necessary to carry out~~[- the provisions of]~~
19 KRS 309.130 to 309.1399;

20 (2) Select the examinations for licensure and administer the examinations~~[- at least~~
21 ~~annually]~~;

22 (3) Establish the application deadline for and score required to pass the examinations;

23 (4) Process applications and conduct and review the required examinations;

24 (5) Issue licenses to applicants who meet the requirements of KRS 309.133 to 309.137;

25 (6) Deny, suspend, or revoke a license to practice art therapy;

26 (7) Censure, reprimand, or place a license holder or applicant on probation for a period
27 not to exceed one (1) year;

- 1 (8) Maintain a current register of license holders as a matter of public record;
- 2 (9) Establish criteria for continuing education;
- 3 (10) Establish procedures for receiving, investigating, and resolving complaints against
4 license holders;
- 5 (11) Conduct administrative hearings in accordance with KRS Chapter 13B for
6 disciplinary actions taken under authority of subsections (6) and (7) of this section;
- 7 (12) Approve the level of supervision and experience required for persons seeking
8 licensure;
- 9 (13) Assess fees for the issuance and renewal of licenses to cover administrative and
10 operating expenses of the board, and authorize all disbursements necessary to carry
11 out ~~the provisions of~~ KRS 309.130 to 309.1399;
- 12 (14) Implement an impaired professional art therapist treatment program;
- 13 (15) Establish a code of ethics for license holders;
- 14 (16) Establish requirements for supervision and qualifications of supervisors; and
- 15 (17) Establish conditions for inactive status and return to active status for license
16 holders.

17 ➔Section 29. KRS 309.302 is amended to read as follows:

- 18 (1) There is hereby created a board to be known as the "Kentucky Board of Interpreters
19 for the Deaf and Hard of Hearing."
- 20 (2) The board shall consist of seven (7) members appointed by the Governor as follows:
 - 21 (a) Five (5) practicing interpreters who hold current nationally recognized
22 certification and have at least five (5) years interpreting experience;
 - 23 (b) One (1) deaf interpreter with past or current nationally recognized
24 certification; and
 - 25 (c) One (1) consumer with knowledge about interpreter issues.
- 26 (3) ~~After the initial term of each appointment,~~ All members shall be appointed for a
27 term of four (4) years.

1 (4) Board members shall not be allowed to succeed themselves but a former member
2 may be reappointed to the board if that member has not served in the preceding four
3 (4) years.

4 ~~[(5) The members of the board shall receive no compensation for their services on the
5 board, but they shall be reimbursed for actual and necessary expenses incurred in
6 the performance of their official duties.]~~

7 ~~[(6) The board shall annually elect a chairman, a vice chairman, and a secretary treasurer
8 from the members of the board.]~~

9 ~~[(7) The board shall hold at least one (1) meeting annually and additional meetings as
10 the board may deem necessary. The additional meetings may be held upon call of
11 the chairman or upon written request of a quorum. Four (4) members of the board
12 shall constitute a quorum to conduct business.]~~

13 ~~[(8) Upon recommendation of the board, the Governor may remove any member of the
14 board for neglect of duty or malfeasance in office.]~~

15 ➔Section 30. KRS 309.304 is amended to read as follows:

16 (1) The board shall administer and enforce~~[the provisions of]~~ this chapter and shall
17 have the responsibility of evaluating the qualifications of applicants for licensure
18 and the issuance of licenses.

19 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
20 administer oaths, and investigate allegations of practices violating~~[the provisions
21 of]~~ this chapter.

22 (3) The board shall promulgate necessary and reasonable administrative regulations in
23 accordance with KRS Chapter 13A and this chapter to effectively carry out and
24 enforce~~[the provisions of]~~ KRS 309.300 to 309.319, including **administrative**
25 regulations to establish authorized fees. Fees shall not exceed amounts necessary to
26 generate sufficient funds to effectively carry out and enforce~~[the provisions of]~~
27 KRS 309.300 to 309.319.

- 1 (4) The board may conduct hearings in accordance with KRS Chapter 13B and keep
2 records and minutes necessary to carry out the functions of KRS 309.300 to
3 309.319.
- 4 (5) The board may renew licenses and require continuing education as a condition for
5 renewal.
- 6 (6) The board may suspend or revoke licenses,~~[or]~~ impose supervisory or probationary
7 conditions upon licensees,~~[or]~~ impose administrative disciplinary fines, issue
8 written reprimands, or any combination *of these actions*~~[thereof]~~.
- 9 (7) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful
10 practice of interpreting by unlicensed persons.
- 11 ~~(8) [The board may employ any persons it deems necessary to carry on the work of the
12 board, and shall define their duties and fix their compensation.]~~
- 13 ~~(9) [Beginning in 1999,]~~On September~~[October]~~ 1 of each year, the board shall submit
14 a report to the Legislative Research Commission indicating:
- 15 (a) The current number of licensed interpreters; and
- 16 (b) The number of complaints received against interpreters and any disciplinary
17 action taken within the previous calendar year.
- 18 ➔Section 31. KRS 309.306 is amended to read as follows:
- 19 (1) All fees and other moneys received by the board under the provisions of KRS
20 309.300 to 309.319 shall be deposited in the State Treasury to the credit of a
21 revolving fund for the use of the board.
- 22 (2) No part of this revolving fund shall revert to the general fund of this
23 Commonwealth.
- 24 (3) This revolving fund shall pay for board member~~[the]~~ reimbursement~~[of board
25 members for actual and necessary expenses incurred in the performance of their
26 official duties, the compensation of all of the employees of the board,]~~ and for those
27 operational expenses incurred in fulfilling the board's duties as described in

1 administrative regulation.

2 ➔Section 32. KRS 309.329 is amended to read as follows:

3 (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators
4 consisting of five (5) members who shall be appointed by the Governor as follows:

5 (a) One (1) member shall be a licensed medical physician with experience in the
6 delivery of diabetes education appointed from a list of three (3) names
7 submitted by the State Board of Medical Licensure;

8 (b) One (1) member shall be a registered nurse with experience in diabetes
9 education appointed from a list of three (3) names submitted by the Kentucky
10 Board of Nursing;

11 (c) One (1) member shall be a pharmacist experienced in diabetes education,
12 licensed under KRS Chapter 315, and appointed from a list of three (3) names
13 submitted by the Kentucky Board of Pharmacy;

14 (d) One (1) member shall be a licensed dietitian or certified nutritionist with
15 experience in diabetes education appointed from a list of three (3) names
16 submitted by the Kentucky Board of Licensure and Certification for Dietitians
17 and Nutritionists; and

18 (e) One (1) member shall be a citizen at large who is not employed in the health
19 care field.

20 (2) One (1) of the members appointed under paragraph (b), (c), or (d) of ~~this~~
21 subsection (1) of this section shall have completed either the credentialing program
22 of the American Association of Diabetes Educators or the National Certification
23 Board for Diabetes Educators.

24 (3)~~(2)~~ (a) ~~The Governor shall initially appoint one (1) member and the citizen at~~
25 ~~large to terms of four (4) years, two (2) members to terms of three (3) years, and one~~
26 ~~(1) member to a term of two (2) years.~~

27 (b) All appointments~~reappointments~~ to the board shall be for terms of four (4)

1 years.

2 **(b)**~~(c)~~ No member shall serve more than two (2) consecutive terms ~~and shall~~
3 ~~serve on the board until his or her successor is appointed.~~

4 ~~[(3) The board shall organize annually and elect one (1) of its members as chair and one~~
5 ~~(1) of its members as secretary. A quorum of the board shall consist of three (3)~~
6 ~~members. The board shall meet at least semiannually and upon the call of the chair,~~
7 ~~or at the request of two (2) or more members to the secretary of the board.~~

8 ~~(4) The board shall be placed for administrative purposes under the Department of~~
9 ~~Professional Licensing of the Public Protection Cabinet.]~~

10 ➔Section 33. KRS 309.331 is amended to read as follows:

11 The board shall:

12 (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to
13 carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics,
14 standards of practice, and continuing education requirements for licensed diabetes
15 educators, based upon policies and positions adopted by the American Association
16 of Diabetes Educators;

17 (2) Issue initial licenses and license renewals to individuals. A license shall not be
18 issued to a partnership, unincorporated association, corporation, or similar business
19 organization;

20 (3) Investigate alleged violations brought to its attention, conduct investigations, and
21 schedule and conduct administrative hearings in accordance with KRS Chapter 13B
22 to enforce KRS 309.325 to 309.339 and administrative regulations promulgated
23 pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is
24 authorized to:

25 (a) Administer oaths;

26 (b) Receive evidence;

27 (c) Interview persons;

- 1 (d) Require the production of books, papers, documents, or other evidence; and
- 2 (e) Institute civil and criminal proceedings against violators of KRS 309.325 to
- 3 309.339. The Attorney General, Commonwealth's attorneys, and county
- 4 attorneys shall assist the board in prosecuting violations of KRS 309.325 to
- 5 309.339;
- 6 (4) Keep a record of its proceedings and a register of all persons licensed as diabetes
- 7 educators, including the name of the licensee, the license number, date of issue, and
- 8 last known place of business. The list shall be available to anyone upon request and
- 9 payment of a fee not to exceed the cost of the publication; and
- 10 (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339
- 11 and deposit all moneys into the fund established by KRS 309.333~~;~~ ~~and~~
- 12 ~~(6) Reimburse members of the board for actual travel expenses incurred for attending~~
- 13 ~~the meetings of the board].~~

14 ➔Section 34. KRS 309.354 is amended to read as follows:

- 15 (1) There is created a board to be known as the Kentucky Board of Licensure for
- 16 Massage Therapy~~, which shall be an independent agency].~~
- 17 (2) The Governor shall appoint seven (7) members to serve on the board with the
- 18 following representation:
- 19 (a) Five (5) members who are massage therapists licensed under KRS 309.350 to
- 20 309.364, who have been in the practice of massage therapy for at least five (5)
- 21 of the last seven (7) years, and who have been residents of Kentucky for at
- 22 least one (1) year;
- 23 (b) Of these five (5), at least one (1) but no more than two (2) shall own or direct
- 24 a board-approved massage therapy training program; and
- 25 (c) Two (2) members shall be appointed by the Governor and shall serve as
- 26 members at large who are neither licensed massage therapists nor spouses of
- 27 persons who are licensed, or have a direct or indirect interest in the profession

1 regulated under KRS 309.350 to 309.364. One (1) of the two (2) may hold a
2 license in another health care profession.

3 (3) Appointments shall be for three (3) years.~~[with initial appointments as follows:~~
4 ~~three (3) appointees shall serve three (3) year terms; two (2) shall serve two (2) year~~
5 ~~terms; and two (2) shall serve one (1) year terms. The Governor shall assign terms~~
6 ~~to initial members at his or her discretion.~~

7 ~~(4) The board shall elect initially, and annually thereafter, a chair, vice chair, and~~
8 ~~secretary from its membership and shall meet at least once per year, and more often~~
9 ~~as deemed necessary, at a time and at a place in Kentucky for the board to fulfill its~~
10 ~~duties.~~

11 ~~(5) Each member of the board shall receive a per diem not to exceed one hundred~~
12 ~~dollars (\$100) and other actual and necessary expenses for each day he or she is~~
13 ~~actually engaged in the discharge of the board's official duties.~~

14 ~~(6) Upon recommendation of the board, the Governor may remove any member of the~~
15 ~~board for a poor attendance record, neglect of duty, or malfeasance in office].~~

16 ➔Section 35. KRS 309.355 is amended to read as follows:

17 (1) The board shall administer and enforce the provisions of KRS 309.350 to 309.364
18 and shall have the responsibility to evaluate the qualifications of applicants for
19 licensure and to authorize issuing, renewing, suspending, and revoking licenses.

20 (2) The board shall investigate alleged violations brought to its attention, conduct
21 investigations, and schedule and conduct administrative hearings in accordance with
22 KRS Chapter 13B to enforce~~[the provisions of]~~ KRS 309.350 to 309.364 and
23 administrative regulations promulgated pursuant to KRS 309.350 to 309.364. The
24 board may~~[shall have the authority to]~~ administer oaths, receive evidence, interview
25 persons, and require the production of books, papers, documents, or other evidence.
26 The board may institute civil and criminal proceedings against violators of KRS
27 309.350 to 309.364. The Attorney General, Commonwealth's attorneys, and county

1 attorneys shall assist the board in prosecuting violations of KRS 309.350 to
2 309.364.

3 (3) The board shall promulgate administrative regulations, pursuant to KRS Chapter
4 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including
5 creating a code of ethics, standards of practice, standards of educational program
6 curriculum and instructor qualification, and continuing education requirements for
7 licensed massage therapists.

8 (4) The board shall keep a record of its proceedings and a register of all persons
9 licensed as massage therapists. The register shall include the name, license number
10 and date of issue, last known place of business, and residence of each licensee. The
11 board shall publish annually a directory of licensed massage therapists and their
12 places of business. The list shall be available to any Kentucky citizen upon request
13 and payment of a fee not to exceed the cost of the publication.

14 (5) The board shall make an annual report to the Governor and the Legislative
15 Research Commission~~[General Assembly]~~, which shall contain an account of its
16 duties performed, actions taken, and appropriate recommendations.

17 (6) The board may seek an injunction in the Circuit Court of the county where the
18 alleged violation occurred against any individual who practices massage therapy in
19 the Commonwealth without a license.

20 ➔Section 36. KRS 309.356 is amended to read as follows:

21 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~
22 KRS 309.350 to 309.364 shall be deposited in the State Treasury to the credit of a
23 revolving fund for the use of the board.

24 (2) No part of this revolving fund shall revert to the general funds of this
25 Commonwealth.

26 (3) The compensation of members of the board~~[and all of the employees of the board]~~
27 and all expenses incurred by the board shall be paid from this revolving fund.

1 ➔Section 37. KRS 309.404 is amended to read as follows:

- 2 (1) There is hereby created the Kentucky Board of Durable Medical Equipment
3 Suppliers~~[that shall be attached for administrative purposes to the Department of~~
4 ~~Professional Licensing in the Public Protection Cabinet]~~. The board shall consist of
5 five (5) members, each appointed by the Governor. Four (4) members shall be
6 appointed from a list of three (3) names for each position submitted by the
7 Kentucky Medical Equipment Suppliers Association. One (1) member shall be a
8 citizen at large who is not associated with or financially interested in the practice or
9 business regulated~~[. Any vacancy shall be filled for the unexpired term by the~~
10 ~~Governor, as provided in the original appointment]~~.
- 11 (2) To be eligible for appointment as a member of the board, a person shall be at least
12 twenty-one (21) years of age, of good moral character, a resident of this state, and, ***if***
13 ***a supplier member***, a licensed durable medical equipment services provider in this
14 state for at least three (3) consecutive years next preceding the date of his or her
15 appointment.
- 16 (3) The terms of office of each member shall be four (4) years~~[, or until a successor is~~
17 ~~appointed and qualified]~~.
- 18 ~~(4) The board shall elect one (1) of its members as president and another of its~~
19 ~~members as secretary. The secretary may, subject to approval by the board, employ~~
20 ~~and fix the compensation of all personnel required for the administration of KRS~~
21 ~~309.400 to 309.422]. The board may make all rules and promulgate all~~
22 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are
23 necessary to implement and carry out the~~[provisions and]~~ purposes of KRS 309.400
24 to 309.422.
- 25 ~~[(5) The board shall hold meetings at least twice a year and as frequently as it deems~~
26 ~~necessary at a time and place within the Commonwealth as the board may~~
27 ~~designate. A majority of the members shall constitute a quorum.]~~

1 ~~(4)~~~~(6)~~ The board may sue and be sued in its own name.

2 ~~(5)~~~~(7)~~ Members of the board shall be immune from suit in any civil or criminal
3 action which is based upon any official act or acts performed by them in good faith
4 as members of the board.

5 ~~[(8) Members of the board shall receive no compensation for their services, but shall be
6 paid for actual travel and other expenses incurred in connection with the
7 performance of their duties and the business of the board.]~~

8 ~~(6)~~~~(9)~~ The board may utilize **or contract for** any materials, services, or facilities
9 **from**~~[as may be made available to it by]~~ other state agencies~~[or may contract~~
10 ~~therefor, to the extent as the board in its discretion may determine].~~

11 ➔Section 38. KRS 310.040 is amended to read as follows:

12 (1) The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
13 is hereby created to be **composed**~~[comprised]~~ of seven (7) members appointed by
14 the Governor. Three (3) members shall be licensed dietitians, three (3) members
15 shall be certified nutritionists, and one (1) member shall be a public member who
16 shall have no pecuniary interest in the nutrition field. Of the members from the
17 nutrition field, one (1) shall represent hospitals, one (1) shall represent health care
18 facilities other than hospitals, one (1) shall represent state or local nutritional
19 programs or shall be in private practice and one (1) shall be a dietetic educator.
20 Appointments may be made from a list of nominees submitted to the Governor by
21 the Kentucky Dietetic Association, the Kentucky Hospital Association, the
22 Kentucky Association of Health Care Facilities, and the Kentucky Medical
23 Association.

24 (2) Each member of the board shall serve for a term of four (4) years~~[, except that for~~
25 ~~initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3)~~
26 ~~years, and two (2) shall be for two (2) years and one (1) shall be for one (1) year].~~

27 No member shall serve more than two (2) consecutive terms~~[and each member on~~

1 ~~July 15, 1994, shall serve on the board until his successor is appointed. Vacancies~~
 2 ~~shall be filled by appointment of the Governor for the unexpired term].~~

3 (3) ~~[The board shall organize annually and elect one (1) of its members as chairman~~
 4 ~~and one (1) of its members as secretary. A quorum of the board shall consist of four~~
 5 ~~(4) members.]~~The board shall meet at least quarterly and upon the call of the
 6 chairman, or at the request of two (2) or more members to the secretary of the
 7 board.

8 (4) Each member of the board shall receive compensation for services in an amount
 9 determined by the department, not to exceed one hundred dollars (\$100) dollars per
 10 meeting.~~[The members shall be reimbursed for all travel expenses for attending the~~
 11 ~~meetings of the board.]~~ The compensation of members~~[and employees]~~ of the
 12 board shall be paid from the revolving fund established in KRS 310.041(7).

13 ➔Section 39. KRS 311.410 is amended to read as follows:

14 (1) There is hereby created in the government of the Commonwealth a State Board of
 15 Podiatry which shall consist of five (5) members, each appointed by the Governor.
 16 Four (4) members shall be appointed from lists of three (3) names for each position
 17 submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen
 18 at large who is not associated with or financially interested in the practice or
 19 business regulated~~[. Any vacancy shall be filled for the unexpired term by the~~
 20 ~~Governor, as provided in the original appointment].~~

21 (2) ~~[A person]~~To be eligible for appointment as a podiatrist member of the board, a
 22 person shall be at least twenty-one (21) years of age, of good moral character, a
 23 resident of this state, and a licensed practicing podiatrist in this state for at least five
 24 (5) consecutive years next preceding the date of his or her appointment. No
 25 member of the board shall be a stockholder, officer, or member of the faculty or
 26 board of trustees of any school, college, or institution of podiatry or chiropody.

27 (3) The terms of office of each member shall be four (4) years~~[, or until his successor~~

1 shall be appointed and qualified].

2 (4) ~~[(The board shall elect one (1) of its members as president and another of its~~
3 ~~members as secretary. The secretary may, subject to approval by the board, employ~~
4 ~~and fix the compensation of all personnel required for the administration of KRS~~
5 ~~311.390 to 311.510.]~~The board may make all ***necessary*** rules and ***administrative***
6 regulations, not inconsistent with KRS 311.390 to 311.510,~~[as may be necessary]~~
7 to implement and carry out~~[the provisions and purposes of]~~ KRS 311.390 to
8 311.510.

9 ~~[(5) The board shall hold meetings at least twice a year and as frequently as it deems~~
10 ~~necessary at such times and places as the board may designate. A majority of the~~
11 ~~members shall constitute a quorum.]~~

12 ~~(5)~~~~[(6)]~~ The board may sue and be sued in its own name.

13 ~~[(7) Members of the board shall be immune from suit in any civil or criminal action~~
14 ~~which is based upon any official act or acts performed by them in good faith as~~
15 ~~members of the board.]~~

16 ➔Section 40. KRS 311.420 is amended to read as follows:

17 (1) The board shall conduct examinations at least twice a year at~~[such]~~ times and
18 places~~[as]~~ the board deems convenient for applicants for licenses to practice
19 podiatry in this state, and shall admit to examination any applicant who:

20 (a) Is at least eighteen (18) years of age;

21 (b) Is a citizen of the United States and a resident of the State of Kentucky;

22 (c) Is of good moral character and temperate habits; and

23 (d) Has completed a course in and graduated from a school or college of podiatry
24 approved by the board.

25 (2) The board shall prescribe the time, place, method, manner, scope, and content of
26 examinations ***to practice podiatry consistent with***~~[as relates to]~~ KRS 311.380(2);
27 and the board may accept certified, successful National Board of Podiatry

1 examinations in lieu of its written examination.

2 (3) Applicants for examination shall present their credentials to the board by mail upon
3 forms furnished by the board, and shall receive due notice of the place and date of
4 the examination. Each application shall contain proof of the qualifications required
5 of the applicant, shall be verified by the applicant under oath, and shall be
6 accompanied by an examination fee set by the board.

7 (4) The board shall issue a license to any person who complies with~~the provisions of~~
8 KRS 311.380 to 311.510 and who satisfactorily passes the examination.

9 ~~(5) The members of the board shall receive no compensation for their services, but shall
10 be paid their traveling and other necessary expenses while employed upon the
11 business of the board.~~

12 ~~(6)~~ The board may, in good faith, adopt rules and promulgate administrative
13 regulations to license and control those persons who may become formally
14 educated, or by years of employment by a licensed podiatrist, as a podiatric
15 assistant.

16 ~~(6)~~~~(7)~~ The board may utilize or contract for any available~~such~~ materials, services,
17 or facilities from~~as may be made available to it by~~ other state agencies~~or may~~
18 ~~contract therefor, to such extent as the board in its discretion, may determine~~.

19 ➔Section 41. KRS 311.450 is amended to read as follows:

20 (1) Every license issued for the practice of podiatry shall expire on June 30 following
21 the date of issuance unless sooner revoked and canceled.

22 (2) On or before June 1 of each year, the board shall send notices to all licensed
23 podiatrists in this state, at their last known addresses, advising them that the annual
24 license renewal fee is due on July 1 of each year. Every registered podiatrist shall
25 renew his or her license on or before July 1 of each year by the payment to the
26 board of an annual license renewal fee which shall be a reasonable fee set by
27 administrative regulation of the board and upon submission of a statement of

1 compliance with the continuing education administrative regulations of the board.
 2 If ~~this[such]~~ renewal fee is not paid or ~~the[such]~~ statement of compliance is not
 3 submitted on or before July 1, the board shall notify the delinquent licensee by mail
 4 at the licensee's~~his~~ last known address that ~~the[such]~~ fee and statement are past
 5 due and that a delinquent penalty fee is assessed, in addition to the renewal fee and
 6 that the renewal fee and penalty ~~shall~~~~must~~ be paid and the statement of
 7 compliance submitted on or before January 1. If ~~the[such]~~ fees, penalties, and
 8 statement are not submitted by January 1, ~~it shall be the duty of~~ the board ~~shall~~~~to~~
 9 suspend or revoke the license for nonpayment of the ~~annual~~ renewal and
 10 delinquent fees or for failure to submit the statement of compliance for the current
 11 year.

12 (3) All fees collected under ~~the provisions of~~ KRS 311.380 to 311.510, or the rules
 13 and administrative regulations promulgated under those sections~~adopted pursuant~~
 14 ~~thereto~~, shall be paid into the State Treasury, and credited to a trust and agency
 15 fund to be used in defraying the costs and expenses in the administration of KRS
 16 311.380 to 311.510 including, but not limited to, ~~salaries and~~ necessary travel
 17 expenses. No part of this fund shall revert to the general funds of this
 18 Commonwealth.

19 ➔Section 42. KRS 311.530 is amended to read as follows:

20 (1) There is hereby created in state government ~~an independent board to be known as~~
 21 the State Board of Medical Licensure, which shall exercise all medical and
 22 osteopathic licensure functions previously~~heretofore~~ exercised by the State Board
 23 of Health. The offices of the board shall be maintained at a~~such~~ place ~~as is~~
 24 designated by the board.

25 (2) The board shall consist of fifteen (15) members, including the commissioner of
 26 public health, the dean of the University of Kentucky College of Medicine, the vice
 27 dean for clinical affairs of the University of Louisville School of Medicine, the dean

1 of the University of Pikeville School of Osteopathic Medicine, and eleven (11)
2 members appointed by the Governor.

3 (3) Of the Governor's appointees:

4 (a) One (1) member shall be a licensed osteopathic physician and shall be
5 appointed from a list of three (3) names submitted by the Kentucky
6 Osteopathic Medical Association;

7 (b) Seven (7) members shall be licensed medical physicians and shall be
8 appointed from a list of three (3) names submitted for each position by the
9 Kentucky Medical Association; and

10 (c) Three (3) members shall be citizens at large who are representatives of any
11 recognized consumer advocacy groups with an interest in the delivery of
12 health care and are not associated with or financially interested in the practice
13 or business regulated.

14 ➔Section 43. KRS 311.535 is amended to read as follows:

15 The appointed members of the State Board of Medical Licensure shall hold office for
16 terms of four (4) years~~[and until their successors are appointed and qualify]~~. The
17 commissioner of public health and the deans of the medical schools shall hold office only
18 while holding their respective titles. The terms of all appointed members of the board
19 shall expire on August 31 of the last year of their respective terms.

20 ➔Section 44. KRS 311.540 is amended to read as follows:

21 The State Board of Medical Licensure shall hold meetings at least semiannually and more
22 frequently if necessary, at such places and times as the board may determine~~[The board~~
23 ~~shall elect a president, vice president and secretary from among its members and adopt~~
24 ~~such rules and bylaws as the board deems necessary]~~. Any **member**~~[and all members]~~ of
25 the board may administer oaths in matters pertaining to official duties. The members of
26 the board shall receive the sum of one hundred dollars (\$100) per day for each meeting
27 attended~~[and shall also be entitled to reimbursement for all reasonable expenses for~~

1 ~~travel, lodging and subsistence incurred in connection with attendance of meetings of the~~
 2 ~~board].~~

3 ➔Section 45. KRS 311.545 is amended to read as follows:

4 The State Board of Medical Licensure may utilize ***or contract for any***~~[such]~~ materials,
 5 services, or facilities ***from***~~[as may be made available to it by]~~ other state agencies~~[or may~~
 6 ~~contract therefor, to such extent or degree as the board, in its discretion, may determine].~~

7 It shall keep accurate records of its activities, reporting annually to the Governor ***and the***
 8 ***Legislative Research Commission.***

9 ➔Section 46. KRS 311.550 is amended to read as follows:

10 As used in KRS 311.530 to 311.620 and 311.990(4) to (6):

- 11 (1) "Board" means the State Board of Medical Licensure;
- 12 (2) "President" means the president of the State Board of Medical Licensure;
- 13 (3) "Secretary" means the secretary of the State Board of Medical Licensure;
- 14 (4) "Executive director" ***or "executive director of the board"*** means the executive
 15 director of the~~[State Board of]~~ Medical Licensure ***Authority*** or any assistant
 16 executive ***director of the Medical Licensure Authority***~~[directors appointed by the~~
 17 ~~board];~~
- 18 (5) "General counsel" means the general counsel of the State Board of Medical
 19 Licensure or any assistant general counsel~~[appointed by the board];~~
- 20 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
 21 this state;
- 22 (7) "Limited license" means a license to practice medicine or osteopathy in a specific
 23 institution or locale to the extent indicated in the license;
- 24 (8) "Temporary permit" means a permit issued to a person who has applied for a regular
 25 license, and who appears from verifiable information in the application to the
 26 executive director to be qualified and eligible therefor;
- 27 (9) "Emergency permit" means a permit issued to a physician currently licensed in

1 another state, authorizing the physician to practice in this state for the duration of a
2 specific medical emergency, not to exceed thirty (30) days;

3 (10) Except as provided in subsection (11) of this section, the "practice of medicine or
4 osteopathy" means the diagnosis, treatment, or correction of any and all human
5 conditions, ailments, diseases, injuries, or infirmities by any and all means,
6 methods, devices, or instrumentalities;

7 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
8 Science, the domestic administration of family remedies, the rendering of first aid
9 or medical assistance in an emergency in the absence of a person licensed to
10 practice medicine or osteopathy under~~the provisions of~~ this chapter, the use of
11 automatic external defibrillators in accordance with~~the provisions of~~ KRS
12 311.665 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice
13 of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
14 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
15 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
16 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS
17 311.690, the performance of duties for which they have been trained by paramedics
18 licensed under KRS Chapter 311A, first responders, or emergency medical
19 technicians certified under Chapter 311A, the practice of pharmacy by persons
20 licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or
21 proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments,
22 apparatus, or mechanisms that are intended, advertised, or represented as being for
23 the treatment, correction, cure, or relief of any human ailment, disease, injury,
24 infirmity, or condition, in regular mercantile establishments, or the practice of
25 midwifery by women. KRS 311.530 to 311.620 shall not be construed as repealing
26 the authority conferred on the Cabinet for Health and Family Services by KRS
27 Chapter 211 to provide for the instruction, examination, licensing, and registration

- 1 of all midwives through county health officers;
- 2 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;
- 3 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
4 physician;
- 5 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
6 this chapter;
- 7 (15) "Complaint" means a formal administrative pleading that sets forth charges against
8 a physician and commences a formal disciplinary proceeding;
- 9 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those
10 crimes which have dishonesty as a fundamental and necessary element, including
11 but not limited to crimes involving theft, embezzlement, false swearing, perjury,
12 fraud, or misrepresentation;
- 13 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to
14 deliver health care. It includes the use of electronic media for diagnosis,
15 consultation, treatment, transfer of medical data, and medical education;
- 16 (18) "Order" means a direction of the board or its panels made or entered in writing that
17 determines some point or directs some step in the proceeding and is not included in
18 the final order;
- 19 (19) "Agreed order" means a written document that includes but is not limited to
20 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,
21 a complaint, or a show cause order issued informally without expectation of further
22 formal proceedings in accordance with KRS 311.591(6);
- 23 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or
24 more disciplinary sanctions authorized by this chapter;
- 25 (21) "Letter of agreement" means a written document that informally resolves a
26 grievance, a complaint, or a show cause order and is confidential in accordance with
27 KRS 311.619;

- 1 (22) "Letter of concern" means an advisory letter to notify a physician that, although
2 there is insufficient evidence to support disciplinary action, the board believes the
3 physician should modify or eliminate certain practices and that the continuation of
4 those practices may result in action against the physician's license;
- 5 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the
6 licensee has violated a term or condition of probation and that fixes a date and time
7 for a revocation hearing;
- 8 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter
9 13B to determine whether the licensee has violated a term or condition of probation;
- 10 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a
11 medically diagnosable disease characterized by chronic, habitual, or periodic
12 consumption of alcoholic beverages resulting in the interference with the
13 individual's social or economic functions in the community or the loss of powers of
14 self-control regarding the use of alcoholic beverages;
- 15 (26) "Addicted to a controlled substance" means an individual who is suffering from a
16 medically diagnosable disease characterized by chronic, habitual, or periodic use of
17 any narcotic drug or controlled substance resulting in the interference with the
18 individual's social or economic functions in the community or the loss of powers of
19 self-control regarding the use of any narcotic drug or controlled substance;
- 20 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the
21 active practice of medicine within this Commonwealth who has admitted to
22 violating any provision of KRS 311.595 that permits the licensee to continue the
23 practice of medicine until the board issues a final order on the registration or
24 reregistration of the licensee;
- 25 (28) "Fellowship training license" means a license to practice medicine or osteopathy in
26 a fellowship training program as specified by the license; and
- 27 (29) "Special faculty license" means a license to practice medicine that is limited to the

1 extent that this practice is incidental to a necessary part of the practitioner's
2 academic appointment at an accredited medical school program or osteopathic
3 school program and any affiliated institution for which the medical school or
4 osteopathic school has assumed direct responsibility.

5 ➔Section 47. KRS 311.555 is amended to read as follows:

6 It is the declared policy of the General Assembly of Kentucky that the practice of
7 medicine and osteopathy should be regulated and controlled as provided in KRS 311.530
8 to 311.620 in order to prevent empiricism and to protect the health and safety of the
9 public. Further, the General Assembly of Kentucky has created the board, as defined in
10 KRS 311.530~~[, to function as an independent board]~~, the majority of whose members are
11 licensed physicians, with the intent that such a peer group is best qualified to regulate,
12 control, and otherwise discipline the licensees who practice medicine and osteopathy
13 within the Commonwealth of Kentucky. In furtherance of this intent, the judiciary of the
14 Commonwealth of Kentucky, who may be caused to review the actions of the board, shall
15 not interfere or enjoin the board's actions until all administrative remedies are exhausted,
16 and modify, remand, or otherwise disturb those actions only ~~if~~^{if}~~in the event that~~ the
17 action of the board:

- 18 (1) Constitutes a clear abuse of its discretion;
19 (2) Is clearly beyond its legislative delegated authority; or
20 (3) Violated the procedure for disciplinary action as described in KRS 311.591.

21 ➔Section 48. KRS 311.565 is amended to read as follows:

- 22 (1) The board may:
23 (a) Exercise all the administrative functions of the state in the prevention of
24 empiricism and in the regulation of the practice of medicine and osteopathy,
25 which shall include but not be limited to promulgation of reasonable
26 administrative regulations enabling the board to regulate the conduct of its
27 licensees;

- 1 (b) Promulgate reasonable administrative regulations establishing moral, physical,
2 intellectual, educational, scientific, technical, and professional qualifications
3 of applicants for licenses and permits that may be issued by the board;
- 4 (c) Issue, deny, suspend, limit, restrict, and revoke any licenses or permits that
5 may be issued by the board, and to reprimand or to place licensees on
6 probation, in compliance with~~the provisions of~~ KRS 311.530 to 311.620;
- 7 (d) **Be assisted by the**~~Appoint an~~ executive director and assistant executive
8 directors~~and fix their compensation~~. The executive director shall oversee
9 the work of the board, shall be authorized to discharge the duties of the
10 secretary, as provided by KRS 311.530 to 311.620, and shall carry out the
11 duties of the executive director as set forth elsewhere in this chapter;
- 12 (e) **Utilize the services of**~~Appoint~~ a general counsel and assistant general
13 counsel~~and fix their compensation~~;
- 14 (f) **Use**~~Appoint~~ investigatory personnel~~and fix their compensation~~;
- 15 (g) Appoint one (1) or more hearing officers, who need not be members of the
16 board~~, and fix their compensation~~. Every hearing officer shall be vested with
17 the full and complete power and authority of the board to schedule and
18 conduct hearings on behalf of and in the name of the board on all matters
19 referred for hearing by the board or secretary thereof, including, among other
20 things, proceedings for placing licensees on probation and for limitation,
21 suspension, and revocation of licenses. All administrative hearings conducted
22 by the board, a member of the board, or a hearing officer appointed by the
23 board, shall be conducted in accordance with KRS Chapter 13B. No hearing
24 officer shall be empowered to place any licensee on probation or to issue,
25 refuse, suspend, limit, or revoke any license;
- 26 (h) Appoint committees of licensees, who need not be board members, to review
27 issues of public or medical interest before the board and to make

- 1 recommendations to the board on the issues;
- 2 (i) Promulgate administrative regulations to promote the efficient and fair
3 conduct of disciplinary proceedings;
- 4 (j) Promulgate a code of conduct governing the practice of medicine and
5 osteopathy, which shall be based upon generally recognized principles of
6 professional ethical conduct;
- 7 (k) Utilize the services and facilities of professional organizations, and procure
8 and receive the assistance and recommendations of professional organizations
9 in administering KRS 311.530 to 311.620;
- 10 (l) Make its personnel and facilities available to other governmental entities
11 under mutually agreeable terms and conditions;
- 12 (m) Issue regular licenses without further testing by endorsement from another
13 state having qualifications and standards at least as high as those of this state
14 or by endorsement from the National Board of Medical Examiners, the
15 National Board of Examiners for Osteopathic Physicians and Surgeons, the
16 National Joint Committee of Preregistration Physician Training Programs, or
17 their~~any~~ approved successors~~thereof~~;
- 18 (n) Issue and renew regular licenses to practice medicine or osteopathy in
19 accordance with KRS 311.530 to 311.620 and any reasonable administrative
20 regulations of the board;
- 21 (o) Issue and renew,~~or~~ refuse to issue or renew, or cancel and terminate limited
22 licenses pursuant to administrative regulations promulgated by the board~~;~~
23 ~~provided however~~, except that no person who held a limited license for
24 institutional practice or general practice as of September 1, 1972, shall be
25 denied the renewal of that limited license for nondisciplinary reasons;
- 26 (p) Appoint examiners, who need not be members of the board, and employ or
27 contract with the Federation of State Medical Boards of the United States,

- 1 Inc., or the National Board of Medical Examiners or other organizations,
2 agencies, or individuals to prepare examination questions and grade
3 examination papers;
- 4 (q) Determine the schools, colleges, universities, institutions, and training
5 acceptable in connection with licensure under KRS 311.530 to 311.620;
- 6 (r) Prescribe the time, place, method, manner, scope, and content of
7 examinations;
- 8 (s) Prescribe all forms which it considers appropriate, and require the submission
9 of photographs, fingerprints, and personal history data;
- 10 (t) Require a criminal background investigation of all persons applying for
11 licensure at the time of initial application, and at other times at the request of
12 the board for good cause shown, by means of a fingerprint check by the
13 Department of Kentucky State Police and Federal Bureau of Investigation;
- 14 (u) Prescribe and collect reasonable fees and charges for examinations,
15 directories, and the issuance and renewal of licenses and permits; and
- 16 (v) Impose fines of not greater than five thousand dollars (\$5,000) per violation
17 and require the licensee to reimburse the board for the costs of the
18 administrative proceedings including consultant fees, upon a finding pursuant
19 to disciplinary proceedings that the licensee has violated~~[any provision of]~~
20 KRS 311.595 to 311.597 or duly promulgated disciplinary administrative
21 regulation of the board.
- 22 (2) The board shall develop specific guidelines to follow upon receipt of an allegation
23 of sexual misconduct by a physician licensed by the board. The guidelines shall
24 include investigation, inquiry, and hearing procedures which ensure that the process
25 does not revictimize the alleged victim or cause harm if a physician is falsely
26 accused.
- 27 (3) The board, the hearing officer, and investigators used~~[hired]~~ by the board shall

1 receive training on the dynamics of sexual misconduct of professionals, including
2 the nature of this abuse of authority, characteristics of the offender, the impact on
3 the victim, the possibility and the impact of false accusations, investigative
4 procedure in sex offense cases, and effective intervention with victims and
5 offenders.

6 ➔Section 49. KRS 311B.040 is amended to read as follows:

7 ~~[(1) The board shall meet at least two (2) times annually and may meet at other times as
8 needed. Special meetings shall be called by the chair, or by written petition of three
9 (3) board members to the chair of the board.~~

10 ~~(2) At the first meeting each year, the board shall elect by majority a chair to preside at
11 the meetings for a one (1) year term. A vice chair shall be elected by the board to
12 preside over board meetings in the chair's absence.~~

13 ~~(3) The board chair shall establish an agenda to conduct business for each meeting.
14 The agenda shall be distributed to board members at least two (2) weeks prior to the
15 scheduled meeting. Specific items for consideration shall be submitted at least thirty (30)
16 days prior to the next board meeting.~~

17 ~~[(4) A majority of the board members shall constitute a quorum for the transaction of
18 necessary business.~~

19 ~~(5) Vacancies shall be filled in the manner of the original appointment for the length of
20 the unexpired portion of the term only. Appointment to a vacancy for more than two
21 (2) years shall constitute a full term of appointment.~~

22 ~~(6) Upon recommendation by a majority of the board members and after notice and a
23 hearing, the Governor may remove any member for failure to maintain the
24 qualifications as a board member, incompetence, neglect of duty, or malfeasance in
25 office. Any board member removed under this subsection shall be entitled to appeal
26 the removal in the Franklin Circuit Court.~~

27 ~~(7) There shall be no liability on the part of, and no action for damages against, any~~

1 ~~current or former board member, representative, agent, or employee of the board,~~
2 ~~when the person is acting with ordinary care, is functioning within the scope of~~
3 ~~board duties, is acting without malice, and has the reasonable belief that the actions~~
4 ~~taken by him or her are warranted by law.~~

5 ~~(8) Each member of the board shall receive, in addition to travel, hotel, and other~~
6 ~~necessary expenses, a reasonable amount as determined by the board through the~~
7 ~~promulgation of administrative regulations for each day the member is engaged in~~
8 ~~the discharge of official duties at scheduled or called meetings of the board.]~~

9 ➔Section 50. KRS 311B.070 is amended to read as follows:

10 (1) The administrative coordinator~~[executive director]~~ shall have demonstrated
11 administrative experience relative to budget, management, organizational abilities,
12 and professional communication. The administrative coordinator~~[executive~~
13 ~~director]~~ shall:

- 14 (a) Be a licensed medical imaging technologist or radiation therapist;
15 (b) Have a minimum of a bachelor's degree; and
16 (c) Meet the qualifications of a board member as required under KRS
17 311B.030(2).

18 (2) The administrative coordinator~~[executive director]~~ shall implement and oversee
19 the licensure process of advanced imaging professionals, medical imaging
20 technologists, radiographers, radiation therapists, nuclear medicine technologists,
21 and limited X-ray machine operators as defined by the board. The administrative
22 coordinator~~[executive director]~~ shall, at a minimum:

- 23 (a) Receive and evaluate applications for licenses;
24 (b) Document continuing education by licensees;
25 (c) Report suspected allegations of violations of this chapter to the board;
26 (d) Serve as corresponding secretary for the board;
27 (e) Supervise and evaluate administrative assistants and other office staff

- 1 assigned to~~[hired or contracted by]~~ the board;
- 2 (f) Assist the board chair in coordinating regular and special meetings and
- 3 agendas;
- 4 (g) Maintain records of the actions of the board;
- 5 (h) Obtain an annual audit of the funds received and disbursed;
- 6 (i) Prepare and submit reports as needed;
- 7 (j) Serve as liaison between educational programs and the board; and
- 8 (k) Serve as liaison between the board and:
- 9 1. State and national professional and accrediting organizations; and
- 10 2. Other Kentucky boards and agencies.

11 (3) The administrative coordinator~~[executive director]~~ and other persons designated by

12 the board shall be bonded by the state in an amount as determined by the board to

13 be approved by the State Treasurer for the faithful performance of related duties.

14 ➔Section 51. KRS 311B.130 is amended to read as follows:

15 (1) On behalf of the board, the administrative coordinator~~[executive director]~~ shall

16 receive and account for all moneys collected pursuant to~~[the provisions of]~~ this

17 chapter, or the administrative regulations promulgated pursuant to this chapter, and

18 shall deposit all such moneys into the State Treasury, to be credited to a trust and

19 agency fund which is hereby created for the purpose of defraying the costs and

20 expenses of the administration of this chapter in the manner provided for other

21 similar licensure agencies and boards of the Commonwealth.

22 (2) These moneys shall be used for the reimbursement of board members~~[for actual~~

23 ~~and necessary expenses incurred in the performance of their official duties, the~~

24 ~~compensation of all of the employees of the board,]~~ and payment of all other

25 operational expenses incurred in fulfilling the board's duties as described in this

26 chapter and administrative regulation, and are hereby appropriated for those

27 purposes.

- 1 (3) No part of this fund shall revert to the general fund of the Commonwealth.
- 2 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
3 fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year
4 to be used for the purposes set forth in this chapter.
- 5 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- 6 ➔Section 52. KRS 312.019 is amended to read as follows:
- 7 (1) The board shall administer~~[the provisions of]~~ this chapter and the administrative
8 regulations promulgated by the board relating to the practice of chiropractic.
- 9 (2) The board shall pass upon the qualifications of applicants for a license, certification,
10 or registration to practice chiropractic. It shall examine, license, certify, register, and
11 renew the license, certification, or registration of duly qualified applicants.
- 12 (3) The board may deny, revoke, limit, impose probationary conditions, refuse to
13 renew, or suspend any license, certification, or registration issued by it.
- 14 (4) The board shall adopt a seal which shall be affixed to all licenses, certifications, and
15 registrations issued by the board and to any~~[such]~~ other documents as the board
16 deems necessary.
- 17 (5) The board shall regulate the practice of chiropractic by persons licensed or certified
18 by it and shall enforce~~[the provisions of]~~ this chapter and the administrative
19 regulations of the board. The board may investigate violations and cause the
20 prosecution of persons violating~~[the provisions of]~~ this chapter or the
21 administrative regulations promulgated by the board.
- 22 (6) The board may~~[employ such personnel and]~~ incur any necessary~~[such]~~ expenses~~[~~
23 ~~as may be necessary]~~ for the performance of its duties and the enforcement of this
24 chapter.
- 25 (7) The board may prescribe and collect reasonable fees for the issuance and renewal of
26 licenses, certifications, and registrations and the administration of examinations as
27 provided in KRS 312.095 and 312.175.

- 1 (8) The board may inspect at all reasonable times any chiropractic office or place where
2 chiropractic services are performed and inspect chiropractic records, a copy of
3 which may be obtained by the board, and question all persons.
- 4 (9) The board may promulgate~~[and from time to time amend]~~ administrative
5 regulations, consistent with~~[the provisions of]~~ this chapter and in accordance with~~[~~
6 ~~the provisions of]~~ KRS Chapter 13A, governing the practice of chiropractic and the
7 diagnosis and treatment of patients, the enforcement of this chapter and the proper
8 performance of its duties, including but not limited to:
- 9 (a) A code of ethical conduct governing the practice of chiropractic;
 - 10 (b) Requirements, standards, and examinations to determine the moral, physical,
11 intellectual, educational, scientific, technical, and professional qualifications
12 of applicants for licenses and certifications;
 - 13 (c) Matters pertaining to the content and conduct of examinations;
 - 14 (d) Matters pertaining to the operation and registration of chiropractic clinics;
 - 15 (e) Matters pertaining to the practice and certification of chiropractic specialties
16 by licensed doctors of chiropractic;
 - 17 (f) The type, character, and location of postgraduate study to be done by any
18 licensee in order to comply with~~[the provisions of]~~ KRS 312.175;
 - 19 (g) Regulation of forms of advertising or solicitation that are false, misleading,~~[~~
20 ~~or]~~ deceptive, or otherwise in violation of this chapter. The board may require
21 a seventy-two (72) hour rescission period for consumers responding to certain
22 forms of solicitation or advertising proposing or offering a series or course of
23 treatments. The board may require that advertisements or solicitations stating
24 coverage available from third-party payors include a conspicuous notice that
25 persons may be required to submit to an independent evaluation which may
26 result in a determination that the all or part of the services are unreasonable or
27 unnecessary;

- 1 (h) Establishing a recommended course of pre-chiropractic education to be
2 completed prior to entry into chiropractic college and the establishment of a
3 preceptorship program for students enrolled in accredited chiropractic colleges
4 that conform to KRS 312.085 to meet the standards of accreditation of the
5 Council on Chiropractic Education.
- 6 (i) Registration and regulation of chiropractic management consultants operating
7 in Kentucky. The board may impose annual registration fees not to exceed two
8 hundred dollars (\$200); and
- 9 (j) Establishing minimum standards for recordkeeping in chiropractic offices, the
10 issuance of itemized statements, and requiring that any record or report
11 include the name of the treating chiropractor.
- 12 (10) The board shall develop specific guidelines to follow upon receipt of an allegation
13 of sexual misconduct by a chiropractor licensed by the board. The guidelines shall
14 include investigation, inquiry, and hearing procedures which ensure the process
15 does not revictimize the alleged victim or cause harm if a chiropractor is falsely
16 accused.
- 17 (11) The board, the hearing officer, and investigators~~[hired by the board]~~ shall receive
18 training on the dynamics of sexual misconduct of professionals, including the nature
19 of this abuse of authority, the characteristics of the offender, the impact on the
20 victim, the possibility and the impact of false accusations, investigative procedure
21 in sex offense cases, and effective intervention with victims and offenders.

22 ➔SECTION 53. KRS 312.055 IS REPEALED AND REENACTED TO READ
23 AS FOLLOWS:

24 **Members of the board shall receive a per diem not to exceed one hundred dollars**
25 **(\$100) for each day they actually spend in the discharge of their official duties.**

26 ➔Section 54. KRS 312.175 is amended to read as follows:

- 27 (1) Each person licensed to practice chiropractic in this state shall, on or before the first

1 day of March, annually renew his *or her* license and annually pay the board a
2 renewal fee of not more than one hundred dollars (\$100) for each inactive licensee
3 and not more than five hundred dollars (\$500) for each active licensee~~[each year to~~
4 ~~the board]~~. In addition to the payment of the renewal fee, the active licensee
5 applying for a license renewal shall furnish to the board satisfactory evidence that
6 the licensee~~[he]~~ has attended an educational program in the year preceding each
7 application for renewal. Satisfactory evidence of attendance of postgraduate study at
8 an institution approved by the board shall be considered equivalent. ~~[Provided,~~
9 ~~however, that]~~Licenses may be renewed by the board, at its discretion, and the
10 applicant may be excused from paying the renewal fee or attending the annual
11 educational program, or both, in instances where the applicant submits an affidavit
12 to the board evidencing that the applicant~~[he]~~, for good cause assigned, suffered a
13 hardship which prevented the applicant from renewing the license or attending the
14 educational program at the proper time.

15 (2) The board shall send a written notice to every person holding a valid license to
16 practice chiropractic within this state at least forty-five (45) days prior to the first
17 day of March in each year, directed to the last known address of the licensee, and
18 shall enclose with the notice proper blank forms for application for annual license
19 renewal. The board shall, within thirty (30)~~[forty five (45)]~~ days, notify every
20 person failing to renew a~~[his]~~ license after it is due that the person~~[he]~~ is delinquent
21 and is subject to a late penalty of three hundred dollars (\$300). If the licensee fails
22 to renew the~~[his]~~ license within forty-five (45) days after the mailing of the
23 delinquent notice then the~~[his]~~ license shall be revoked for nonrenewal. Any
24 licensee whose license has been revoked for failure to renew~~[his license]~~ may have
25 the~~[his]~~ license restored upon:
26 (a) 1. ~~[the]~~Payment of a restoration fee not to exceed five hundred dollars
27 (\$500) for each full or partial delinquent year;

1 2. Payment of a~~for any part thereof in addition to the~~ renewal fee of not
2 more than five hundred dollars (\$500); and

3 3. ~~[and upon]~~ Presentation of satisfactory evidence of postgraduate study of
4 a standard approved by the state board; or

5 (b) ~~[upon a]~~ Showing that the licensee~~[he]~~ is an exception as authorized
6 under~~[provided for in]~~ subsection (1) of this section.

7 (3) Any licensee whose license has been revoked for less than four (4) years, may not
8 apply for a license pursuant to KRS 312.085. The licensee may only apply for
9 restoration pursuant to subsection (2) of this section.

10 (4) Any licensee whose license has been revoked for more than four (4) years may
11 apply for a license by examination, as long as the licensee pays a restoration fee not
12 to exceed five hundred dollars (\$500) for each full or partial delinquent year~~, or~~
13 ~~any part thereof,~~ in addition to the renewal fee of not less than five hundred dollars
14 (\$500) and not more than three thousand dollars (\$3,000).

15 ➔ Section 55. KRS 313.020 is amended to read as follows:

16 (1) The Kentucky Board of Dentistry shall consist of ten (10) members, each appointed
17 by the Governor to a four (4) year term. Seven (7) members of the board shall be
18 licensed dentists appointed from a list of three (3) names recommended for each
19 board position by the resident licensed dentists of Kentucky at an annual election at
20 a time selected by the Kentucky Board of Dentistry. Two (2) members of the board
21 shall be dental hygienists licensed to practice dental hygiene in the Commonwealth.
22 Each appointment to the board of a licensed dental hygienist shall be made from a
23 list of three (3) names recommended for this position by the resident licensed dental
24 hygienists of Kentucky at an annual election at a time selected by the board. One (1)
25 member shall be a citizen at large who is not associated with or financially
26 interested in the practice or business regulated. One (1) nonvoting ex officio
27 representative from each the University of Kentucky and the University of

1 Louisville shall represent the dental schools' interests. One (1) nonvoting ex officio
2 representative from a hygiene program not associated with the University of
3 Kentucky or the University of Louisville shall represent the dental hygiene
4 programs' interests. The hygiene school seats shall rotate on a yearly basis. One (1)
5 nonvoting ex officio representative from the Department for Public Health shall
6 represent the department's interests.

7 (2) Individuals seeking board appointment, other than the citizen member, shall have
8 been an actual resident and licensed practicing dentist or dental hygienist of the
9 Commonwealth for not less than five (5) years immediately preceding his or her
10 appointment to the board, be in good standing with the board, and shall not have
11 been disciplined by the board in the past eight (8) years. A voting member shall not
12 receive compensation from or have a financial interest in any dental college or
13 dental department of any institution of learning, dental supply business, or any
14 entity over which the board has regulatory authority or sets standards for. For this
15 subsection alone, a private admonishment shall not count as discipline.

16 (3) No board member shall serve more than two (2) consecutive terms. A member
17 appointed to a partial term vacancy exceeding two (2) years shall be deemed to have
18 served one (1) full term. A former member may be reappointed following an
19 absence of one (1) term.

20 (4) The board shall annually:

21 (a) Meet at least four (4) times a year; and

22 (b) ~~At the first meeting of the board after July 1, elect officers of the board by~~
23 ~~majority vote of the members present; and~~

24 (c) ~~Set a schedule of at least four (4) regular meetings for the next twelve (12)~~
25 ~~month period.~~

26 (5) ~~A majority of the voting members of the board shall constitute a quorum for the~~
27 ~~transaction of business.~~

- 1 ~~(6) (a)~~ A member of the board who misses three (3) regular meetings in one (1) year
 2 shall be deemed to have resigned from the board, and his or her position shall
 3 be deemed vacant.
- 4 ~~(b)~~ The failure of a board member to attend a special or emergency meeting shall
 5 not result in any penalty.
- 6 ~~(c)~~ The year specified in paragraph (a) of this subsection shall begin with the first
 7 meeting missed and end three hundred sixty five (365) days later or with the
 8 third meeting missed, whichever occurs earlier.
- 9 ~~(d)~~ The Governor shall appoint a person of the same class to fill the vacancy
 10 within ninety (90) days.
- 11 ~~(e)~~ A person removed under this subsection shall not be reappointed to the board
 12 for four (4) years.
- 13 ~~(7)~~ Each voting member of the board shall receive any necessary expenses incurred in
 14 attending its meetings.]Each voting member shall receive as compensation two
 15 hundred dollars (\$200) for each day actually engaged in the duties of his or her
 16 office.
- 17 ~~(6)~~~~(8)~~ Annual reports and recommendations from the board shall be sent by
 18 September~~February~~ 1 each year to the Governor and the Legislative Research
 19 Commission~~General Assembly~~.
- 20 ➔Section 56. KRS 313.021 is amended to read as follows:
- 21 (1) The board shall:
- 22 (a) Exercise all of the administrative functions of the Commonwealth in the
 23 regulation of the profession of dentistry, including but not limited to dentists,
 24 dental hygienists, dental assistants, and dental laboratories;
- 25 (b) Subject to the provisions of this chapter, create levels of licensure or
 26 registration as appropriate for individuals providing services under this
 27 chapter. These shall consist of:

- 1 1. Dentist;
- 2 2. Dental hygienist; and
- 3 3. Dental assistant;
- 4 (c) The board shall promulgate administrative regulations in accordance with
- 5 KRS Chapter 13A for any license or registration the board may create. The
- 6 administrative regulations shall, at a minimum, address:
- 7 1. Requirements for students, if appropriate;
- 8 2. Requirements for education;
- 9 3. Eligibility for licensure or registration; and
- 10 4. Renewal requirements;
- 11 (d) Oversee the operations and establish the organizational structure of the Office
- 12 of the Kentucky Board of Dentistry, which is created and shall be attached to
- 13 the board for administrative purposes. The office shall be headed by the
- 14 administrative coordinator~~[executive director appointed under paragraph (e)~~
- 15 ~~of this subsection]~~ and shall be responsible for:
- 16 1. ~~[Personnel and]~~Budget matters affecting the board;
- 17 2. Fiscal activities of the board, including grant writing and disbursement
- 18 of funds;
- 19 3. Information technology, including the design and maintenance of
- 20 databases;
- 21 4. Licensure of dentists and dental hygienists;
- 22 5. Registration of dental assistants;
- 23 6. Investigation of complaints; and
- 24 7. Other responsibilities which may be assigned to the administrative
- 25 coordinator~~[executive director]~~ by the board;
- 26 (e) Utilize the administrative coordinator to~~[Employ an executive director and~~
- 27 ~~fix his or her compensation. The executive director shall serve at the pleasure~~

1 ~~of the board,]~~ administer the day-to-day operations of the Office of the
 2 Kentucky Board of Dentistry, and supervise all directives of the board. The
 3 administrative coordinator~~[executive director]~~ shall possess a baccalaureate
 4 degree and shall have no less than five (5) years of experience in public
 5 administration;

6 (f)~~[Employ or contract with an attorney licensed to practice law in Kentucky and~~
 7 ~~fix his or her compensation. The attorney shall serve at the pleasure of the~~
 8 ~~board and have primary assignment to the board;~~

9 (g)~~Employ or contract with personnel sufficient to carry out the statutory~~
 10 ~~responsibilities of the board;~~

11 (h)] Establish committees and subcommittees and their~~[the]~~ membership~~[~~
 12 ~~thereof]. Members of committees and subcommittees may~~~~[shall not need to]~~
 13 be members of the public or the board;

14 (g)~~(i)]~~ Provide for affiliation with the American Association of Dental Boards;

15 (h)~~(j)]~~ Select the subject matter and standards of proficiency for examinations
 16 related to issuance of licenses or registrations issued under this chapter or
 17 administrative regulations promulgated hereunder; and

18 (i)~~(k)]~~ Have the authority to issue advisory opinions and declaratory rulings
 19 related to this chapter and the administrative regulations promulgated
 20 thereunder as established by administrative regulation.

21 (2) The board may utilize or contract for materials, services, or facilities from~~[as may~~
 22 ~~be made available to it by]~~ other state agencies~~[or may contract for materials,~~
 23 ~~services, or facilities].~~

24 (3) The board shall develop a proposed biennial budget for all administrative and
 25 operational functions and duties.

26 ➔Section 57. KRS 313.090 is amended to read as follows:

27 (1) In accordance with~~[the provisions of]~~ KRS Chapter 13B, all discipline for which

1 the board is authorized to conduct investigations, hold hearings, and impose
2 punishments is delegated to the administrative coordinator~~[the executive director,
3 board attorney,]~~ and hearing panel as provided in this section.

4 (2) Any person may make a complaint to the administrative coordinator~~[executive
5 director]~~ that a dentist, dental hygienist, dental assistant, or other person licensed or
6 registered by the board has violated~~[a provision of]~~ this chapter, an administrative
7 regulation promulgated pursuant to this chapter, a practice standard, or an order of
8 the board.

9 (3) Each complaint shall:

10 (a) Be in writing;

11 (b) Identify specifically the person or organization against whom the complaint is
12 made;

13 (c) Set forth the facts relating to the violation alleged and any other supporting
14 information which may have a bearing on the matter;

15 (d) Contain the name, address, telephone number, facsimile number, and e-mail
16 address, if available, of the complainant; and

17 (e) Be signed by the complainant as the truth of the statements contained in the
18 complaint by the complainant.

19 (4) A complaint which is unsigned shall not be acted upon by the administrative
20 coordinator~~[executive director]~~ unless the complaint involves a violation of
21 standards set forth by the Centers for Disease Control or alleged mental or physical
22 impairment as provided for in KRS 313.130. A complaint which is not signed in the
23 manner specified in subsection (3) of this section shall be returned to the
24 complainant for completion.

25 (5) The administrative coordinator~~[executive director]~~ of the board may, on behalf of
26 the board, based on knowledge available to the Office of the Board, make a
27 complaint against any person or organization regulated by the board in the same

- 1 manner as provided in subsection (3) of this section.
- 2 (6) Upon receipt of a properly completed complaint, the administrative
3 coordinator~~[executive director]~~ shall assign the complaint to a staff investigator
4 who shall investigate the complaint and shall make findings of fact and
5 recommendations to the administrative coordinator~~[executive director]~~ who shall
6 then convene a meeting of the Law Enforcement Committee.
- 7 (7) The staff investigator shall notify the person or organization against whom the
8 complaint has been filed and shall notify the employer of the dentist, dental
9 hygienist, or dental assistant of the complaint.
- 10 (8) The notification shall name the person or organization complained against, the
11 complainant, the violations alleged, and the facts presented in the complaint and
12 shall notify the person or organization complained against and the employer of:
- 13 (a) The fact that the complaint shall be answered, the steps for answering the
14 complaint, and the action to be taken if the complaint is not answered;
- 15 (b) The timeframe and steps in the proceedings of a complaint;
- 16 (c) The rights of the parties, including the right to counsel; and
- 17 (d) The right to testify at any hearing.
- 18 (9) Upon the failure of a licensee or certificate holder to respond to a written accusation
19 or to request a hearing within twenty (20) days after the sending of the accusation,
20 the accused shall be considered to have admitted the truth of the facts and the
21 circumstances in the allegation and appropriate discipline may be imposed.
- 22 (10) After reviewing the complaint and results of any investigation conducted on behalf
23 of the board, the Law Enforcement Committee shall consider whether the
24 accusation is sufficient to remand the matter for a hearing as provided in this section
25 and KRS Chapter 13B. A majority vote of the members of the Law Enforcement
26 Committee shall be necessary for action to either remand the matter for hearing or
27 dismiss the complaint without a hearing.

- 1 (11) If the Law Enforcement Committee dismisses the complaint, all parties notified
2 previously shall be notified of the action. If the Law Enforcement Committee
3 remands the matter for a hearing, all parties notified previously shall be notified of
4 the action.
- 5 (12) Each proceeding to consider the imposition of a penalty which the board is
6 authorized to impose pursuant to this chapter shall be conducted in accordance with
7 KRS Chapter 13B.
- 8 (13) A hearing panel for purposes of making a decision in any disciplinary matter shall
9 consist of a quorum of the remaining seven (7) members of the board who are not
10 on the Law Enforcement Committee and the hearing officer.
- 11 (14) The board may issue subpoenas to compel the attendance of witnesses and the
12 production of documents in the conduct of an investigation. The subpoenas may be
13 enforced by any Circuit Court for contempt. Any order or subpoena of the court
14 requiring the attendance and testimony of witnesses and the production of
15 documentary evidence may be enforced and shall be valid anywhere in this state.
- 16 (15) At all hearings the board attorney or, on request of the board, the Attorney General
17 of this state or one (1) of the assistant attorneys general designated, shall appear and
18 represent the board.
- 19 (16) The dentist, dental hygienist, or dental assistant who is the defendant in a hearing
20 shall be a party to the action and may appear and testify in the matter at any
21 deposition or hearing on the matter and may propose conclusions of law, findings of
22 fact, and penalties to the hearing panel.
- 23 (17) To make a finding or impose discipline, a majority of the members of the hearing
24 panel who are not the hearing officer shall agree on the finding or discipline.
- 25 (18) The final order in any disciplinary proceeding shall be prepared by the hearing
26 officer and sent to all parties in the manner prescribed by law.
- 27 (19) Any person or entity aggrieved by a final order of the board may appeal the final

1 order to the Circuit Court of the county in which the person or entity resides in
2 accordance with KRS Chapter 13B.

3 (20) Upon final disposition of a complaint which results in disciplinary action, the final
4 order shall be published on the Web site of the board, placed in the record of the
5 licensed or registered individual, and reported to the National Practitioner Database.

6 ➔Section 58. KRS 314.111 is amended to read as follows:

7 (1) An institution desiring to conduct a school of nursing shall apply to the board and
8 submit evidence that it is prepared to carry out the minimum approved basic
9 curriculum in nursing and that it is prepared to fulfill other requirements of
10 standards which are established by KRS 314.011 to 314.161 and KRS 314.991 and
11 the administrative regulations promulgated by the board. No person shall operate a
12 nursing education program or school of nursing without complying with~~the~~
13 ~~provisions of~~ this section.

14 (2) A survey of the institution and its proposed education program shall be made by the
15 executive director,~~or an authorized employee of the board~~ who shall submit a
16 written report of the survey to the board. If in the opinion of the board the
17 requirements for an approved nursing education program or school of nursing are
18 met it shall approve the school.

19 (3) The board shall, by administrative regulations promulgated pursuant to KRS
20 Chapter 13A, set standards for the establishment and outcomes of nursing education
21 programs that prepare advanced practice registered nurses, including clinical
22 learning experiences, and shall approve any~~such~~ programs that meet the standards.

23 (4) If the board determines that any approved school of nursing is not maintaining the
24 standards required by the statutes and the administrative regulations of the board or
25 is not complying with the requirements of the administrative regulations of the
26 board, notice of this determination~~thereof~~ in writing specifying their deficiencies
27 or compliance issues shall be given to the school. A school which fails to correct

1 these conditions to the satisfaction of the board or fails to comply with the
2 requirements of the administrative regulation may be fined up to five hundred
3 dollars (\$500) per day for each day that it fails to correct the deficiencies or fails to
4 comply with the requirements of the administrative regulations. A school may:

- 5 (a) Request an administrative hearing in accordance with KRS Chapter 13B to
6 contest any fine; and
- 7 (b) Be subject to an administrative hearing in accordance with KRS Chapter 13B
8 to determine whether the school shall be closed.

9 The board shall promulgate administrative regulations pursuant to KRS Chapter
10 13A to implement this subsection.

11 ➔Section 59. KRS 314.121 is amended to read as follows:

- 12 (1) The Governor shall appoint a Board of Nursing consisting of sixteen (16) members:
 - 13 (a) Nine (9) members shall be registered nurses licensed to practice in the
14 Commonwealth, with the Governor ensuring that the appointees represent
15 different specialties from a broad cross-section of the nursing profession after
16 soliciting and receiving nominations from recognized specialty state
17 component societies;
 - 18 (b) Three (3) members shall be practical nurses licensed to practice in the
19 Commonwealth;
 - 20 (c) One (1) member shall be a nurse service administrator who is a registered
21 nurse licensed to practice in the Commonwealth;
 - 22 (d) One (1) member shall be engaged in practical nurse education who is a
23 registered nurse licensed to practice in the Commonwealth; and
 - 24 (e) Two (2) members shall be citizens at large, who are not associated with or
25 financially interested in the practice or business regulated.
- 26 (2) Each appointment shall be for a term of four (4) years expiring on June 30 of the
27 fourth year. The cycle for appointments and expiration of terms shall be as follows:

- 1 (a) The first year of the four (4) year cycle, the terms for three (3) registered
2 nurses and one (1) licensed practical nurse shall expire;
- 3 (b) The second year of the four (4) year cycle, the terms for three (3) registered
4 nurses and one (1) citizen at large shall expire;
- 5 (c) The third year of the four (4) year cycle, the terms for two (2) registered
6 nurses, one (1) licensed practical nurse, and the one (1) member engaged in
7 practical nurse education who is a registered nurse shall expire; and
- 8 (d) The fourth year of the four (4) year cycle, the terms for two (2) registered
9 nurses, one (1) licensed practical nurse, and one (1) citizen at large shall
10 expire.
- 11 (3) (a) By March 1, the Kentucky Nurses Association shall submit to the Governor a
12 list of members qualified for appointment as R.N. members, in number not
13 less than twice the number of appointments to be made, from which list the
14 Governor shall make each appointment or appointments necessary by July 1.
- 15 (b) By March 1, Kentucky Licensed Practical Nurses Organization Incorporated
16 shall submit to the Governor a list of names qualified for appointment as
17 L.P.N. members, in number not less than twice the number of appointments to
18 be made, from which list the Governor shall make each appointment or
19 appointments as necessary by July 1.
- 20 (c) By March 1 of the year in which the nurse service administrator's term shall
21 expire, the Kentucky Organization of Nurse Leaders, an affiliate of the
22 Kentucky Hospital Association, shall submit to the Governor two (2) names of
23 qualified individuals for appointment as the nurse service administrator from
24 which list the Governor shall make an appointment as necessary by July 1.
- 25 (d) By March 1, LeadingAge Kentucky shall submit to the Governor two (2)
26 names of qualified individuals for appointments as its R.N. representative to
27 the board, from which the Governor shall make an appointment by July 1.

- 1 (e) By March 1 of the year in which the Kentucky Association of Health Care
2 Facilities representative's term shall expire, the Kentucky Association of
3 Health Care Facilities shall submit to the Governor two (2) names of qualified
4 individuals for appointment as its R.N. representative to the board, from
5 which list the Governor shall make an appointment as necessary by July 1.
- 6 (f) ~~[Initially, the Governor shall appoint one (1) member to serve as the registered~~
7 ~~nurse who is engaged in practical nurse education to serve the term remaining~~
8 ~~according to the cycle specified in subsection (2) of this section. By August 1,~~
9 ~~1996, Kentucky Licensed Practical Nurses Organization Incorporated shall~~
10 ~~submit to the Governor two (2) names of qualified individuals for the~~
11 ~~appointment, from which list the Governor shall make the appointment by~~
12 ~~September 1, 1996. Thereafter,]~~By March 1 of the year in which the practical
13 nurse educator's term expires, Kentucky Licensed Practical Nurses
14 Organization Incorporated shall submit to the Governor two (2) names of
15 qualified individuals for the appointment, from which list the Governor shall
16 make the appointment by July 1.
- 17 (g) The Governor shall appoint two (2) members who shall be citizens at large,
18 who are not associated with or financially interested in the practice or business
19 regulated. The Governor shall make the appointments by July 1 of the year in
20 which the citizen members' terms expire.
- 21 ~~(4) [A vacancy on the board shall be filled by the Governor as provided for under~~
22 ~~subsection (1) of this section.~~
- 23 ~~(5) The Governor may remove any member from the board for neglect of duty,~~
24 ~~incompetence, or unprofessional or dishonorable conduct.~~
- 25 ~~(6)]~~ Each R.N. member of the board shall be a citizen of the United States, a resident of
26 Kentucky, a graduate of an approved school of nursing, and a registered nurse in
27 this state. All shall have had at least five (5) years of experience in nursing, three (3)

1 of which shall immediately precede ~~the~~~~[such]~~ appointment. Five (5) members shall
2 be engaged in nursing practice; three (3) shall be engaged in nursing education; one
3 (1) shall be engaged in advanced practice registered nursing; and one (1) shall be in
4 nursing administration.

5 ~~(5)~~~~(7)~~ Each L.P.N. member of the board shall be a citizen of the United States, a
6 resident of Kentucky, a graduate of an approved school of practical nursing or its
7 equivalent, licensed as a licensed practical nurse in this state, have at least five (5)
8 years of experience in nursing, three (3) of which shall immediately precede this
9 appointment, and be currently engaged in nursing practice.

10 ➔Section 60. KRS 314.131 is amended to read as follows:

11 (1) ~~[The board shall meet at least annually and shall elect from its members a president~~
12 ~~and any other officers that it deems necessary. Nine members of the board including~~
13 ~~one (1) officer shall constitute a quorum at any meeting.]~~The board may~~[is~~
14 ~~authorized to]~~ promulgate administrative regulations to execute and enforce this
15 chapter, not inconsistent with the law and subject to~~[the provisions of]~~ KRS
16 Chapter 13A~~[, as may be necessary to enable it to carry into effect the provisions of~~
17 ~~this chapter]~~.

18 (2) The board shall:

19 (a) Approve programs of nursing and shall monitor compliance with standards for
20 nurse competency under this chapter;

21 (b) ~~[. It shall]~~Examine, license, and renew the license of duly-qualified
22 applicants;

23 (c) Determine notice of place and time of licensure examinations;

24 (d) Approve providers of continuing education;

25 (e) Administer continuing education requirements;

26 (f) Issue advisory opinions or declaratory rulings dealing with the practice of
27 nursing;

- 1 (g) Register and designate those persons qualified to engage in advanced nursing
2 practice;
- 3 (h) ~~[and it shall]~~Conduct administrative hearings in accordance with KRS
4 Chapter 13B upon charges calling for discipline of a licensee and cause the
5 prosecution of all persons violating~~[any provisions of]~~ this chapter; and
- 6 (i) ~~[. It shall]~~Keep a record of all its proceedings and make an annual report to
7 the Governor and the Legislative Research Commission.
- 8 (3) The board shall develop specific guidelines to follow upon receipt of an allegation
9 of sexual misconduct by a nurse licensed by the board. The guidelines shall include
10 investigation, inquiry, and hearing procedures which ensure that the process does
11 not revictimize the alleged victim or cause harm if a nurse is falsely accused.
- 12 (4) The board and investigators working for~~[hired by]~~ the board shall receive training
13 on the dynamics of sexual misconduct of professionals, including the nature of this
14 abuse of authority, characteristics of the offender, the impact on the victim, the
15 possibility and the impact of false accusations, investigative procedure in sex
16 offense cases, and effective intervention with victims and offenders.
- 17 ~~(5)[The board shall employ a qualified person to serve as executive director to the
18 board, and shall fix the compensation and define the duties of the executive
19 director. It may employ other persons as may be necessary to carry on the work of
20 the board.~~
- 21 ~~(6)~~ The executive director of the Nursing Authority shall have at least the
22 qualifications for board members, and a master's degree in nursing or equivalent and
23 shall have had at least two (2) years of experience in nursing administration
24 immediately preceding the time of appointment.
- 25 (6)~~(7)~~ Each member of the board shall receive~~[, in addition to traveling, hotel, and
26 other necessary expenses,]~~ one hundred fifty dollars (\$150) for each day the
27 member is actually engaged in the discharge of official duties.

1 ~~(7)~~~~(8)~~ The board may ~~[, in its discretion,]~~ purchase liability insurance for board and
2 staff members against acts performed in good faith discharge of duties.

3 ~~(8)~~~~(9)~~ The board may, by administrative regulation issued pursuant to ~~[the provisions~~
4 ~~of]~~ KRS Chapter 13A, determine which disciplinary action records may be
5 expunged. Any records which are expunged shall be exempt from disclosure under
6 the Kentucky Open Records Law, KRS 61.870 to 61.884. The board shall not report
7 its disciplinary actions for any purpose other than statistical.

8 ~~(9)~~~~(10)~~ The board may reimburse any person appointed by direction of the board to
9 any committee, subcommittee, or task force created by the board for his or her
10 travel and subsistence expenses as established through the promulgation of
11 administrative regulations in accordance with KRS Chapter 13A.

12 ➔Section 61. KRS 314A.200 is amended to read as follows:

13 (1) There is hereby created a Board of Respiratory Care which shall consist of seven (7)
14 voting members appointed by the Governor.

15 (a) Four (4) members shall be respiratory care practitioners holding a valid
16 mandatory certificate and practicing in Kentucky;

17 (b) Two (2) members shall be pulmonologists who are licensed and practicing
18 physicians in Kentucky; and

19 (c) One (1) member shall be a citizen at large who is not associated with or
20 financially interested in respiratory care.

21 (2) Members shall be appointed to the board for terms of three (3) years, expiring on
22 October 30 of the third year. No person shall be appointed to serve more than two
23 (2) consecutive terms.

24 (3) By May 30 of years in which respiratory care practitioner terms expire, the
25 Kentucky Society for Respiratory Care shall submit to the Governor a list of names
26 of candidates qualified for the appointment of respiratory care practitioner, in
27 numbers not less than twice the numbers of appointments to be made ~~[, from which]~~

1 The Governor shall make each appointment or appointments by October 31 of that
2 year. The Governor shall also appoint the pulmonologist and citizen at-large
3 members by October 31 of any year in which a term expires.

4 ~~[(4) A vacancy on the board shall be filled by the Governor as provided under
5 subsection (1) of this section. The appointment shall be for the remaining portion of
6 the member's term.~~

7 ~~(5) The Governor or board may remove a member from the board for cause or as
8 provided under administrative regulations promulgated by the board in accordance
9 with KRS Chapter 13A.~~

10 ~~(6) The board shall reorganize annually and select a chairperson. Four (4) voting
11 members of the board shall constitute a quorum to do business. The board shall hold
12 at least one (1) regular meeting each year. Additional meetings may be held upon
13 the call of the chairperson or at the written request of any two (2) members of the
14 board. All meetings of the board shall be open and public to the extent permitted by
15 law.]~~

16 ➔Section 62. KRS 314A.215 is amended to read as follows:

17 (1) The board members shall receive a compensation of fifty dollars (\$50) per day for
18 their services~~[, and per diem and traveling expenses to the extent authorized by
19 board policy].~~

20 ~~(2) The board shall employ and, at its pleasure, discharge a secretary and such
21 attorneys, inspectors, clerks, and any other employees as shall be deemed necessary,
22 and shall outline their duties and fix their compensation. The amount of per diem
23 and mileage paid to employees shall be provided by board policy.~~

24 ~~(3) All money received by the board shall be deposited in the State Treasury into a
25 separate trust fund for the board. The board shall be financed solely and individually
26 from income accruing to it from fees, mandatory certificates, and other charges
27 collected by the board.~~

1 ➔Section 63. KRS 315.110 is amended to read as follows:

2 (1) Each license to practice pharmacy, unless sooner suspended or revoked, shall expire
3 on February 28 following its date of issuance. Every pharmacist who desires to
4 continue to practice pharmacy shall pay to the executive director of the **Pharmacy**
5 **Authority**~~[board]~~ a reasonable renewal fee to be set by administrative regulation of
6 the board, but not to exceed one hundred seventy-five dollars (\$175) annually or
7 increase more than twenty-five dollars (\$25) per year, and shall file with the board
8 an application in a~~[such]~~ form and containing~~[such]~~ data **required by**~~[as]~~ the board~~[~~
9 ~~may require]~~ for renewal of the license. A delinquent renewal penalty fee not to
10 exceed the renewal fee may be assessed and set by administrative regulation for
11 each renewal period the licensee fails to renew the license after expiration.

12 (2) Every pharmacist shall keep his **or her** current certificate conspicuously displayed
13 in **the pharmacist's**~~[his]~~ primary place of practice.

14 (3) In addition to a current renewal certificate, each pharmacist shall be issued upon
15 renewal a pocket certificate which shall be in the licensee's possession at all times
16 when the licensee is engaged in the practice of pharmacy and which shall be
17 exhibited by the licensee upon request from any member, inspector, or agent of the
18 board.

19 ➔Section 64. KRS 315.138 is amended to read as follows:

20 (1) Every pharmacy technician who wishes to renew his or her registration shall pay to
21 the executive director of the **Pharmacy Authority**~~[board]~~ an annual renewal fee of
22 twenty-five dollars (\$25) and shall file with the board an application in a~~[such]~~
23 form and containing~~[such]~~ information that the board **requires**~~[reasonably~~
24 ~~determines necessary]~~ to renew the registration. Each pharmacy technician's
25 registration shall expire on March 31 of each year. A delinquent renewal penalty fee
26 not to exceed twenty-five dollars (\$25) may be assessed for each renewal period the
27 registrant fails to remove his or her registration after the expiration of the

1 registration.

2 (2) Every pharmacy technician shall keep his or her current certificate of registration
3 conspicuously displayed in the technician's primary place of employment.

4 (3) In addition to a current certificate of registration, each pharmacy technician shall be
5 issued, upon renewal, a pocket registration card which shall be in the registrant's
6 possession when the registrant is assisting in the practice of pharmacy. The pocket
7 registration card shall be exhibited upon the request of any member, inspector, or
8 agent of the board.

9 ➔Section 65. KRS 315.150 is amended to read as follows:

10 (1) The board shall consist of six (6) members appointed by the Governor. Five (5)
11 members shall be pharmacists licensed in this state. One (1) member shall be a
12 citizen at large, who is not associated with or financially interested in the practice of
13 pharmacy.

14 (2) In any calendar year scheduled to be the last full calendar year of a member's regular
15 term in office, the association shall select and submit to the Governor a list of five
16 (5) pharmacists, each of whom has had at least five (5) years' experience in the
17 practice of pharmacy, is a resident of the state, and is in good standing with the
18 board. On or before March 1 of the same year, the society, other state pharmacy
19 organizations, or individuals may submit recommendations to the association for its
20 consideration in selecting the list to be submitted. The Governor shall, before
21 October 1 of the same year, appoint no more than two (2) persons from each list so
22 submitted, to take office on January 1 the following year. The citizen member shall
23 be appointed by the Governor. No two (2) pharmacist members of the board shall be
24 residents of the same county.

25 (3) ~~{Beginning January 1, 2005, }~~The term of each board member shall be four (4)
26 years~~[. Each member shall serve until his or her successor is appointed and~~
27 ~~qualified, unless removed for cause].~~ No member shall be appointed to serve for

1 more than two (2) full terms.

2 (4) The Governor shall fill any vacancy of a pharmacist member from the names last
3 submitted within sixty (60) days after ~~the~~^[such a] vacancy occurs. Any member so
4 appointed shall commence service at the next regularly-scheduled board meeting
5 and shall serve for the remainder of the term vacated.

6 (5) Each member shall take and subscribe to an oath before a competent officer to
7 perform the duties of the office faithfully and impartially. The oath shall be
8 inscribed upon the member's commission.

9 ~~[(6) Four (4) members of the board shall constitute a quorum.]~~

10 ➔Section 66. KRS 315.155 is amended to read as follows:

11 (1) ~~[The Governor may remove a member of the board for any of the following reasons:~~
12 (a) ~~Refusal or inability of a board member to perform his duties as a member of~~
13 ~~the board in an efficient, responsible and professional manner;~~
14 (b) ~~Misuse of the office by a member of the board to obtain personal, pecuniary,~~
15 ~~or material gain or advantage for himself or another;~~
16 (c) ~~Willful violation of any provision of KRS Chapter 315 or any rule or~~
17 ~~regulation promulgated thereunder.~~

18 (2)~~]~~ Any person may file a complaint with the executive director of the **Pharmacy**
19 **Authority**~~[board]~~ against a board member alleging specific facts which constitute
20 grounds for removal from the board. The executive director shall transmit a copy of
21 ~~the~~^[any such] complaint to the Governor, the president of the board, and the
22 accused board member. Upon a written recommendation of the Governor or two-
23 thirds (2/3) of the members of the board, a hearing shall be conducted before an
24 impartial hearing officer pursuant to KRS Chapter 13B.

25 (2)~~[(3)]~~ The hearing officer shall submit a transcript of the hearing to the Governor
26 with a recommendation based on evidence presented in the hearing. The Governor
27 shall review the transcript to determine if the evidence supports the

1 recommendation, and ***the Governor***~~[he]~~ shall enter a finding in accordance with
 2 ***this***~~[such]~~ determination.

3 ~~(3)~~~~[(4)]~~ ***If***~~[In the event]~~ a board member is removed, his ***or her*** removal shall be
 4 effective as of the date of the Governor's finding and a vacancy shall be deemed to
 5 exist. Any board member~~[so]~~ removed ***under this section*** shall be entitled to
 6 appeal the removal in the Franklin Circuit Court.

7 ➔Section 67. KRS 315.160 is amended to read as follows:

8 (1) ~~[The board shall elect annually from its membership a president and such other~~
 9 ~~officers as it deems necessary. These officers shall serve for a term of one (1) year~~
 10 ~~and perform the duties prescribed by the board. No officer shall serve more than~~
 11 ~~two (2) consecutive full terms in each office to which he is elected.~~

12 ~~(2) The board shall employ a pharmacist to serve as a full time employee of the board~~
 13 ~~in the position of executive director.]~~The executive director ***of the Pharmacy***
 14 ***Authority*** shall be ***a pharmacist and shall be*** responsible for the performance of the
 15 administrative functions of the board and ***any***~~[such]~~ other duties ***to assist***~~[as]~~ the
 16 board~~[may direct. The board may employ, upon recommendation of the executive~~
 17 ~~director, such additional assistance as necessary for the proper conduct of board~~
 18 ~~business and in accordance with the rules and regulations of the Kentucky~~
 19 ~~Personnel Cabinet].~~

20 ~~(2)~~~~[(3)]~~ The board shall meet at least four (4) times a year to transact business~~[, at~~
 21 ~~such place as it may determine]~~. The board may also meet at the call of the
 22 president or a majority of the board members. Each board member shall be given
 23 adequate prior notice of any board meeting.

24 ***(3) Each member of the board shall receive not more than one hundred dollars***
 25 ***(\$100) for each day the member is actively engaged in the service of the board.***

26 ➔Section 68. KRS 315.193 is amended to read as follows:

27 ~~[(1) Members of the board, its agents, and employees shall be immune from suit in any~~

1 ~~action, civil, or criminal, which is based upon any official act or acts performed by~~
2 ~~them in good faith.~~

3 ~~(2) —~~Any pharmacist, whose duty it is to review or evaluate the acts of other
4 pharmacists and who serves on any committee, board, commission, or other entity
5 affiliated with a governmental or quasi-governmental agency or with a medical facility,
6 shall not be required to respond in damages for any official action taken by ***the***
7 ***pharmacist***~~[him]~~ in good faith as a member thereof.

8 ➔Section 69. KRS 315.230 is amended to read as follows:

9 (1) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the
10 board ***may***~~[is hereby authorized to]~~ institute and maintain actions to restrain and
11 enjoin any violation of this chapter, or the rules and ***administrative*** regulations of
12 the board.

13 (2) City, county, and Commonwealth's attorneys, and the Attorney General, shall within
14 their respective jurisdictions represent the board, its officers, agents, and
15 inspectors~~[,]~~ in the enforcement of~~[the provisions of]~~ this chapter, and the rules and
16 ***administrative*** regulations of the board~~[, but when the board deems it necessary, it~~
17 ~~may employ at its discretion, special attorneys to assist the board, or its officers,~~
18 ~~agents, or inspectors, and may pay reasonable compensation, fees and other costs~~
19 ~~from any unexpended funds].~~

20 ➔Section 70. KRS 316.170 is amended to read as follows:

21 (1) The board shall consist of five (5) members who shall be residents of the
22 Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed
23 embalmers and Kentucky-licensed funeral directors actively practicing embalming
24 and funeral directing in a Kentucky funeral establishment and shall have a
25 minimum of ten (10) years' consecutive experience in the practice of embalming
26 and funeral directing in Kentucky immediately preceding their appointment. One (1)
27 member shall be a citizen at large who is not associated with or financially

1 interested in the practice or business regulated.

2 (2) The Governor shall make all appointments to the board. The four (4) embalmer and
3 funeral director members shall be appointed from a list of three (3) names submitted
4 by the Funeral Directors Association of Kentucky and from a list of three (3) names
5 submitted by the Kentucky Association of Morticians, Inc., for each position to be
6 filled.

7 (3) The term of each member shall be four (4) years. ~~Each member shall serve until a~~
8 ~~successor is appointed and qualified.~~

9 ~~(4) Vacancies on the board shall be filled in the same manner for the unexpired terms.~~

10 ~~(5) (a) Until January 1, 2015, each board member shall receive one hundred dollars~~
11 ~~(\$100); and~~

12 ~~(b) On January 1, 2015, and thereafter,]~~Each board member shall receive
13 compensation as set forth in administrative regulation, not to exceed two
14 hundred dollars (\$200)~~];~~

15 for each day of service actually given in carrying out the board's duties ~~and~~
16 ~~shall be reimbursed for necessary traveling expenses and other necessary~~
17 ~~expenses incurred in attending board meetings and carrying out the board's~~
18 ~~duties.~~

19 ~~(6) The board shall elect annually a president from its members.~~

20 ~~(7) The board shall meet as often as necessary to discharge its duties, but not less than~~
21 ~~once a year.~~

22 ~~(8) Three (3) members shall constitute a quorum].~~

23 ➔Section 71. KRS 316.210 is amended to read as follows:

24 (1) The board shall administer and enforce ~~the provisions of~~ this chapter and may
25 promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
26 and enforce ~~the provisions of~~ this chapter.

27 (2) The board shall keep records and minutes necessary to carry out ~~the provisions of~~

1 this chapter.

2 (3) The board may administer oaths and may issue subpoenas to compel the attendance
3 of witnesses and the production of documents.

4 (4) The board may seek injunctive relief in Franklin Circuit Court to restrain or enjoin a
5 violation of this chapter.

6 ~~[(5) The board may employ persons as necessary to carry out the requirements of this
7 chapter.]~~

8 ➔Section 72. KRS 316.260 is amended to read as follows:

9 There shall be appointed by the board an agent whose title shall be "inspector of the
10 Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky."~~[-The~~
11 ~~inspector shall receive such compensation as the board may determine.]~~ The inspector
12 shall hold office during the pleasure of the board, which shall determine *the*
13 *inspector's*~~[what his]~~ duties~~[-shall be]~~. The inspector may enter the office, premises,
14 establishment, or place of business of any funeral director or embalmer in the
15 Commonwealth of Kentucky or any office, premises, establishment, or place where the
16 practice of funeral directing or embalming is carried on, or where the practice is
17 advertised as being carried on, for the purpose of inspecting the office, premises, or
18 establishment for violations of this chapter and for the purpose of inspecting the license
19 and registration of any funeral director, embalmer, licensee, or resident apprentice
20 operating *in the office, premises, or establishment*~~[therein]~~.

21 ➔Section 73. KRS 317.430 is amended to read as follows:

22 (1) There is hereby created an~~[-independent]~~ agency of the state government to be
23 known as the Kentucky Board of Barbering, which shall have complete supervision
24 over the administration~~[-of the provisions]~~ of this chapter relating to barbers,
25 barbering, barber shops, independent contract owners, barber schools, and the
26 teaching of barbering.

27 (2) The board shall be composed of five (5) members appointed by the Governor. Four

1 (4) members shall be barbers holding a valid license and practicing in Kentucky.
2 One (1) member shall be a citizen at large who is not associated with or financially
3 interested in barbering. At all times in the filling of vacancies of membership on the
4 barber board, this balance of representation shall be maintained.

5 (3) ~~{The two (2) members appointed to fill the terms beginning on February 1, 2008,~~
6 ~~shall serve until February 1, 2011, and the three (3) members appointed to fill the~~
7 ~~terms beginning on February 1, 2007, shall serve until February 1, 2010.}~~ All~~{~~
8 subsequent~~}~~ appointments shall be for a term of three (3) years, with terms ending
9 on February 1.

10 (4)~~{ The Governor shall not remove any member of the board except for cause.~~

11 (5)~~— The board shall elect from its members one (1) to serve as chairman, one (1) to~~
12 ~~serve as vice chairman, and a third to serve as secretary.~~

13 (6)~~— Three (3) members shall constitute a quorum for the transaction of business.~~

14 (7)~~{~~ In addition to the other qualifications specified in this section, barber members of
15 the board shall be at least twenty-three (23) years of age, citizens of the United
16 States, residents of Kentucky, and shall~~{must}~~ have engaged in the practice of
17 barbering in this state for a period of at least five (5) years.

18 (5)~~{(8)}~~ No member of the board shall be financially interested in, or have any
19 financial connection with, any barber or cosmetology school, wholesale cosmetic or
20 barber supply or equipment business, nor shall any member of the barber board
21 teach barbering, cosmetology, or manicuring for monetary considerations.

22 (6)~~{(9)}~~ Each member of the board shall receive a compensation of one hundred
23 dollars (\$100) per day for each day of attendance at a meeting of the board~~{, and~~
24 ~~shall be reimbursed for necessary traveling expenses.~~

25 (10)~~— The board shall hold its meetings within the state and when deemed necessary by~~
26 ~~the board to discharge its duties}.~~

27 ➔Section 74. KRS 317.470 is amended to read as follows:

- 1 (1) The board may ***be served by***~~employ such personnel as may be reasonably necessary~~
 2 ~~to carry out the provisions of this chapter, whose compensation shall be established~~
 3 ~~by the Personnel Cabinet. The board shall by appropriate order employ~~ an
 4 administrator who shall be ***responsible for***~~charged with responsibility of~~
 5 administering~~the provisions of~~ this chapter, and the policies of the board relating
 6 to barbering~~. The administrator may receive compensation as may be established~~
 7 ~~by classification of the position by the Personnel Cabinet.~~
- 8 ~~(2) The board shall prescribe the duties of such personnel employed by it.~~
- 9 ~~(3)~~ The board shall publish or electronically provide copies of its rules and
 10 ***administrative*** regulations and any proposed amendments to all persons licensed by
 11 it and to any other persons, places, or agencies as may be required by law or deemed
 12 by it reasonably necessary in the administration of~~the provisions of~~ this chapter.
- 13 ➔Section 75. KRS 317.530 is amended to read as follows:
- 14 (1) There is hereby established in the State Treasury the Kentucky Board of Barbering
 15 trust and agency fund.
- 16 (2) The fund shall be administered by the board.
- 17 (3) (a) All fees collected by the board shall be deposited into the fund and shall be
 18 used only for the purpose of administering~~the provisions of~~ this chapter as it
 19 relates to the board.
- 20 (b) The cost and expenses of administering~~the provisions of~~ this chapter
 21 including compensation to members of the board and its officers~~and~~
 22 ~~employees~~ shall be paid out of the State Treasury upon warrants of the
 23 secretary of the Finance and Administration Cabinet according to law.
 24 However, the total expense of administering these provisions shall not exceed
 25 the fees and other charges collected by the board and available in the fund.
- 26 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
 27 year shall not lapse but shall be carried forward into the next fiscal year.

1 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.

2 (6) Moneys deposited into the fund are hereby appropriated for the purposes set forth in
3 this section and shall not be appropriated or transferred by the General Assembly
4 for any other purpose.

5 ➔Section 76. KRS 317A.030 is amended to read as follows:

6 (1) There is created an ~~independent~~ agency of the state government to be known as
7 the Kentucky Board of Cosmetology, which shall have complete supervision over
8 the administration of ~~the provisions of~~ this chapter relating to cosmetology,
9 cosmetologists, schools of cosmetology, or esthetic practices or nail technology,
10 students, estheticians, nail technicians, instructors of cosmetology, instructors of
11 esthetic practices, or instructors of nail technology, cosmetology salons, esthetic
12 salons, and nail salons.

13 (2) The board shall be composed of five (5) members appointed by the Governor as
14 follows:

15 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to
16 their appointment and shall reside in Kentucky:

17 1. Two (2) of whom shall be cosmetology salon owners;

18 2. One (1) of whom shall be a cosmetology teacher in public education and
19 shall not own any interest in a cosmetology salon; and

20 3. One (1) of whom shall be an owner of or one who shall have a financial
21 interest in a licensed cosmetology school and shall be a member of a
22 nationally recognized association of cosmetologists;

23 (b) One (1) member shall be a citizen at large who is not associated with or
24 financially interested in the practices or businesses regulated; and

25 (c) None of whom nor the administrator shall be financially interested in, or have
26 any financial connection with, wholesale cosmetic supply or equipment
27 businesses.

1 At all times in the filling of vacancies of membership on the board, this balance of
2 representation shall be maintained.

3 (3) Appointments shall be for a term of two (2) years, ending on February 1.

4 ~~(4) The Governor shall not remove any member of the board except for cause.~~

5 ~~(5) The board shall elect from its members a chair, a vice chair, and a secretary.~~

6 ~~(6) Three (3) members shall constitute a quorum for the transaction of any board
7 business.~~

8 ~~(7) Each member of the board shall receive one hundred dollars (\$100) per day for each
9 day of attendance at board meetings, and shall be reimbursed for necessary
10 traveling expenses and necessary expenses incurred in the performance of duties
11 pertaining to official business of the board.~~

12 ~~(8) The board shall hold meetings at the place in the state and at the times deemed
13 necessary by the board to discharge its duties.~~

14 ➔Section 77. KRS 317A.040 is amended to read as follows:

15 (1) The board may utilize~~employ~~ inspectors and any other personnel reasonably
16 necessary to carry out~~the provisions of~~ this chapter~~, whose compensations shall
17 be established within budgetary limits by the Personnel Cabinet. The board may
18 delegate staffing decisions to the administrator.~~

19 (2) The board shall be served by~~appropriate order employ~~ an administrator who shall
20 be responsible for~~charged with the responsibility of~~ administering~~the provisions
21 of~~ this chapter, and the policies and administrative regulations of the board relating
22 to cosmetology and esthetic practices.

23 (3) No person shall serve~~be employed~~ as an administrator unless the person is a
24 licensed cosmetologist.

25 ~~(4) The administrator may receive a salary as may be established by classification of the
26 position by the Personnel Cabinet.~~

27 ~~(5) The board shall publish or electronically provide copies of its administrative~~

1 regulations and any proposed amendments to all persons licensed by it and to any
2 other persons, places, or agencies as may be required by law or deemed by it
3 reasonably necessary to the administration of ~~the provisions of~~ this chapter.

4 ➔Section 78. KRS 317A.080 is amended to read as follows:

- 5 (1) There is hereby established in the State Treasury the Kentucky Board of
6 Cosmetology trust and agency fund.
- 7 (2) The fund shall be administered by the board.
- 8 (3) (a) All fees collected by the board shall be deposited into the fund and shall be
9 used only for the purpose of administering ~~the provisions of~~ this chapter as it
10 relates to the board.
- 11 (b) The cost and expenses of administering ~~the provisions of~~ this chapter
12 including compensation to members of the board and its officers ~~and~~
13 ~~employees~~ shall be paid out of the State Treasury upon warrants of the
14 secretary of the Finance and Administration Cabinet according to law.
15 However, the total expense of administering these provisions shall not exceed
16 the fees and other charges collected by the board and available in the fund;
- 17 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
18 year shall not lapse but shall be carried forward into the next fiscal year.
- 19 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- 20 (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth in
21 this section and shall not be appropriated or transferred by the General Assembly
22 for any other purposes.

23 ➔Section 79. KRS 319.020 is amended to read as follows:

- 24 (1) The board shall consist of nine (9) members appointed by the Governor. Six (6)
25 members shall be licensed psychologists. Two (2) members shall be credentialed by
26 the board as certified psychologists, licensed psychological practitioners, or licensed
27 psychological associates. One (1) member shall be a citizen at large who is not

- 1 associated with or financially interested in the practice or business regulated.
- 2 (2) Licensed psychologist members shall be appointed by the Governor from a group
3 consisting of the three (3) nominees receiving the most votes for each position to be
4 filled, the nominees to be selected by all licensed psychologists credentialed under
5 this chapter from a list of eligible candidates prepared by the Kentucky
6 Psychological Association. Candidates shall be solicited from all licensed
7 psychologists credentialed under~~[according to the provisions of]~~ this chapter and
8 each nominee shall be a licensed psychologist credentialed under~~[according to the
9 provisions of]~~ this chapter. Each licensed psychologist member shall be a resident
10 of this state and shall have engaged in the practice or teaching of psychology as a
11 licensed psychologist for at least three (3) years in this state.
- 12 (3) Certified psychologist, licensed psychological practitioner, or licensed
13 psychological associate members shall be appointed by the Governor from a group
14 consisting of the three (3) nominees receiving the most votes for each position to be
15 filled, the nominees to be selected by all certified psychologists, licensed
16 psychological practitioners, and licensed psychological associates credentialed
17 under this chapter from a list of eligible candidates prepared by the Kentucky
18 Psychological Association. Candidates shall be solicited from all certified
19 psychologists, licensed psychological practitioners, and licensed psychological
20 associates credentialed under~~[according to the provisions of]~~ this chapter. Each
21 nominee shall be a resident of this state, licensed under~~[according to the provisions
22 of]~~ this chapter, and shall have engaged in the practice or teaching of psychology as
23 a certified psychologist, licensed psychological practitioner, or licensed
24 psychological associate for at least three (3) years in this state.
- 25 (4) The term of each board member shall be four (4) years~~[and until a successor is
26 appointed and qualified]~~. No member shall serve more than two (2) consecutive full
27 terms~~[. The Governor shall fill any vacancy occurring in the board in the manner~~

1 ~~prescribed in subsection (2) of this section. Upon recommendation by a majority of~~
2 ~~the board members and after notice and a hearing, the Governor shall remove any~~
3 ~~member for incompetence, neglect of duty, or malfeasance in office].~~

4 (5) ~~[Five (5) members of the board shall constitute a quorum.]Each **board** member~~
5 ~~shall receive one hundred dollars (\$100) per day for attending each meeting[and~~
6 ~~shall receive his necessary expenses incurred in the performance of the duties~~
7 ~~required by this chapter. Annually the board shall elect one (1) of its licensed~~
8 ~~members as chairperson for a term of one (1) year. No person shall serve more than~~
9 ~~two (2) consecutive full terms as chairperson. The board shall meet at least twice~~
10 ~~annually and at other times as it determines necessary. Special meetings may be~~
11 ~~called by the chairperson and shall be called upon the written request of two (2)~~
12 ~~members].~~

13 ➔Section 80. KRS 319.030 is amended to read as follows:

14 (1) On September 1~~[June 30]~~ of each year the board shall submit to the Governor and
15 the Legislative Research Commission a written report including the names of all
16 persons to whom licenses have been granted under~~[as provided in]~~ this chapter and
17 any cases heard and decisions rendered.

18 (2) The board may locate its principal office, meet, or conduct any of its business at any
19 place in this state.

20 (3) The board shall keep a record of its proceedings and a register of licensed and
21 certified psychologists, licensed psychological practitioners, and licensed
22 psychological associates. The books and records of the board shall be prima facie
23 evidence of the matters they contain~~[therein contained].~~

24 ➔Section 81. KRS 319A.030 is amended to read as follows:

25 The terms of the members shall be for three (3) years~~[and until their successors are~~
26 ~~appointed and qualified, except of those first appointed one (1) shall serve for one (1)~~
27 ~~year, two (2) shall serve for two (2) years and two (2) shall serve for three (3) years].~~

1 Vacancies shall be filled in the manner of the original appointment for the unexpired
2 portion of the term only~~. The Governor, after notice and opportunity for a hearing, may~~
3 ~~remove any member of the board for malfeasance, neglect of duty, incompetency, or~~
4 ~~revocation or suspension of a license. Members of the board shall receive no salary but~~
5 ~~shall be allowed usual mileage, subsistence and per diem as provided by law for members~~
6 ~~of state boards, commissions, and committees].~~ No member shall serve more than two (2)
7 consecutive terms.

8 ➔Section 82. KRS 319A.070 is amended to read as follows:

9 (1) The board shall administer and enforce~~[the provisions of]~~ this chapter and shall
10 evaluate~~[have the responsibility of evaluating]~~ the qualifications of applicants for
11 licensure.

12 (2) The board may issue subpoenas, examine witnesses, administer oaths, and
13 investigate allegations of practices violating~~[the provisions of]~~ this chapter.

14 (3) The board may:

15 (a) Promulgate administrative regulations, pursuant to KRS Chapter 13A, relating
16 to professional conduct to carry out~~[the provisions of]~~ this chapter, including
17 but not limited to administrative regulations relating to professional licensure
18 and holding a license to practice occupational therapy or assist in the practice
19 of occupational therapy in the Commonwealth;

20 (b) Conduct administrative hearings in accordance with KRS Chapter 13B;

21 (c) Evaluate the qualifications and authorize the issuance of licenses to qualified
22 occupational therapists and occupational therapy assistants;

23 (d) Issue and renew licenses based on evidence of initial and continued
24 competence of persons subject to this chapter;

25 (e) Suspend or revoke licenses;

26 (f) Require the continuing professional education of persons subject to this
27 chapter;

- 1 (g) Keep a record of its proceedings and a register of all persons licensed as
2 occupational therapists or occupational therapy assistants. The register shall
3 show the name of every licensee, the licensee's last known place of business
4 and last known place of residence, and the date and number of the license of
5 each licensed occupational therapist or occupational therapy assistant. The
6 board shall, during the month of January of every year, compile and make
7 available a list of licensed occupational therapists and occupational therapy
8 assistants authorized to practice in the Commonwealth. Any citizen of the
9 Commonwealth may obtain a copy of the list upon application to the board
10 and payment of an amount to be fixed by the board, which shall not exceed its
11 cost;
- 12 (h) Make an annual report to the Governor and the Legislative Research
13 Commission that~~[General Assembly which]~~ shall contain an account of duties
14 performed, actions taken, and appropriate recommendations;
- 15 (i) Institute and maintain actions to restrain or enjoin any violation of this chapter
16 and administrative regulations notwithstanding the existence or pursuit of
17 other civil or criminal penalties;
- 18 (j) Approve an examination for occupational therapists and occupational therapy
19 assistants and establish standards for acceptable performance;
- 20 (k) Seek an injunction in Franklin Circuit Court against any individual who
21 practices occupational therapy in the Commonwealth without a license; and
- 22 (l) Promulgate administrative regulations to define appropriate supervision of
23 assistants, aides, and unlicensed personnel that are delivering occupational
24 therapy services.

25 ➔Section 83. KRS 319B.020 is amended to read as follows:

26 The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The
27 board shall consist of five (5) members who shall be appointed by the Governor.

- 1 (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic,
2 or pedorthic professional services and is not affiliated with and does not have more
3 than five percent (5%) financial interest in any one (1) health care profession or
4 business.
- 5 (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or
6 licensed pedorthists. These members may be licensed in more than one (1)
7 discipline and at least one (1) board member shall be a licensed pedorthist.
8 Membership of the board shall reasonably reflect representation from the
9 geographic areas in the Commonwealth.
- 10 (3) Each member of the board shall serve a term of three (3) years~~[-, except that of the~~
11 ~~initial appointments to the board, two (2) members shall be appointed for two (2)~~
12 ~~years, two (2) members shall be appointed for three (3) years, and one (1) member~~
13 ~~shall be appointed for one (1) year].~~ No member of the board shall serve more than
14 the greater of eight (8) consecutive years or two (2) full terms~~[-. The Governor may~~
15 ~~remove any member of the board for misconduct, incompetence, or neglect of duty.~~
- 16 ~~(4) The board shall meet at least annually and may meet at other times if necessary to~~
17 ~~complete required business. A quorum of the board shall consist of a majority of~~
18 ~~board members currently appointed. The board shall annually elect a chairperson~~
19 ~~and vice chairperson who shall be licensed under this chapter.~~
- 20 ~~(5) There shall be no liability on the part of, and no action for damages against, any~~
21 ~~current or former board member, representative, agent, or employee of the board,~~
22 ~~when the person is acting with ordinary care, is functioning within the scope of~~
23 ~~board duties, is acting without malice, and has the reasonable belief that the actions~~
24 ~~taken by him or her are warranted by law.~~
- 25 ~~(6) Members of the board shall receive a per diem reimbursement of reasonable~~
26 ~~expenses incurred as determined by the board in consultation with the Department~~
27 ~~of Professional Licensing for each day actually engaged in the duties of the office].~~

1 ➔Section 84. KRS 319B.040 is amended to read as follows:

2 The board may:

- 3 (1)~~Employ needed personnel and contract with the Department of Professional~~
4 ~~Licensing within the Public Protection Cabinet for the provision of administrative~~
5 ~~services;~~
- 6 (2)~~Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,~~
7 ~~and investigate allegations of practices violating the provisions of this chapter;~~
- 8 (2)~~(3)~~ Seek injunctive relief in the Circuit Court of the county where the violation
9 occurred to stop the unlawful practice of prosthetics, orthotics, and pedorthics by
10 unlicensed persons;
- 11 (3)~~(4)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes
12 necessary to carry out the functions of this chapter;
- 13 (4)~~(5)~~ Suspend or revoke licenses, impose supervisory or probationary conditions
14 upon licensees, impose administrative disciplinary fines, issue written reprimands
15 or admonishments, or impose any combination of these penalties;
- 16 (5)~~(6)~~ Grant retired or inactive licensure status under conditions set forth by the
17 board by the promulgation of administrative regulations; and
- 18 (6)~~(7)~~ Issue advisory private letter rulings *at the request of*~~to~~ any affected licensee ~~who makes such a request~~
19 regarding any matters within the board's primary
20 jurisdiction. Any private letter ruling shall affect only the person making the inquiry
21 and shall have no precedential value for any other inquiry or future contested case
22 that might come before the board. Any dispute regarding a private letter ruling
23 may~~, if the board chooses to do so,~~ be resolved pursuant to KRS Chapter 13B.

24 ➔Section 85. KRS 319C.030 is amended to read as follows:

- 25 (1)~~(a)~~ There is hereby created the Kentucky Applied Behavior Analysis Licensing
26 Board. The board shall consist of seven (7) members appointed by the Governor.

27 (2)~~(b)~~ ~~The initial~~ Board members shall be appointed as follows:

- 1 ~~{1. Four (4) members shall be credentialed behavior analysts nominated by a~~
2 ~~credentialed behavior analyst practicing in the state;~~
- 3 ~~2. One (1) member shall be a psychologist licensed in the state, the majority of~~
4 ~~whose practice is related to the treatment of behavior disorders, including but~~
5 ~~not limited to autism spectrum disorders. The psychologist member shall be~~
6 ~~nominated by a credentialed behavior analyst practicing in the state; and~~
- 7 ~~3. Two (2) members shall be the parent of a child diagnosed with and treated for~~
8 ~~a behavior disorder, including but not limited to an autism spectrum disorder,~~
9 ~~selected from the state at large.~~

10 ~~(c) Subsequent board members shall be appointed by the Governor as follows:}~~

11 ~~(a){1.}~~ Four (4) members shall be licensed behavior analysts nominated by a
12 licensed behavior analyst practicing in the state;

13 ~~(b){2.}~~ One (1) member shall be a psychologist licensed in the state, the
14 majority of whose practice is related to the treatment of behavior disorders,
15 including but not limited to autism spectrum disorders. The psychologist
16 member shall be nominated by a licensed behavior analyst practicing in the
17 state; and

18 ~~(c){3.}~~ Two (2) members shall be the parent of a child diagnosed with and
19 treated for a behavior` disorder, including but not limited to an autism
20 spectrum disorder, selected from the state at large.

21 ~~(2) {The terms of the board members shall be as follows:}~~

22 ~~(a) The initial board members shall be appointed as determined by the Governor~~
23 ~~for the following terms:~~

- 24 ~~1. Two (2) behavior analysts shall serve for one (1) year;~~
25 ~~2. Two (2) behavior analysts shall serve for three (3) years;~~
26 ~~3. A psychologist shall serve for two (2) years;~~
27 ~~4. One (1) parent shall serve for one (1) year; and~~

- 1 5.—One ~~(1)~~ parent shall serve for two ~~(2)~~ years;
- 2 ~~(b)—~~The terms of~~[subsequent]~~ board members shall be for three (3) years~~]; and~~
- 3 ~~(c)—~~A vacancy of any board member shall be filled in the manner of the original
- 4 appointment for the unexpired portion of the term only or as provided by KRS
- 5 12.070. The Governor, after notice and opportunity for a hearing, may remove
- 6 any member of the board for malfeasance, neglect of duty, incompetency, or
- 7 revocation or suspension of a license.
- 8 ~~(3)—~~Members of the board shall not receive a salary but shall be allowed the usual
- 9 mileage, subsistence, and per diem as provided for members of state boards,
- 10 ~~commissions, and committees].~~ No member shall serve more than two (2)
- 11 consecutive terms.
- 12 ~~[(4)—~~The board may request the removal of a board member by the Governor.
- 13 ~~(5)—~~The board shall annually elect a chair, vice chair, and secretary.
- 14 ~~(6)—~~There shall be no liability on the part of, and no action for damages against, any
- 15 current or former board member, representative, agent, or employee of the board,
- 16 when the person is functioning within the scope of board duties, acting without
- 17 malice and with the reasonable belief that the actions taken by him or her are
- 18 warranted by law.]
- 19 ➔Section 86. KRS 319C.040 is amended to read as follows:
- 20 ~~(1)[—~~The board shall meet at least twice annually and may meet at such other times as
- 21 necessary to complete the business required. A majority of the members of the
- 22 board shall constitute a quorum for the transaction of business.
- 23 ~~(2)]~~ The board may~~[employ an executive secretary and such clerical or other assistants~~
- 24 as are necessary for the performance of its work and may] make expenditures of its
- 25 funds for any purpose which in the opinion of the board is necessary for proper
- 26 performance of its duties~~[, including compensation of the executive secretary and~~
- 27 the premium on his or her bond].

1 ~~(2)~~~~(3)~~ ~~[The executive secretary or any other person so designated by the board shall~~
2 ~~give bond to the state in such sum as determined by the board, to be approved by the~~
3 ~~State Treasurer for the faithful performance of his or her duties.]~~ The executive
4 secretary shall receive and account for all moneys derived under this chapter and
5 shall pay ~~these~~~~[such]~~ moneys to the State Treasurer who shall maintain them in the
6 manner provided for other~~[such]~~ agencies and boards of the Commonwealth.

7 ➔Section 87. KRS 319C.130 is amended to read as follows:

8 (1) All fees received by the board and collected under KRS 319C.060 and 319C.090,
9 the administrative regulations promulgated in accordance with KRS 319C.080, and
10 all penalties assessed in accordance with KRS 319C.110 or 319C.990 shall be
11 deposited in the State Treasury and credited to a trust and agency fund to be used by
12 the board in defraying the costs and expenses of the board's administration of this
13 chapter. Notwithstanding KRS 45.229, no part of this fund shall revert to the
14 general fund of the Commonwealth.

15 (2) The board may~~[employ personnel and may]~~ purchase ~~any~~~~[such]~~ materials and
16 supplies as it may deem necessary for the proper discharge of its duties.

17 ➔Section 88. KRS 320.230 is amended to read as follows:

18 (1) The Kentucky Board of Optometric Examiners shall consist of five (5) members
19 appointed by the Governor. Four (4) members shall be Kentucky licensed practicing
20 optometrists *who are licensed at the fullest scope of practice in Kentucky and*
21 *whose licenses are in good standing. **These four (4) members shall be***~~and who~~
22 ~~are]~~ appointed by the Governor from a list containing three (3) names for each
23 appointment recommended by the Kentucky Optometric Association. One (1)
24 member shall be a citizen at large who is not associated with or financially
25 interested in the practice or business regulated. The members shall serve for a term
26 of four (4) years and~~[until their successors are appointed and qualified. They]~~ shall
27 receive per diem compensation to be determined by administrative regulations

1 promulgated by the board, not to exceed one hundred twenty-five dollars (\$125) per
2 day for attending board meetings~~[- Members shall be reimbursed for actual~~
3 ~~expenses incurred in the performance of their duties under this chapter].~~

4 (2) Each optometrist member shall be a Kentucky licensed practicing optometrist in
5 good standing for not less than five (5) years immediately preceding his or her
6 appointment to the board. The member shall not be in any way connected with or
7 interested in any optometric school, college, or institution of learning or optometric
8 supply business.

9 ~~[(3) Any vacancy occurring on the board as the result of a member not completing the~~
10 ~~term for which he or she was appointed shall be filled, for the unexpired term, in the~~
11 ~~same manner as is provided in subsection (1) of this section for the appointment of~~
12 ~~members.~~

13 ~~(4) A majority of the members of the board shall constitute a quorum for the transaction~~
14 ~~of business.]~~

15 ➔Section 89. KRS 320.240 is amended to read as follows:

16 (1) ~~[The board shall meet at least once each year, at which time it shall choose from~~
17 ~~among its members the president, vice president, and secretary treasurer. In~~
18 ~~addition, the board, upon call of its officers, may hold meetings at any time as it~~
19 ~~deems necessary.]~~A full record of the board's proceedings shall be kept in the office
20 of the board and shall be open to inspection at all reasonable times.

21 (2) The board shall keep a register containing the name, address, and license number of
22 every person licensed to practice optometry in this state.

23 ~~(3) [The Attorney General shall render to the board legal services as it may require in~~
24 ~~carrying out and enforcing the provisions of this chapter.~~

25 ~~(4)]~~ Subject to and consistent with~~[- the provisions of]~~ this chapter, the board shall
26 promulgate reasonable administrative regulations and ***conduct any activity***~~[do any~~
27 ~~and all things that it may deem necessary or proper]~~ for the effective enforcement of

1 this chapter and for the full and efficient performance of its duties under this
2 chapter~~hereunder~~ and the reasonable regulation of the profession of optometry
3 and the practice of optometry~~thereof~~ by licensed optometrists. The administrative
4 regulations shall include the classification and licensure of optometrists by
5 examination or credentials, retirement of a license, and reinstatement of a license.

6 ~~(4)~~~~(5)~~ An optometrist shall not administer drugs, prescribe drugs, or perform laser or
7 nonlaser surgery procedures until he or she is licensed by the board. Any
8 therapeutically licensed optometrist authorized to practice under this section shall
9 meet the educational and competence criteria set forth by the board in order to
10 perform expanded therapeutic procedures. Evidence of proof of continuing
11 competency shall be determined by the board.

12 ~~(5)~~~~(6)~~ Nothing in this chapter shall be construed as allowing any agency, board, or
13 other entity of this state other than the Kentucky Board of Optometric Examiners to
14 determine what constitutes the practice of optometry.

15 ~~(6)~~~~(7)~~ The board shall have the sole authority to determine what constitutes the
16 practice of optometry and sole jurisdiction to exercise any other powers and duties
17 under this chapter.

18 (7) The board may issue advisory opinions and declaratory rulings related to this
19 chapter and the administrative regulations promulgated under this chapter.

20 (8) The board shall have:

21 (a) A common seal;

22 (b) The right to determine what acts on the part of any person licensed as an
23 optometrist in this state shall constitute unprofessional conduct under this
24 chapter; and

25 (c) Other powers and duties as authorized by this chapter.

26 (9) The board may administer oaths and require the attendance of witnesses, the
27 production of books, records, and papers pertinent to any matters coming before the

- 1 board by the issuance of process that shall be served and returned in the same
2 manner as in civil actions and for the disobedience of which the board shall have
3 the power to invoke the same rights as are provided for disobedience of a subpoena
4 or subpoena duces tecum in a civil action.
- 5 (10) The board may assist in the prosecution of any violation of this chapter and in the
6 enforcement of ~~any of the provisions of~~ this chapter.
- 7 (11) The board shall report its proceedings to the Governor **and the Legislative**
8 **Research Commission** on or about ~~September~~^{January} 1 of each year, including an
9 accounting of all moneys received and disbursed.
- 10 (12) The board may permit persons engaging in the practice of optometry under ~~the~~
11 ~~provisions of~~ this chapter to administer diagnostic pharmaceutical agents limited to
12 miotics for emergency use only, mydriatics, cycloplegics, and anesthetics applied
13 topically only, but excluding any drug classified as a controlled substance pursuant
14 to KRS Chapter 218A. These pharmaceutical agents shall be applied in diagnostic
15 procedures only as part of an eye examination. The application of the diagnostic
16 pharmaceutical agents shall be limited to those persons who have sufficient
17 education and professional competence as determined by the board and who have
18 earned transcript credits of at least six (6) semester hours in a course or courses in
19 general and ocular pharmacology, with particular emphasis on diagnostic
20 pharmaceutical agents applied topically to the eye, from a college or university
21 accredited by a regional or professional accreditation organization which is
22 recognized or approved by the council on postsecondary accreditation or by the
23 United States Department of Education.
- 24 (13) The board may authorize only those persons who have qualified for use of
25 diagnostic pharmaceutical agents as set out in subsection (12) of this section to
26 utilize and prescribe therapeutic pharmaceutical agents in the examination or
27 treatment of any condition of the eye or its appendages. Any therapeutically

1 certified optometrist licensed under the provisions of this subsection shall be
2 authorized to prescribe oral medications, except any controlled substances classified
3 in Schedule I and any controlled substances classified in Schedule II other than
4 hydrocodone combination products as defined in KRS 218A.010, for any condition
5 which an optometrist is authorized to treat under~~[the provisions of]~~ this chapter.
6 The use of injections for other than treatment of the human eye and its appendages
7 shall be limited to the administration of benadryl, epinephrine, or equivalent
8 medication to counteract anaphylaxis or anaphylactic reaction. In a public health
9 emergency, the commissioner of health may authorize therapeutically licensed
10 optometrists to administer inoculation for systemic health reasons. The authority to
11 prescribe a Schedule II hydrocodone combination product as defined in KRS
12 218A.010 and a Schedule III, IV, or V controlled substance shall be limited to
13 prescriptions for a quantity sufficient to provide treatment for up to seventy-two
14 (72) hours. No refills of prescriptions for controlled substances shall be allowed.
15 The utilization or prescribing of therapeutic pharmaceutical agents shall be limited
16 to those persons who have sufficient education and professional competence as
17 determined by the board and who have earned transcript credits of at least six (6)
18 semester hours in a course or courses in general and ocular pathology and therapy,
19 with particular emphasis on utilization of therapeutic pharmaceutical agents from a
20 college or university accredited by a regional or professional accreditation
21 organization which is recognized or approved by the council on postsecondary
22 accreditation or by the United States Department of Education. These six (6)
23 semester hours are in addition to the six (6) semester hours required by subsection
24 (12) of this section, making a total of twelve (12) semester hours.

25 (14) Any optometrist authorized by the board to utilize diagnostic pharmaceutical agents
26 may~~[shall be permitted to]~~ purchase for use in the practice of optometry diagnostic
27 pharmaceutical agents limited to miotics for emergency use only, mydriatics,

1 cycloplegics, and anesthetics. Any optometrist authorized by the board to utilize
2 therapeutic pharmaceutical agents may~~[shall be permitted to]~~ prescribe in the
3 practice of optometry therapeutic pharmaceutical agents. Optometrists~~[—so]~~
4 authorized by the board to purchase pharmaceutical agents shall obtain them from
5 licensed drug suppliers or pharmacists on written orders placed in the same or
6 similar manner as any physician or other practitioner authorized by KRS Chapter
7 217. Purchases shall be limited to those pharmaceutical agents specified in this
8 subsection and in subsection (12) of this section, based upon the authority conferred
9 upon the optometrist by the board consistent with the educational qualifications of
10 the optometrist as set out in this chapter~~[herein]~~.

11 ➔Section 90. KRS 320.360 is amended to read as follows:

12 All fees imposed and collected under~~[the provisions of]~~ this chapter shall be paid to the
13 board for the use of the board, and shall be deposited in the State Treasury to the credit of
14 an agency fund for the use of the board. The board may make~~[such]~~ expenditures from
15 the fund~~[as may, in the opinion of the board, serve]~~ to further the purposes of this
16 chapter~~[, including payment for professional services]~~.

17 ➔Section 91. KRS 322.160 is amended to read as follows:

- 18 (1) Licenses for individuals and permits for business entities shall be valid for not more
19 than two (2) years from the date of issuance, unless renewed.
- 20 (2) The administrative coordinator~~[executive director]~~ shall notify every licensee and
21 permit holder at least one (1) month in advance of the pending expiration date.
- 22 (a) All license renewals shall be completed on or before June 30 of the year of
23 expiration.
- 24 (b) All permit renewals shall be completed on or before December 31 of the year
25 of expiration.
- 26 (c) Each licensee or permit holder is responsible for notifying the board of any
27 address change.

1 (d) The responsibility for the timely renewal of a license or permit rests with the
2 licensee or permit holder.

3 (3) The failure to renew shall not deprive a licensee or permit holder of the right of
4 renewal, but the fee to be paid for the renewal shall be increased ten percent (10%)
5 for each month or fraction of a month that payment of renewal is delayed. Any
6 licensee or permit holder who fails to renew within one (1) year after expiration
7 shall furnish the board with:

8 (a) Satisfactory evidence of qualification of continued practice. However, the
9 board may require reexamination; and

10 (b) Evidence of completion of continuing education hours as required by KRS
11 322.290.

12 (4) No licensee shall be required to pay renewal fees to the board during the time the
13 licensee is on active duty in the Armed Forces of the United States.

14 (a) Any licensee who has previously paid any renewal fee covering a period of
15 time spent on active duty shall, upon filing with the board a copy of his or her
16 discharge, be granted a license renewal without the payment of any fee.

17 (b) The free renewal shall be for as many license years as the licensee was on
18 active duty and which were covered in whole or in part by the previous
19 payment of a renewal fee.

20 (c) The continuing education requirement under KRS 322.290 shall be waived for
21 those years the licensee was on active duty.

22 ➔Section 92. KRS 322.190 is amended to read as follows:

23 Any person or organization, including the board upon its own volition, may file with the
24 administrative coordinator~~[executive director]~~ of the board a written complaint alleging
25 violation of~~[any provision of]~~ this chapter. The administrative coordinator~~[executive~~
26 ~~director]~~ shall cause the complaint to be investigated.

27 (1) If the investigation reveals that the alleged violation did occur but was not of a

1 serious nature, the board may issue a written admonishment to the licensee. A copy
2 of the admonishment shall be placed in the permanent file of the licensee. The
3 licensee shall have the right to file a response to the admonishment within thirty
4 (30) days of its receipt and to have the response placed in the permanent licensure
5 file. The licensee may alternatively, within thirty (30) days of the receipt, file a
6 request for hearing with the board. Upon receipt of this request, the board shall set
7 aside the written admonishment and set the matter for hearing in accordance with~~the~~
8 ~~the provisions of~~ KRS Chapter 13B.

9 (2) If the investigation reveals evidence supporting the complaint, the administrative
10 coordinator~~executive director~~ shall set the matter for hearing in accordance with~~the~~
11 ~~the provisions of~~ KRS Chapter 13B before refusing to renew, suspending,
12 revoking, reprimanding, imposing probation or an administrative fine, or any
13 combination of actions regarding any license under~~the provisions of~~ this chapter.

14 (a) At any time during the investigation or hearing process, the board may accept
15 a written assurance of voluntary compliance from the licensee which
16 effectively deals with the complaint.

17 (b) When the board issues a written reprimand to the licensee, a copy of the
18 reprimand shall be placed in the permanent file of the licensee. The licensee
19 shall have the right to submit a response within thirty (30) days of its receipt
20 and to have that response filed in the permanent file.

21 (3) After denying an application under~~the provisions of~~ this chapter, the board may
22 grant a hearing to the denied applicant in accordance with~~the provisions of~~ KRS
23 Chapter 13B.

24 (4) The board may reconsider, modify, or reverse its decision on any disciplinary
25 action.

26 (5) Any party aggrieved by a disciplinary action of the board may bring an action in
27 Franklin Circuit Court in accordance with~~the provisions of~~ KRS Chapter 13B.

1 ➔Section 93. KRS 322.230 is amended to read as follows:

- 2 (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall
3 consist of nine (9) members appointed by the Governor and two (2) ex officio
4 members, each with full voting rights. The ex officio members shall be the dean of
5 the College of Engineering of the University of Kentucky and the dean of the J.B.
6 Speed School of Engineering of the University of Louisville.
- 7 (2) The term of each member of the board shall be four (4) years. ~~Each member shall~~
8 ~~hold office until the expiration of the term or until a successor has been appointed~~
9 ~~and has qualified].~~
- 10 (3) Before beginning a term of office, every member shall file with the Secretary of
11 State a written oath for the faithful discharge of official duties.
- 12 ~~[(4) No member of the board shall serve as an employee of the board.]~~

13 ➔Section 94. KRS 322.240 is amended to read as follows:

- 14 (1) Each appointed member of the board shall:
- 15 (a) Be a citizen of the United States;
- 16 (b) Have been a resident of this state for at least five (5) years; and
- 17 (c) Be a resident of this state at the time of appointment and for the term of the
18 appointment.
- 19 (2) One (1) member of the board shall be a citizen at large who is not associated with or
20 financially interested in the practice of engineering or land surveying.
- 21 (3) Eight (8) members of the board shall be a professional engineer or a professional
22 land surveyor engaged in the respective practice for at least twelve (12) years and
23 shall have been in responsible charge of important engineering or land surveying
24 work for at least five (5) years.
- 25 (a) At least five (5) members of the board shall be professional engineers licensed
26 in Kentucky for at least four (4) years prior to the date of their appointment;
- 27 (b) At least three (3) members of the board shall be professional land surveyors

1 licensed in Kentucky for at least four (4) years prior to the date of their
2 appointment; and

3 (c) The eight (8) members shall remain professional engineers or professional
4 land surveyors licensed in Kentucky during the term of their appointments~~[If~~
5 ~~a member's license is surrendered, suspended, revoked, or placed in inactive~~
6 ~~or retired status, that member shall automatically be removed from the board~~
7 ~~and the vacancy filled under KRS 322.250(5)].~~

8 ➔Section 95. KRS 322.250 is amended to read as follows:

9 (1) ~~[Except as provided for in subsection (5) of this section,]~~Each land surveyor
10 appointment to the board shall be made from a list of not less than three (3)
11 nominees to be submitted to the Governor jointly by the Kentucky Society of
12 Professional Engineers and the Kentucky Association of Professional Surveyors,
13 with input from other professional societies. All other appointments to the board
14 shall be made from a list of not less than three (3) nominees to be submitted to the
15 Governor by the Kentucky Society of Professional Engineers with input from other
16 professional societies.

17 (2) The nominations shall be submitted to the Governor at least sixty (60) days prior to
18 the appointment date.

19 (3) The term of office for all full-term appointments shall begin January 1.

20 (4) Board members shall be allowed to succeed themselves but shall be limited to not
21 more than two (2) consecutive terms. A former member may be reappointed to the
22 board if the member has not served in the preceding four (4) years.

23 (5)~~[If a vacancy on the board occurs for any reason resulting in an unexpired term, if~~
24 ~~not filled within three (3) months by official action of the Governor, the board may~~
25 ~~appoint a provisional member to serve in the interim until the Governor acts.~~

26 (6)~~]~~ Every unexpired term shall be filled only for the remainder of that term.

27 ➔Section 96. KRS 322.270 is amended to read as follows:

1 Each member shall receive compensation as promulgated by administrative regulation of
2 the board and approved by the appropriate legislative body. Official duties include
3 meetings of committees of the board and time spent in necessary travel~~[. Further,~~
4 ~~members shall be reimbursed for costs for all actual and necessary expenses incurred in~~
5 ~~carrying out their official duties as board members].~~

6 →Section 97. KRS 322.280 is amended to read as follows:

7 ~~[(1)]~~The board shall hold at least four (4) regular meetings each year. Special meetings
8 shall be held if the bylaws provide. Notice of all meetings shall be given in the manner
9 provided by the bylaws.

10 ~~[(2) Six (6) members shall constitute a quorum.]~~

11 →Section 98. KRS 322.290 is amended to read as follows:

12 The board shall:

13 (1) Administer this chapter;

14 (2) Adopt an official seal;

15 ~~(3) Provide suitable office quarters at its own expense;~~

16 ~~(4)~~ Adopt and amend all bylaws and rules of procedure, and promulgate administrative
17 regulations, consistent with the Constitution and laws of the state and reasonably
18 necessary for the proper performance of its duties and the regulation and fair
19 conduct of the proceedings before it;

20 ~~[(5) Appoint an executive director and assistant executive directors and fix their~~
21 ~~compensation;~~

22 ~~(6) Employ any clerk or other assistants necessary for the proper performance of its~~
23 ~~work;~~

24 ~~(7) Appoint a general counsel and any assistant general counsel as it deems necessary~~
25 ~~and fix their compensation;~~

26 ~~(8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;]~~

27 ~~(4)~~~~[(9)]~~ Appoint committees of licensees, as it deems necessary, to review issues

1 before the board and make recommendations to the board;

2 ~~(5)~~~~(10)~~ Make expenditures, as it deems necessary, for any purpose that it considers
3 reasonably necessary for the proper performance of its duties, including paying the
4 expenses of the board's delegates to national conventions of and membership dues
5 to the National Council of Examiners for Engineering and Surveying or other
6 affiliated national boards or societies;

7 ~~(6)~~~~(11)~~ Adopt and promulgate by administrative regulation a code of professional
8 practice and conduct, which shall be based upon generally recognized principles of
9 professional ethical conduct and binding upon persons licensed under this chapter.
10 A code of professional practice and conduct shall be made known to all licensees
11 and applicants and shall include but not be limited to the following objectives:

- 12 (a) The protection of the public health, safety, and welfare;
- 13 (b) The maintenance of standards of objectivity, truthfulness, and reliability in
14 public statements;
- 15 (c) The avoidance of conflicts of interest;
- 16 (d) The prohibition of solicitation or acceptance of engineering or land surveying
17 work on any basis other than qualifications for the work offered;
- 18 (e) The prohibition of association with any person engaging in illegal or dishonest
19 activities; and
- 20 (f) The limitation of professional service to the area of competence of the
21 licensee;

22 ~~(7)~~~~(12)~~ Adopt appropriate standards of practice;

23 ~~(8)~~~~(13)~~ Promulgate administrative regulations in accordance with KRS Chapter 13A
24 to establish rules for the use of stamps, seals, and signatures in electronic
25 transactions;

26 ~~(9)~~~~(14)~~ Bring, in its name, injunctive proceedings in the Franklin Circuit Court to
27 enjoin any person, business entity, or combination thereof in violation of KRS

1 322.020 or KRS 322.060;

2 ~~(10)~~~~(15)~~ Adopt a program for continuing education for its individual land surveyor
3 licensees. No individual land surveyor licensee shall be permitted to renew his or
4 her license unless the minimum annual continuing education requirements are met,
5 in addition to any other requirement for renewal. The program for continuing
6 education shall not exceed a total of eight (8) credit clock hours per year and shall
7 not include testing or examination of the licensee in any manner; and

8 ~~(11)~~~~(16)~~ Adopt a program for continuing education for its individual engineer
9 licensees.

10 (a) The program for continuing education shall not exceed a total of fifteen (15)
11 credit clock hours per year and shall not include testing or examination of the
12 licensee in any manner.

13 (b) No individual engineer licensee shall be permitted to renew his or her license
14 unless the minimum annual continuing education requirements are met,
15 except as provided in paragraph (c) of this subsection, in addition to any other
16 requirement for renewal.

17 (c) Any person licensed under this chapter as a professional engineer prior to
18 January 1, 1972, who has maintained his or her license in good standing since
19 becoming licensed shall not be subject to any continuing education
20 requirements.

21 ➔Section 99. KRS 322.320 is amended to read as follows:

22 (1) In carrying this chapter into effect, the board, under the hand of its chairman or
23 administrative coordinator~~executive director~~ and under its seal, may, during the
24 investigation or an administrative hearing procedure, in cases involving the
25 revocation of a license or practicing or offering to practice without a license,
26 subpoena witnesses and compel their attendance and require the production of
27 books, papers, and documents. Any member may administer oaths to witnesses

1 appearing before the board.

2 (2) If any person refuses to obey any subpoena~~[so issued]~~ or refuses to testify or
3 produce any books, papers, or documents, the board may present its petition to any
4 authority having jurisdiction, setting forth the facts. That authority shall, in a proper
5 case, issue its subpoena to the person, requiring ***the person***~~[him]~~ to attend and
6 testify or produce books, papers, and documents considered necessary and pertinent
7 by the board.

8 ~~[(3) Board members and agents and staff of the board shall be held free of any personal
9 liability as a result of board actions.]~~

10 ➔Section 100. KRS 322.340 is amended to read as follows:

11 (1) Each professional engineer or professional land surveyor shall, upon licensure,
12 obtain a seal or stamp of the design authorized by the board, bearing his or her
13 name, license number, and the words "Licensed Professional Engineer" or
14 "Licensed Professional Land Surveyor."

15 (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted
16 in accordance with administrative regulations promulgated by the board under
17 ***subsection (8) of Section 98 of this Act***~~[KRS 322.290(13)]~~.

18 (3) The seal or stamp, signature, and the date shall be used to provide certification for
19 all reports, specifications, drawings, and plans, if presented to a client or any public
20 or governmental agency. Reproduction of original signatures shall be adequate to
21 meet the requirements of this subsection.

22 (4) The seal or stamp and signature shall be used by licensees only if the work being
23 stamped was under the licensee's complete direction and control.

24 (5) Every survey plat and physical description prepared by a professional land surveyor
25 and submitted to a client or any public or governmental agency shall display the
26 certification by the professional land surveyor under whose supervision the plat or
27 description was prepared.

- 1 (6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal,
2 stamp, or signature to any document described in subsection (3) or (5) of this
3 section:
- 4 (a) After the expiration of a license; or
5 (b) For the purpose of aiding or abetting any other person to evade or attempt to
6 evade any provisions of this chapter.
- 7 (7) A professional engineer shall check and have complete dominion and control of the
8 design and engineering work of any engineer not licensed to practice in this state.
9 Complete dominion and control shall include possession of the sealed and signed
10 reproducible construction documents with all supporting design calculations,
11 indicating all changes in the design.
- 12 ➔Section 101. KRS 322A.020 is amended to read as follows:
- 13 (1) There is created and established the Board of Registration for Professional
14 Geologists, which shall administer~~the provisions of~~ this chapter. All board
15 members shall be residents of Kentucky and be appointed by the Governor. The
16 board shall consist of five (5) members, including four (4) registered geologists, one
17 (1) of whom shall be the state geologist or his or her designee, and one (1) member
18 representing the public at large. ~~Except for~~The state geologist or his or her
19 designee ***shall be an ex officio voting member of the board.***~~]~~ The term of the
20 ***other*** members of the board shall always be for four (4) years~~and until their~~
21 ~~successors are appointed and qualified~~.
- 22 ~~[(2)]~~Board members may succeed themselves~~. The Governor may remove any member~~
23 ~~from the board for misconduct, incompetence, neglect of duty, or for any good and~~
24 ~~sufficient cause, in the manner prescribed by law. Vacancies in the membership of~~
25 ~~the board shall be filled for the unexpired term by appointment by the Governor~~.
- 26 ~~(2)~~~~[(3)]~~—Three (3) members of the board shall constitute a quorum.
- 27 ~~(4)~~—There shall be no liability on the part of and no cause of action of any nature shall

1 ~~arise against the board, or its agents, for any action taken in the performance of the~~
2 ~~board's powers and duties under this chapter.~~

3 ~~(5) The board shall elect from its members a chair and secretary each year.~~

4 (6) At least thirty (30) days prior to the appointment date each year, the Governor shall
5 receive a list of not more than three (3) nominations for board members from a joint
6 committee of the Geological Society of Kentucky and the Kentucky Section of the
7 American Institute of Professional Geologists. The appointed members on the board
8 shall be selected from the list submitted to the Governor by the joint committee.

9 ~~[(7) While discharging duties associated with the board, including meetings of the board~~
10 ~~and its committees and necessary travel, each member shall receive compensation~~
11 ~~as established by administrative regulation of the board promulgated in accordance~~
12 ~~with KRS Chapter 13A. Members of the board shall be reimbursed for costs for~~
13 ~~actual travel and for incidental, clerical, and all other actual and necessary expenses~~
14 ~~incurred in the discharge of official duties associated with the board.]~~

15 ➔Section 102. KRS 322A.030 is amended to read as follows:

16 (1) The board shall meet at least twice~~once~~ each calendar year and at other times
17 deemed necessary by the chair or a quorum of the board upon being given ten (10)
18 days' notice.

19 (2) A roster showing the names and places of business of all registered professional
20 geologists shall be published by the secretary of the board each year. Copies of this
21 roster shall be made available to each person registered, placed on file with the
22 secretary of the board, and furnished to the public upon request.

23 (3) The board shall pass upon the qualifications of applicants for registration.

24 (4) The board shall require from applicants for registration evidence of their
25 qualifications and shall judge each applicant on evidence of the applicant's
26 professional competency and integrity in accordance with administrative regulations
27 promulgated by the board.

- 1 (5) The board may promulgate administrative regulations consistent with~~the~~
2 ~~provisions of~~ this chapter ***that are*** appropriate and necessary to the conduct of its
3 responsibilities and duties.
- 4 (6) The board shall promulgate by administrative regulation a code of professional
5 conduct, a copy of which shall be distributed to every registered geologist. Mailing
6 of a copy of this code to persons listed in the roster maintained under subsection (2)
7 of this section shall constitute due notice to all registrants. The board may revise
8 and amend the code of ethics~~from time to time~~, subject to the consent of the
9 majority of the registrants, and shall notify each registrant in writing of any
10 revisions or amendments.
- 11 (7) The board may take appropriate disciplinary action ***under***~~as provided for in~~ KRS
12 322A.100, but only after written notice has been given the person concerned and the
13 person is afforded an opportunity for a hearing to be conducted in accordance with
14 KRS Chapter 13B.
- 15 (8) Any person or organization may prefer charges of fraud, deceit, gross negligence, or
16 misconduct against any registrant. The charges shall be in writing, shall be sworn to
17 by the person or officer of the organization making them, and shall then be filed
18 with the board.
- 19 (9) Any Kentucky resident who feels aggrieved by any final order of the board may
20 appeal to the Circuit Court of the county where the person resides or where the
21 person has his or her principal office in accordance with KRS Chapter 13B. Any
22 out-of-state resident who feels aggrieved by any final order of the board may appeal
23 to the Franklin Circuit Court in accordance with KRS Chapter 13B.
- 24 ~~(10) The Attorney General or any assistants designated by him or her shall act as legal~~
25 ~~advisers to the board and render legal assistance as the board may from time to time~~
26 ~~require. The board may employ private counsel at its discretion. The cost of private~~
27 ~~counsel shall be paid exclusively from funds of the board.~~

1 ~~(11)~~ The board shall establish and maintain necessary offices within this
2 Commonwealth~~, employ personnel as necessary, and prescribe their duties and~~
3 ~~compensation~~.

4 (11)~~(12)~~ For the purposes of enforcing ~~the provisions of~~ this chapter, investigating
5 complaints or suspected violations of this chapter, and notifying proper law
6 enforcement authorities, the board may:

- 7 (a) Administer oaths;
- 8 (b) Receive evidence;
- 9 (c) Interview persons;
- 10 (d) Issue subpoenas; and
- 11 (e) Require production of books, papers, documents, or other evidence.

12 ➔Section 103. KRS 322A.050 is amended to read as follows:

13 An applicant for registration shall pay a nonrefundable fee established by administrative
14 regulation of the board. If the board declines to issue registration to any applicant, the
15 initial fee paid by the applicant shall be retained as an application fee. All fees paid to and
16 collected by the board under ~~the provisions of~~ this section and KRS 322A.070 shall be
17 deposited in a revolving trust and agency account under the jurisdiction of the board. The
18 officers ~~or employees~~ of the board who are ~~shall be~~ designated to collect and disburse
19 funds represented by these fees shall be required to execute a bond, with corporate surety,
20 in an amount to be determined by the board.

21 ➔Section 104. KRS 323.160 is amended to read as follows:

22 The Governor shall appoint one (1) member of the board each year. Each member shall
23 serve for a term of four (4) years~~, and until his successor is appointed and qualified~~.

24 ➔Section 105. KRS 323.170 is amended to read as follows:

25 (1) Five (5) members of the board appointed by the Governor shall be architects
26 registered in the Commonwealth of Kentucky and shall have been in the active
27 practice of architecture for at least ten (10) years immediately preceding their

1 appointment, and shall have been residents of this Commonwealth for at least five
2 (5) years immediately preceding their appointment. Two (2) of these five (5)
3 appointments shall be made from a list of not fewer than three (3) nominees for
4 each appointment submitted to the Governor by the Kentucky Society of
5 Architects.

6 (2) One (1) member of the board shall be a certified interior designer in the
7 Commonwealth of Kentucky, shall have been providing interior design services for
8 at least ten (10) years, and shall have been a resident of the Commonwealth for at
9 least five (5) years immediately preceding the appointment.

10 (3) One (1) member of the board shall be a citizen at large who is not associated with
11 or financially interested in the practice or business regulated.

12 ➔Section 106. KRS 323.190 is amended to read as follows:

13 Each member of the board shall receive an amount not to exceed one hundred dollars
14 (\$100) for each day or part of the day spent in the performance of the member's~~[his]~~
15 official duties, including time spent in necessary travel~~], and in addition, shall be~~
16 ~~reimbursed for all proper traveling and incidental expenses incurred in connection with~~
17 ~~those duties].~~

18 ➔Section 107. KRS 323.210 is amended to read as follows:

19 (1) The board shall:

20 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board
21 of Architects" with the coat of arms of the state in the center;

22 (b) Promulgate all necessary administrative regulations concerning the contents
23 and conduct of examinations, the method and time for filing applications for
24 examinations, and the time within which an applicant shall be examined after
25 his or her application has been filed;

26 (c) Keep a complete record of its proceedings and an accurate list of all
27 applications made, licenses issued, and licenses revoked; and

- 1 (d) Make a general report including finances to the Governor and the Legislative
2 Research Commission annually.
- 3 (2) The board may promulgate all reasonable administrative regulations not
4 inconsistent with this chapter that are necessary to carry into effect the purposes of
5 this chapter.
- 6 (3) (a) The board may promulgate appropriate administrative regulations requiring
7 mandatory continuing education for architects licensed to practice within the
8 Commonwealth as a condition for obtaining their annual renewal certificates.
9 The board shall establish the minimal requirement for obtaining and reporting
10 continuing education, the means by which any requirements shall be enforced,
11 and the criteria for the accreditation of course sponsors, programs, and other
12 activities.
- 13 (b) The board may promulgate appropriate administrative regulations to create the
14 licensing category of architect emeritus and may promulgate continuing
15 education requirements and renewal fees for the architect emeritus license.
- 16 (4) The board may administer oaths, receive evidence, interview persons, issue
17 subpoenas, and require the production of books, papers, documents, or other
18 evidence for the purpose of enforcing this chapter and investigating complaints or
19 suspected violations of this chapter.
- 20 (5) The board may promulgate administrative regulations in accordance with KRS
21 Chapter 13A to establish rules for the use of seals and signatures in electronic
22 transactions.
- 23 ~~(6) (a) The board may employ staff, obtain office space, and acquire furniture,~~
24 ~~supplies, and services reasonably necessary to effectuate the purposes of this~~
25 ~~chapter.~~
- 26 ~~(b) The board shall outline the duties of all personnel and fix their compensation~~
27 ~~in accordance with KRS Chapter 18A.~~

1 ~~(e) The board may retain its own legal counsel for advice and assistance, in~~
2 ~~addition to such advice and assistance provided by the Attorney General.~~

3 ~~(7)~~ The board may assess reasonable administrative fees for copies of documents,
4 mailing lists, duplicate forms, and other media consistent with KRS 61.870 to
5 61.884.

6 ➔Section 108. KRS 323A.170 is amended to read as follows:

7 **The board shall consist of five (5) members, to be appointed by the Governor.** Four (4)
8 members of the board~~[appointed by the Governor]~~ shall be landscape architects licensed
9 in the Commonwealth of Kentucky, and shall have been residents of this Commonwealth
10 for at least five (5) years immediately preceding their appointment. One (1) member shall
11 be a citizen at large who is not associated with or financially interested in the practice or
12 business regulated. Each member shall serve for a term of three (3) years~~[, and until a~~
13 ~~successor is appointed and qualified].~~

14 ➔Section 109. KRS 323A.190 is amended to read as follows:

15 Each member of the board shall receive an amount not to exceed two hundred dollars
16 (\$200) for each **full or partial** day~~[or part thereof]~~ spent in the performance of official
17 duties, including time spent in necessary travel~~[. In addition, each member of the board~~
18 ~~shall be reimbursed for all necessary and proper traveling and incidental expenses~~
19 ~~incurred in connection with these duties].~~

20 ➔Section 110. KRS 323A.210 is amended to read as follows:

21 (1) The board shall:

22 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board
23 of Landscape Architects" with the coat of arms of the state in the center;

24 (b) Keep a complete record of its proceedings and an accurate list of all
25 applications made, licenses issued, inactive and retired licenses, and licenses
26 disciplined; **and**

27 (c) Make a general report including finances to the Governor **and the Legislative**

1 **Research Commission** annually~~[- and~~

2 ~~(d) Employ legal counsel or contract for legal services it considers necessary].~~

3 (2) The board may:

4 (a) Promulgate administrative regulations necessary to maintain a program of
5 continuing education for licensees. Continuing education requirements shall
6 be determined by administrative regulation of the board. No requirement for
7 continuing education shall exceed fifteen (15) hours per year; and

8 (b) Adopt all reasonable administrative regulations consistent with this chapter
9 that are necessary to carry into effect the purposes of this chapter.

10 ➔Section 111. KRS 324.281 is amended to read as follows:

11 (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall
12 appoint five (5) persons, at least four (4) of whom, immediately prior to the date of
13 their appointment have been residents of the state for ten (10) years and whose
14 vocation for a period of at least ten (10) years shall have been that of an active real
15 estate licensee. One (1) member shall be a citizen at large who is not associated
16 with or financially interested in the practice or business regulated. The term of the
17 members of the commission shall be for three (3) years~~[- and until their successors~~
18 ~~are appointed and qualify, except as provided in subsections (2) and (3) of this~~
19 ~~section. A majority of the commission shall constitute a quorum for the transaction~~
20 ~~of business].~~

21 (2) All appointments shall be for the specified three (3) year term. No person appointed
22 after July 14, 2000, shall serve more than two (2) consecutive terms.

23 (3) For each appointment or vacancy, the Kentucky Association of Realtors shall within
24 sixty (60) days supply a list of not less than three (3) names of licensees to the
25 Governor each year from which the broker or sales associate appointments shall be
26 made. The Governor may reject the list of three (3) names and request that the
27 Kentucky Association of Realtors submit a new list of three (3) names within sixty

1 (60) days of the Governor's request. If the Kentucky Association of Realtors fails to
2 timely submit this list to the Governor, the Governor may immediately appoint a
3 qualified person to fill this vacancy. The Governor may otherwise fill vacancies
4 arising in the middle of the year from those remaining on the list or from a new list
5 supplied by the association.

6 (4) There shall not be more than three (3) members of any one (1) political party
7 serving on the commission at the same time. No member of the commission shall
8 reside in the same county as another member. Appointees to fill vacancies shall be
9 appointed for the unexpired term.

10 (5) It shall be the duty of the commission to:

11 (a) Promulgate administrative regulations, with the approval of the executive
12 director of the Kentucky Real Estate Authority;

13 (b) Hold disciplinary hearings concerning matters in controversy as provided by
14 this chapter;

15 (c) Conduct examinations for applicants eligible under this chapter or
16 alternatively to contract with an entity to conduct examinations;

17 (d) Conduct necessary educational seminars and courses directed toward
18 continuing education within the real estate field;

19 (e) Investigate or cause to be investigated any irregularities in violation of this
20 chapter or the promulgated and authorized administrative regulations of the
21 commission; and

22 (f) Participate with any other agency of the Commonwealth or the authorized
23 agency of another state for the betterment or improvement of the
24 administration of the statutes or administrative regulations governing this
25 commission.

26 Any action taken by the commission under this subsection shall be appealable as are
27 other actions of the commission under this chapter.

- 1 (6) The commission~~[, at its discretion,]~~ may use the funds necessary to purchase
2 liability insurance for inspectors or members and executive officers of the
3 commission~~[, inspectors, and for members of the staff exempted from classified
4 service of the state by KRS 18A.115].~~
- 5 (7) The commission shall require all actively-licensed agents, except for those agents
6 who were licensed prior to June 19, 1976, to successfully complete mandatory
7 continuing education as a condition of license renewal.
- 8 (8) The commission shall, by the promulgation of administrative regulations, develop a
9 review process by which continuing education courses may be approved for credit.
10 An applicant may seek the commission's approval for credit for courses not
11 previously approved by the commission by submitting sufficient information
12 describing the course to the commission for review.
- 13 (9) The Governor shall set the compensation of the members of the commission, but
14 voting members of the commission shall be compensated no less than three hundred
15 dollars (\$300) per day for official business, subject to an annual maximum of six
16 thousand dollars (\$6,000)~~[. Members shall be reimbursed for all expenses paid and
17 incurred in the discharge of official business consistent with the reimbursement
18 policy for state employees].~~ With the approval of the executive director of the
19 Kentucky Real Estate Authority within the Department of Professional Licensing,
20 commission members and commission staff may attend and travel to and from
21 meetings and events relevant to the commission or to the industry the commission
22 represents.
- 23 ➔Section 112. KRS 324.282 is amended to read as follows:
24 ~~[The commission, immediately upon qualification of the member appointed in each year,
25 shall organize by selecting from its members a chairperson.]~~The commission shall
26 promulgate administrative regulations in accordance with KRS Chapter 13A and this
27 chapter to effectively carry out and enforce~~[the provisions of]~~ this chapter, but the

1 commission shall not promulgate any administrative regulation which in any way fixes
2 prices, establishes fees, or sets the rate at which licensees are compensated.

3 ➔Section 113. KRS 324.286 is amended to read as follows:

4 (1) Except for the fees and charges paid by the licensees to the commission and
5 deposited in the real estate education, research, and recovery fund, all fees and
6 charges collected by the commission under~~[the provisions of]~~ this chapter shall be
7 paid into the general fund in the State Treasury.

8 (2) All expenses incurred by the commission under~~[the provisions of]~~ this chapter,
9 including compensations to members~~[, secretaries, clerks, and assistants]~~, except
10 those expenses designated for payment out of the real estate education, research,
11 and recovery fund, shall be paid out of the general fund in the State Treasury upon
12 warrants of the secretary for finance and administration as warrants generally are
13 required to be drawn by the statutes governing such respective offices from time to
14 time, when vouchers therefor are exhibited and approved by the commission.~~;~~
15 ~~provided, that~~ The total expense for every purpose incurred shall not exceed the
16 total fees, charges, fines, and penalties imposed under~~[the provisions of]~~ this
17 chapter and paid into the State Treasury.

18 (3) All expenses incurred by the commission and designated for payment out of the real
19 estate education, research, and recovery fund, including payments to aggrieved
20 parties and the expenses of carrying on the educational and research requirements of
21 KRS 324.410, shall be paid out of the real estate education, research, and recovery
22 fund in the same manner as required in this section for payments out of the general
23 fund.~~;~~ ~~provided, that~~ The total expenses and payments for every purpose incurred
24 and designated for payment out of the real estate education, research, and recovery
25 fund shall not exceed the total fees, charges, and interest received by the
26 commission and paid into the real estate education, research, and recovery fund of
27 the State Treasury.

1 ➔Section 114. KRS 324.287 is amended to read as follows:

2 The commission shall set, charge, and collect the following fees:

- 3 (1) Examination fee, not to exceed one hundred dollars (\$100).
- 4 (2) Broker's and sales associate's original license fee, not to exceed thirty dollars (\$30).
- 5 (3) Broker's and sales associate's renewal fee, not to exceed thirty dollars (\$30).
- 6 (4) Transfer from one (1) principal broker to another, not to exceed ten dollars (\$10).
- 7 (5) Certification of status with the commission, ten dollars (\$10).
- 8 (6) Request for any change, not to exceed ten dollars (\$10).
- 9 (7) Recovery fund, not to exceed thirty dollars (\$30).
- 10 (8) Broker's and associate's applicant license criminal record check fee, not to exceed
- 11 *the actual cost of the criminal record check*~~[thirty dollars (\$30)]~~.

12 ➔Section 115. KRS 324A.015 is amended to read as follows:

13 (1) There is created a Real Estate Appraisers Board consisting of five (5) members, two

14 (2) of whom shall be certified real estate appraisers, one (1) of whom shall represent

15 the public and shall not be associated with or financially interested in the practice of

16 real estate appraisals, and two (2) of whom shall be employed in the lending

17 industry. The board shall administer~~[the provisions of]~~ this chapter and may

18 promulgate administrative regulations necessary to effectuate the provisions of KRS

19 324A.010 to 324A.090.

- 20 (2) (a) The board members shall be appointed by the Governor. Not more than one
- 21 (1) board member shall be from any one (1) county within Kentucky.
- 22 Members shall be appointed by the Governor for staggered terms of three (3)
- 23 years. No person shall serve more than two (2) full consecutive terms.
- 24 (b) Any member appointed to fill a vacancy occurring other than by expiration of
- 25 a term shall be appointed for the remainder of the unexpired term.
- 26 (c) No more than three (3) members of the same political party shall serve on the
- 27 board at the same time.

1 (3) The appraiser appointees to the board shall be certified and shall have engaged in
2 the appraisal of real estate in Kentucky on a continuing basis for at least ten (10)
3 years.

4 ~~(4) A board member shall be automatically removed from the board and a vacancy shall
5 occur when:~~

6 ~~(a) An appraiser member of the board ceases to be certified;~~

7 ~~(b) A consumer member of the board acquires a certification as an appraiser;~~

8 ~~(c) A lending industry member ceases to be employed in the lending industry;~~

9 ~~(d) A board member enters a plea of guilty to, or has been found guilty of, a
10 felony and the time for appeal has passed or the judgment of conviction has
11 been finally affirmed on appeal;~~

12 ~~(e) A board member ceases to be a bona fide resident of the Commonwealth of
13 Kentucky;~~

14 ~~(f) A board member displays incompetence, neglect of duty, or unprofessional
15 conduct;~~

16 ~~(g) A board member fails to adhere to a duly adopted code of ethics of the board.
17 Failure to adhere to this code shall be determined by official action of the
18 board; or~~

19 ~~(h) A board member misses three (3) consecutive meetings or misses more than
20 twenty five percent (25%) of the meetings held over the previous twelve (12)
21 month period.~~

22 ~~(5)}~~ The board shall adopt a seal with the design it prescribes, by which it shall
23 authenticate its proceedings. Copies of all records and papers in the office of the
24 board, duly certified and authenticated by the seal of the board, shall be received in
25 evidence in all courts equally and with like effect as the original. All records kept in
26 the office of the board under the authority of this chapter shall be open to public
27 inspection in accordance with KRS 61.820 to 61.884 and consistent with

1 regulations prescribed by the board.

2 **(5) The board shall meet at least once each calendar quarter.**

3 (6) The Governor shall set the compensation of the members of the board, but voting
4 members of the board shall be compensated no more than three hundred dollars
5 (\$300) per day for official business, subject to an annual maximum of six thousand
6 dollars (\$6,000). ~~Members shall be reimbursed for all expenses paid and incurred~~
7 ~~in the discharge of official business consistent with the reimbursement policy for~~
8 ~~state employees].~~ With the approval of the executive director of the Kentucky Real
9 Estate Authority within the Department of Professional Licensing, board members
10 and board staff may attend and travel to and from meetings and events relevant to
11 the board or the industry the board represents.

12 ➔Section 116. KRS 324A.065 is amended to read as follows:

13 (1) The board shall establish by **administrative** regulation and collect the following fees
14 for certification or licensure as an appraiser for:

15 (a) Federally related transactions:

- 16 1. Initial application fee in an amount not to exceed two hundred twelve
17 dollars (\$212), which shall include a fee for the current edition of the
18 Uniform Standards of Professional Practice;
- 19 2. Examination fee in an amount not to exceed two hundred dollars (\$200);
- 20 3. a. An annual certificate or licensure fee in an amount not to exceed
21 two hundred twelve dollars (\$212), which shall include a fee for
22 the current edition of the Uniform Standards of Professional
23 Appraisal Practice;
- 24 b. Duplicate certificate fee in an amount not to exceed ten dollars
25 (\$10); and
- 26 c. Certificate correction fee in an amount not to exceed ten dollars
27 (\$10); and

- 1 4. Roster fee not to exceed fifty dollars (\$50); and
- 2 (b) Nonfederally related transactions:
- 3 1. Initial application fee in an amount not to exceed one hundred dollars
- 4 (\$100);
- 5 2. Examination fee in an amount not to exceed one hundred dollars (\$100);
- 6 3. a. An annual certificate or licensure renewal fee in an amount not to
- 7 exceed one hundred dollars (\$100);
- 8 b. Duplicate certificate fee in an amount not to exceed five dollars
- 9 (\$5); and
- 10 c. Certificate correction fee in an amount not to exceed five dollars
- 11 (\$5); and
- 12 4. Roster fee not to exceed twenty-five dollars (\$25).
- 13 (2) (a) All fees and charges collected by the board under ~~the provisions of~~ this
- 14 chapter shall be paid into the Real Estate Appraisers Board's trust and agency
- 15 account in the State Treasury.
- 16 (b) All expenses incurred by the board under ~~the provisions of~~ this chapter,
- 17 including compensation to the board members ~~and staff~~, shall be paid out of
- 18 this account, subject to approval of the board.
- 19 (c) ~~The provisions of~~ This subsection shall not apply to the fee charged pursuant
- 20 to KRS 324A.155, which is required to be included in the appraisal
- 21 management company recovery fund and which shall be paid into that fund.
- 22 ➔Section 117. KRS 324A.160 is amended to read as follows:
- 23 (1) The administrative coordinator~~executive director~~ of the board shall keep a
- 24 register of all applicants for registration which shall include:
- 25 (a) The date of the application;
- 26 (b) The applicant's name;
- 27 (c) The applicant's business address; and

1 (d) The current status of the registration.

2 (2) The register shall be prima facie evidence of all matters contained in the register.

3 (3) The register shall be kept on file in the office of the board and shall be open for
4 public inspection in accordance with KRS 61.870 to 61.884.

5 ➔Section 118. KRS 325.230 is amended to read as follows:

6 (1) There is hereby created **within the Public Protection Cabinet, Department of**
7 **Financial Institutions**, a State Board of Accountancy. The board shall consist of
8 seven (7) members, appointed by the Governor. Six (6) of the members shall be
9 certified public accountants. One (1) of the members shall be a citizen at large who
10 is not a certified public accountant.~~[Members serving on the board as of July 15,~~
11 ~~1994, shall retain their appointments until their terms expire.]~~ Whenever an
12 appointment is to be made, the Kentucky Society of Certified Public Accountants
13 shall submit to the Governor the names of three (3) persons for each vacancy to be
14 filled. All persons recommended shall be qualified for membership on the board,
15 and the Governor shall appoint one (1) of the three (3) recommended. Members of
16 the board shall be citizens of the United States and residents of this state and the
17 certified public accountant members shall hold licenses to practice issued under~~[the~~
18 ~~provisions of]~~ this chapter.~~[Of the new members appointed to the board, as~~
19 ~~provided by this section, one (1) member shall be appointed for a term of one (1)~~
20 ~~year and one (1) member shall be appointed for a term of four (4) years from June~~
21 ~~19, 1976. Succeeding]~~ Appointments to the board shall be for a term of four (4)
22 years. Vacancies occurring during a term shall be filled by appointment for the
23 unexpired term~~[. Upon the expiration of his term of office, a member shall continue~~
24 ~~to serve until his successor shall have been appointed and shall have qualified]~~. The
25 Governor shall remove from the board any member whose license to practice is not
26 renewed or which has become void, revoked, or suspended, and may, after hearing,
27 remove any member of the board for neglect of duty or other just cause.

1 (2) Each member of the board shall be paid the amount established by an administrative
2 regulation promulgated by the board, not to exceed two hundred dollars (\$200) for
3 each day spent in the discharge of the member's~~[his]~~ official duties~~[, and shall be~~
4 ~~reimbursed for his actual and necessary expenses therein incurred].~~

5 ➔Section 119. KRS 325.240 is amended to read as follows:

6 (1) ~~(a) [The board shall elect annually a president and such other officers as it deems~~
7 ~~necessary.~~

8 ~~(2)]~~ The board may promulgate~~[,]~~ and amend~~[from time to time,]~~ administrative
9 regulations, in accordance with~~[the provisions of]~~ KRS Chapter 13A, for the
10 orderly conduct of its affairs, for the administration of this chapter, and to
11 establish and maintain a high standard of integrity and dignity in the
12 profession of public accounting.

13 (b) Pursuant to KRS 13A.120(3), the board shall submit an administrative
14 regulation to the commissioner of the Department of Financial Institutions
15 prior to the board filing the administrative regulation. The commissioner
16 shall review the proposed administrative regulation to determine whether it
17 complies with clearly articulated state policy as provided by the General
18 Assembly and is narrowly tailored to avoid unnecessary barriers to market
19 entry. The secretary of the Public Protection Cabinet may act in the absence
20 of the commissioner. A proposed administrative regulation that does not
21 comply with clearly articulated state policy as provided by the General
22 Assembly or is not narrowly tailored to avoid unnecessary barriers to
23 market entry, both as determined by the commissioner, shall not be filed.

24 (c) When a board completes the regulatory impact analysis required by KRS
25 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall
26 include a brief narrative summary of:

27 1. How the administrative regulation complies with clearly articulated

- 1 *state policy as provided by the General Assembly;*
- 2 *2. Why the administrative regulation is necessary to protect the public*
- 3 *health, safety, and welfare; and*
- 4 *3. How the administrative regulation is narrowly tailored to avoid*
- 5 *unnecessary barriers to market entry.*

6 ~~[(3) A majority of the board shall constitute a quorum for the transaction of business.]~~

7 ~~(2)~~~~[(4)]~~ The board shall have a seal which shall be judicially noticed. The board shall

8 keep records of its proceedings, and in any proceeding in court, civil or criminal,

9 arising out of or founded upon~~[any provision of]~~ this chapter, copies of said records

10 certified as correct under the seal of the board shall be admissible in evidence as

11 tending to prove the content of said records.

12 ~~(3)~~~~[(5)]~~ The board *shall appoint an executive director with the consent of the*

13 *secretary of the Public Protection Cabinet. The board* may ~~employ an executive~~

14 ~~director and such other personnel as it deems necessary in its administration and~~

15 ~~enforcement of this chapter. It may] appoint other ~~such~~ committees or persons~~]~~~~

16 to advise or assist it in the administration and enforcement *of this chapter*~~, as it~~

17 ~~may see fit. It may retain its own counsel to advise and assist it, in addition to such~~

18 ~~advice and assistance as is provided by the Attorney General of this state].~~

19 ~~(4)~~~~[(6)]~~ The board may join or participate in professional organizations and

20 associations that promote improvement of the practice of accounting for the

21 protection of the public or to facilitate the activities of the board.

22 ~~(5)~~~~[(7)]~~ The board may expend funds from its account created by KRS 325.250 to

23 assist with accounting educational programs proposed or offered in the primary and

24 secondary schools in this state. The amount of the expenditure shall not interfere

25 with the performance of the board's other responsibilities.

26 ~~(6)~~~~[(8)]~~ The board may purchase professional liability insurance for its members, staff,

27 and investigators. The purchase of or failure to purchase insurance shall not be

1 deemed a waiver of any immunity already conferred on the board, its members,
2 staff, and investigators.

3 ➔Section 120. KRS 326.020 is amended to read as follows:

- 4 (1) There is hereby created a board of ophthalmic dispensers to be known as the
5 "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to
6 be appointed by the Governor, one (1) member of which shall be a licensed medical
7 physician or osteopath experienced in the treatment and examination of eyes and
8 one (1) member of which shall be a licensed optometrist. Two (2) members shall be
9 licensed ophthalmic dispensers. One (1) member shall be a citizen at large who is
10 not associated with or financially interested in the practice or business regulated.
11 They shall not pass upon their own qualifications~~]. The board shall elect one (1) of~~
12 ~~its members chairman and one (1) member secretary treasurer. These officers shall~~
13 ~~serve at the pleasure of the board].~~
- 14 (2) Members shall serve for a period of four (4) years from the date of their
15 appointment and qualification. At the expiration of the term of office of any
16 member, the Governor shall appoint a successor for a term of four (4) years.
- 17 (3) (a) The board may promulgate administrative regulations to carry out the
18 purposes~~and provisions]~~ of this chapter, including the licensing of apprentice
19 ophthalmic dispensers and the adoption of a program for continuing education
20 for all licensees.
- 21 (b) No licensee shall be permitted to renew his or her license, unless the
22 minimum annual continuing education requirements have been completed. No
23 program for continuing education shall contain, as a prerequisite for license
24 renewal, a requirement for more than a total of six (6) credit hours per year for
25 ophthalmic dispenser licensees, or four (4) credit hours per year for apprentice
26 ophthalmic dispenser licensees.
- 27 (4) Board members shall receive fifty dollars (\$50) per day for attending board

1 meetings~~[- Board members shall also be reimbursed for reasonable and necessary~~
2 ~~expenses incurred in the performance of their duties].~~

3 (5) The board may:

4 (a) Revoke, suspend, or refuse to issue or renew licenses; impose probationary or
5 supervisory conditions upon licensee; or issue written reprimands to licensees,
6 in accordance with KRS 326.090;

7 (b) Impose administrative fines in accordance with KRS 326.100; or

8 (c) Take any other action or combination of actions regarding licenses, licensees,
9 or apprenticeships authorized by this chapter.

10 (6) For the purpose of enforcing~~[- the provisions of]~~ this chapter, the board may
11 administer oaths, receive evidence, interview persons, issue subpoenas, and require
12 the production of books, papers, documents, or other evidence.

13 (7) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of
14 KRS 326.030.

15 ➔Section 121. KRS 327.030 is amended to read as follows:

16 There is hereby established a Board of Physical Therapy which shall consist of seven (7)
17 members who shall be appointed by the Governor.

18 (1) One (1) board member shall be a resident of Kentucky who is not affiliated with or
19 does not have more than five percent (5%) financial interest in any health care
20 profession or business.

21 (2) All other board members shall:

22 (a) Be residents of Kentucky;

23 (b) Have engaged in the practice of physical therapy in Kentucky for the past five
24 (5) years; and

25 (c) Not have been disciplined by the board, or have been under any disciplinary
26 action, in the past two (2) years.

27 (3) All vacancies shall be filled by the Governor from a list of three (3) persons per

1 position submitted by the Kentucky Physical Therapy Association or as provided by
2 KRS 12.070.

3 (4) ~~All~~^{For} appointments to the board~~[after December 31, 2008, the first two (2)~~
4 ~~appointments shall be for a term of two (2) years. The third appointment shall be for~~
5 ~~a term of three (3) years. All other subsequent appointments]~~ shall be for a term of
6 four (4) years~~[. All members shall serve until their successors are appointed and~~
7 ~~qualify]. No member shall serve for more than two (2) consecutive terms.~~

8 (5)~~[The Governor may remove any member of the board for misconduct, incompetence,~~
9 ~~or neglect of duty.~~

10 (6)~~— The board may request the removal of a board member by the Governor.~~

11 (7)~~— The board shall annually elect a chair and chair elect.~~

12 (8)~~] The board shall provide orientation to all new board members regarding the duties~~
13 ~~of the board.~~

14 ~~[(9) There shall be no liability on the part of, and no action for damages against, any~~
15 ~~current or former board member, representative, agent, or employee of the board,~~
16 ~~when the person is functioning within the scope of board duties, acting without~~
17 ~~malice and with the reasonable belief that the actions taken by him or her are~~
18 ~~warranted by law.]~~

19 (6)~~[(10)] Each board member shall receive[, in addition to travel, lodging, and other~~
20 ~~actual and necessary expenses,] a per diem not to exceed one hundred twenty~~
21 ~~dollars (\$120) for each day the member is actually engaged in the discharge of~~
22 ~~official duties approved by the board. The board shall, by promulgation of~~
23 ~~administrative regulations, set the amount of the per diem.~~

24 ➔Section 122. KRS 327.040 is amended to read as follows:

25 (1) ~~[It shall be the duty of]~~The State Board of Physical Therapy shall~~[to]~~ receive
26 applications from persons desiring to become physical therapists and shall~~[to]~~
27 determine whether these~~[said]~~ applicants meet the qualifications and standards

- 1 required by this chapter of all physical therapists. The board shall also enforce~~be~~
2 ~~charged with enforcement of the provisions of~~ this chapter.
- 3 (2) The board is an agency of state government with the power to institute criminal
4 proceedings in the name of the Commonwealth against violators of this chapter, and
5 to institute civil proceedings to enjoin any violation of this chapter. The board shall
6 investigate every alleged violation of this chapter coming to its notice and shall take
7 action as it may deem appropriate. ~~It shall be the duty of~~ The Attorney General,
8 the Commonwealth's attorneys, and the county attorneys shall~~to~~ assist the board in
9 prosecuting all violations of this chapter.
- 10 (3) The board shall meet at least once each quarter at a~~such~~ place in this state~~as may~~
11 ~~be~~ selected by the board.~~Four (4) members of the board shall constitute a quorum~~
12 ~~for the transaction of business.~~ All meetings shall be held at the call of the
13 chairman or at a call of a quorum of members upon not less than ten (10) days'
14 written notice, unless notice is~~shall be~~ waived. The presence of any member at any
15 meeting of the board shall constitute a waiver of notice of the meeting~~thereof~~ by
16 the member.
- 17 (4) The board may conduct investigations and schedule and conduct administrative
18 hearings in accordance with KRS Chapter 13B, to enforce~~the provisions of~~ this
19 chapter or administrative regulations promulgated pursuant to this chapter. The
20 board may~~shall have the authority to~~ administer oaths, receive evidence, interview
21 persons, issue subpoenas, and require the production of books, papers, documents,
22 or other evidence. In case of disobedience to a subpoena, the board may invoke the
23 aid of the Franklin Circuit Court. Any order or subpoena of the court requiring the
24 attendance or testimony of witnesses or the production of documentary evidence
25 may be enforced and shall be valid anywhere in the Commonwealth.
- 26 (5) The board shall keep a minute book containing a record of all meetings of the
27 board.

- 1 (6) The board shall maintain a register of all persons licensed or certified under this
2 chapter. This register shall show the name of every licensee or certificate holder in
3 this state, the person's~~[his]~~ current business and residence address and telephone
4 numbers, and the date and number of the person's~~[his]~~ license or certificate. A
5 licensee or certificate holder shall notify the board of a change of name, address, or
6 telephone number, within thirty (30) days of the change.
- 7 (7) The board's records shall be updated annually.
- 8 (8) The board shall publish annually and make available, a current directory of all
9 licensed physical therapists and certified physical therapists' assistants.
- 10 (9) The board shall adopt a seal which shall be affixed to every license and certificate
11 granted by it.
- 12 (10) The board may promulgate administrative regulations establishing a measure of
13 continued competency as a condition of license renewal.
- 14 (11) The board may promulgate and enforce reasonable administrative regulations
15 relating to~~[for the effectuation of the purposes of]~~ this chapter pursuant to~~[the~~
16 ~~provisions of]~~ KRS Chapter 13A.
- 17 (12) The board shall promulgate by administrative regulation a code of ethical standards
18 and standards of practice.
- 19 (13) The board may~~[shall have the right to]~~ regulate physical therapists' assistants and
20 may promulgate reasonable administrative regulations regarding certification,
21 limitations of activities, supervision, and educational qualifications for physical
22 therapists' assistants. The board may establish reasonable fees for the certification,
23 renewal, and endorsement of physical therapists' assistants. The fees shall not
24 exceed corresponding fees for physical therapists.
- 25 (14) The board shall promulgate administrative regulations governing the physical and
26 mental examination of physical therapists, physical therapists' assistants, or
27 applicants, who may be impaired by reason of a mental, physical, or other condition

1 that impedes their ability to practice competently. For purposes of enforcing this
2 section, the board may~~[shall have the power to]~~ order an immediate temporary
3 suspension in accordance with KRS 13B.125 if there is a reasonable cause to
4 believe that a physical therapist, physical therapist's assistant, or applicant may be
5 impaired by reason of a mental, physical, or other condition that impedes his or her
6 ability to practice competently.

7 ➔Section 123. KRS 327.080 is amended to read as follows:

8 ~~[(1)]~~All fees received by the board and collected under this chapter or the
9 administrative regulations adopted in accordance with this chapter shall be deposited with
10 the State Treasurer and credited to the revolving fund of the board, a trust and agency
11 fund, to be used by the board in defraying the costs and expenses of the board in the
12 administration of~~[the provisions of]~~ this chapter. No part of this fund shall revert to the
13 general fund of the Commonwealth.

14 ~~[(2)]~~The board may employ an executive director and other personnel and may purchase
15 such materials and supplies as it may deem necessary for the proper discharge of its
16 duties.]

17 ➔Section 124. KRS 329A.020 is amended to read as follows:

- 18 (1) The Kentucky Board of Licensure for Private Investigators is hereby created.
- 19 (2) The board shall consist of seven (7) members appointed by the Governor.
- 20 (a) One (1) member shall be an attorney from the Office of the Attorney General
21 to be designated by the Attorney General;
- 22 (b) One (1) member shall be a municipal police officer of the rank of captain or
23 above;
- 24 (c) One (1) member shall be a county sheriff;
- 25 (d) Three (3) members shall each have been private investigators for at least five
26 (5) years prior to the date of their appointment and shall be of recognized
27 business standing; and

- 1 (e) One (1) member shall be a citizen at large who is not associated with or
2 financially interested in the practice of private investigating.
- 3 (3) All members shall be residents of this state and possess good moral character.
- 4 (4) ~~[The original members of the board shall be appointed by no later than January 1,~~
5 ~~2003, as follows:~~
- 6 (a) ~~One (1) member to a one (1) year term;~~
- 7 (b) ~~Two (2) members to a two (2) year term;~~
- 8 (c) ~~Two (2) members to a three (3) year term; and~~
- 9 (d) ~~Two (2) members to a four (4) year term.~~
- 10 (5) ~~After the initial appointments to the board,]~~ All members shall serve a two (2) year
11 term.
- 12 ~~[(6) Any vacancy occurring on the board shall be filled by the Governor.~~
- 13 (7) ~~]No member may serve more than two (2) full consecutive terms.~~
- 14 ~~(5) [(8) No member shall continue to serve if the member no longer meets the~~
15 ~~qualifications required under subsections (2) and (3) of this section.~~
- 16 (9) ~~] The three (3) board members who are private investigators and the member at large~~
17 ~~shall receive the sum of one hundred dollars (\$100) per day for each day the board~~
18 ~~meets[. All members shall receive reimbursement for actual and necessary expenses~~
19 ~~incurred in the performance of their official duties.~~
- 20 (10) ~~The board shall annually elect a chairman, a vice chairman, and a secretary-treasurer~~
21 ~~from the membership of the board.~~
- 22 (11) ~~The board shall hold at least two (2) meetings annually and additional meetings as~~
23 ~~the board may deem necessary. Additional meetings may be held upon call of the~~
24 ~~chairman or upon written request of a quorum. Four (4) members of the board shall~~
25 ~~constitute a quorum to conduct business.~~
- 26 (12) ~~Upon recommendation of the board, the Governor may remove any member of the~~
27 ~~board for neglect of duty or malfeasance in office].~~

1 ~~(6)~~~~(13)~~ The board may purchase professional liability insurance for the board
2 members and agents and staff of the board.

3 ➔Section 125. KRS 329A.025 is amended to read as follows:

4 (1) The board shall administer and enforce~~[the provisions of]~~ KRS 329A.010 to
5 329A.090 and shall evaluate the qualifications of applicants for licensure and issue
6 licenses.

7 (2) The board shall:

8 (a) Implement~~[the provisions of]~~ KRS 329A.010 to 329A.090 through the
9 promulgation of administrative regulations in accordance with~~[the provisions]~~
10 ~~of]~~ KRS Chapter 13A;

11 (b) Promulgate administrative regulations to establish fees which shall not exceed
12 the amounts necessary to generate sufficient funds to effectively carry out and
13 enforce~~[the provisions of]~~ KRS 329A.010 to 329A.090;

14 (c) Promulgate by administrative regulation an examination to be administered at
15 least twice annually to license applicants. The examination shall be designed
16 to measure knowledge and competence in private investigating, including but
17 not limited to the following subject areas:

- 18 1. Federal and state constitutional principles;
- 19 2. Court decisions related to activities which could result in liability for the
20 invasion of privacy or other activities;
- 21 3. Eavesdropping and related offenses, assault and related offenses, search
22 and seizure laws, and laws regarding unlawful access to a computer;
- 23 4. General weapons use and concealed weapons laws;
- 24 5. Additional state criminal laws and related procedures that are relevant to
25 the practice of private investigating; and
- 26 6. Additional subject areas as determined by the board; and

27 (d) Promulgate by administrative regulation a code of professional practice and

1 conduct that shall be based upon generally recognized principles of
2 professional ethical conduct and be binding upon all licensees.

3 (3) The board may:

4 ~~(a) Contract with the Department of Professional Licensing within the Public~~
5 ~~Protection Cabinet for the provision of administrative services;~~

6 ~~(b) Employ any persons it deems necessary to carry on the work of the board. The~~
7 ~~board may define their duties and fix their compensation;~~

8 ~~(c)~~ Develop or sponsor at least six (6) hours of continuing professional education
9 annually;

10 ~~(b)~~~~(d)~~ Approve and certify a forty (40) hour training class covering the subject
11 areas of the licensing examination;

12 ~~(c)~~~~(e)~~ Renew licenses and require continuing professional education as a
13 condition for renewal;

14 ~~(d)~~~~(f)~~ Waive the examination requirement for any applicant licensed in a
15 reciprocal state as prescribed in paragraph (k) of this subsection~~[(3)(m) of~~
16 ~~this section]~~, who is licensed in good standing in that state and meets all of the
17 other requirements of KRS 329A.035;

18 ~~(e)~~~~(g)~~ Suspend or revoke licenses, impose supervisory or probationary
19 conditions upon licensees, impose administrative disciplinary fines, or issue
20 written admonishments or reprimands, or any combination of these
21 actions~~[thereof]~~;

22 ~~(f)~~~~(h)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees,
23 administer oaths, and investigate allegations of practices violating the
24 provisions of KRS 329A.010 to 329A.090;

25 ~~(g)~~~~(i)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and
26 minutes necessary to carry out the board's functions;

27 ~~(h)~~~~(j)~~ Organize itself into two (2) panels to separate the functions of inquiry

1 and hearings. Each panel shall have the power to act as either an inquiry or
 2 hearing panel. No member serving on the inquiry panel shall serve on the
 3 hearing panel for any one (1) particular case. Any final decision of the hearing
 4 panel shall be considered as the final decision of the board and the hearing
 5 panel may exercise all powers granted to the board pursuant to KRS Chapter
 6 13B;

7 ~~(j)~~~~(k)~~ Utilize mediation as a technique to resolve disciplinary matters;

8 ~~(j)~~~~(l)~~ Seek injunctive relief in the Circuit Court of the county where the
 9 alleged unlawful practice occurred to stop the unlawful practice of private
 10 investigating by unlicensed persons or companies; and

11 ~~(k)~~~~(m)~~ Negotiate and enter into reciprocal agreements with appropriate officials
 12 in other states to permit licensed investigation companies and private
 13 investigators who meet or exceed the qualifications established in KRS
 14 329A.010 to 329A.090 to operate across state lines under mutually acceptable
 15 terms.

16 ➔Section 126. KRS 329A.030 is amended to read as follows:

17 (1) All fees and other moneys received by the board pursuant to ~~the provisions of~~
 18 KRS 329A.010 to 329A.090 shall be deposited in the State Treasury to the credit of
 19 a revolving fund for the use of the board.

20 (2) No part of this revolving fund shall revert to the general fund of this
 21 Commonwealth.

22 (3) The revolving fund may be used to pay for:

23 ~~(a) The compensation and reimbursement of board members for actual and
 24 necessary expenses incurred in the performance of official duties;~~

25 ~~(b) The compensation of all of the employees of the board;~~

26 ~~(c)~~ Those operational and capital expenses incurred in fulfilling the board's duties
 27 as described in KRS 329A.010 to 329A.090 and in administrative regulations;

1 and

2 ~~(b)~~~~(d)~~ The development or sponsorship of at least six (6) hours of continuing
3 education courses annually, to be conducted in various areas of the state.

4 ➔Section 127. KRS 330.050 is amended to read as follows:

5 (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board
6 consisting of five (5) members, all of whom immediately prior to the date of their
7 appointment have been residents of the Commonwealth of Kentucky for five (5)
8 years, and four (4) whose vocation for a period of at least five (5) years has been
9 that of an auctioneer. One (1) member shall be a citizen at large who is not
10 associated with or financially interested in the practice or business regulated. The
11 term of the members of the board shall be for three (3) years ~~and until their~~
12 ~~successors are appointed and qualified~~. Members to fill vacancies shall be
13 appointed for the unexpired term.

14 (2) At no time shall there be more than two (2) auctioneer members of the same
15 political party on the board. Whenever there is an auctioneer vacancy on the board,
16 within sixty (60) days the Kentucky Auctioneer Association shall recommend to the
17 Governor at least three (3) names for each auctioneer vacancy, and ~~the~~~~such~~
18 appointment or appointments shall be made from the recommendations of the
19 association, unless the Governor rejects the list of three (3) names and requests that
20 the Kentucky Auctioneer Association submit a new list of three (3) names within
21 sixty (60) days of the Governor's request. If the Kentucky Auctioneer Association
22 fails to timely submit its recommendations to the Governor, the Governor may
23 immediately appoint a qualified auctioneer to fill this vacancy.

24 ~~(3) The board, immediately upon qualification of the member appointed in each year,~~
25 ~~shall organize by selecting from its members a chairman.~~

26 ~~(4)~~ (a) No member of the board shall reside in the same county as another member.

27 (b) ~~A majority of the board shall constitute a quorum for the transaction of~~

1 ~~business.~~

2 ~~(e)}~~ No member may serve on the board for more than six (6) consecutive years. A
3 member may serve on the board for six (6) consecutive years on more than
4 one (1) occasion if that person is not a member of the board for at least two
5 (2) years between periods of board service.

6 ~~[(5) (a)]~~ ~~The board shall obtain office space, furniture, stationery, and any other proper~~
7 ~~supplies and conveniences reasonably necessary to carry out the provisions of~~
8 ~~this chapter. If any items deemed to be reasonably necessary by or which are~~
9 ~~required by the board are available through vendors under contract with the~~
10 ~~Commonwealth of Kentucky at less cost than if obtained otherwise, then the~~
11 ~~items shall be acquired pursuant to the contract.]~~

12 ~~(4)~~~~[(b)]~~ The board may~~[shall have full authority to]~~ obtain for its members~~[, staff, and~~
13 ~~employees]~~ complete insurance coverage, including, but not limited to, liability and
14 errors and omissions insurance, so long as the insurance concerns the business of
15 the board.

16 ~~(5)~~~~[(6)]~~ All fees and charges collected by the board under~~[the provisions of]~~ this
17 chapter shall be paid into the State Treasury through the Finance and
18 Administration Cabinet and shall be credited to an agency fund account for the
19 Board of Auctioneers under~~[the provisions of]~~ KRS 45.253 and shall be withdrawn
20 or expended as provided in that section, if the~~[such]~~ payment, credit, withdrawal, or
21 expense provisions do not conflict with~~[any provision of]~~ this chapter.

22 (a) The board may establish and collect reasonable fees relating to the
23 administration and enforcement of this chapter for application or other
24 processing costs, on-line service, continuing education provider services, copy
25 and mailing services, or other fees necessary to offset the licensing and
26 processing costs.

27 (b) The total expenses for all purposes and obligations of the board shall not

1 exceed the total fees, charges, fines, penalties, and other income imposed
2 under~~[the provisions of]~~ this chapter and paid into the state treasury.

3 (c) The board shall be financially self-sustaining, and if funds permit it may
4 underwrite, within its financial limitations, educational programs for the
5 enlightenment and benefit of all licensees who have paid fees pursuant to this
6 chapter.

7 ~~(6)~~⁽⁷⁾ The board shall maintain annually a list of the names and addresses of all
8 licensees regulated by the board. This list shall also contain the names of all persons
9 whose licenses have been suspended or revoked within the preceding year, as well
10 as any other information relative to the enforcement of~~[the provisions of]~~ this
11 chapter that the board may deem of interest to the public.

12 ~~(7)~~⁽⁸⁾ The board may promulgate administrative regulations with the approval of the
13 executive director of the Kentucky Real Estate Authority in accordance with KRS
14 Chapter 13A as required to fulfill the duties and functions assigned to the board by
15 this chapter.

16 ~~[(9) A board member shall be automatically removed from the board and a vacancy shall
17 occur when:~~

18 ~~(a) An auctioneer member of the board ceases to be a licensed auctioneer;~~

19 ~~(b) A nonlicensed member of the board acquires a license regulated by the board;~~

20 ~~(c) A board member enters a plea of guilty, an Alford plea, a plea of no contest to,
21 or has been convicted of, any felony, and the time for appeal has passed or the
22 judgment of conviction has been finally affirmed on appeal;~~

23 ~~(d) A board member ceases to be a resident of the Commonwealth of Kentucky;~~

24 ~~(e) The member displays incompetence, neglect of duty, or unprofessional
25 conduct;~~

26 ~~(f) The member fails to adhere to a duly adopted code of ethics of the board.
27 Failure to adhere to this code shall be determined by official action of the~~

1 board;

2 ~~(g) The member enters a plea of guilty to, or has been found guilty of, a felony~~
3 ~~and the time for appeal has passed or the judgment of conviction has been~~
4 ~~finally affirmed on appeal; or~~

5 ~~(h) The member misses three (3) consecutive meetings or misses more than~~
6 ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~
7 ~~month period.]~~

8 ~~(8)~~~~(10)~~ The Governor shall set the compensation of the members of the board, but
9 voting members of the board shall be compensated no less than three hundred
10 dollars (\$300) per day for official business, subject to an annual maximum of six
11 thousand dollars (\$6,000)~~]. Members shall be reimbursed for all expenses paid and~~
12 ~~incurred in the discharge of official business consistent with the reimbursement~~
13 ~~policy for state employees].~~ With the approval of the executive director of the
14 Kentucky Real Estate Authority within the Department of Professional Licensing,
15 board members and board staff may attend and travel to and from meetings and
16 events relevant to the board and the industry the board represents.

17 ➔Section 128. KRS 330.110 is amended to read as follows:

18 The board may suspend for a period up to five (5) years or revoke the license of any
19 licensee, or levy fines not to exceed two thousand dollars (\$2,000), with a maximum fine
20 of five thousand dollars (\$5,000) per year arising from any single incident or complaint,
21 against any licensee, or place any licensee on probation for a period of up to five (5)
22 years, or require successful passage of any examination administered by the board, or
23 require successful completion of any course of auction study or auction seminars
24 designated by the board, or issue a formal reprimand, or order any combination of the
25 above, for violation of this chapter~~by any licensee of any of the provisions of this~~
26 ~~chapter],~~ or for any of the following causes:

27 (1) Obtaining a license through false or fraudulent representation;

- 1 (2) Making any substantial misrepresentation;
- 2 (3) Pursuing a continued and flagrant course of misrepresentation or intentionally
3 making false promises or disseminating misleading information through agents or
4 advertising or otherwise;
- 5 (4) Accepting valuable consideration as an apprentice auctioneer for the performance of
6 any of the acts specified in this chapter, from any person, except his or her principal
7 auctioneer;
- 8 (5) Failing to account for or remit, within a reasonable time, any money belonging to
9 others that comes into the licensee's possession, commingling funds of others with
10 the licensee's own funds, or failing to keep the funds of others in an escrow or
11 trustee account;
- 12 (6) Paying valuable consideration to any person for services performed in violation of
13 this chapter, or procuring, permitting, aiding, or abetting any unlicensed person
14 acting in violation~~[of any of the provisions]~~ of this chapter;
- 15 (7) Entering a plea of guilty, an Alford plea, a plea of no contest to, or being convicted
16 of, any felony, and the time for appeal has passed or the judgment of conviction has
17 been finally affirmed on appeal;
- 18 (8) Violation~~[of any provision]~~ of this chapter or any administrative regulation
19 promulgated by the board;
- 20 (9) Failure to furnish voluntarily at the time of execution, copies of all written
21 instruments prepared by any licensee to each signatory of the written instrument;
- 22 (10) Any conduct of a licensee which demonstrates bad faith, dishonesty, incompetence,
23 or untruthfulness;
- 24 (11) Any other conduct that constitutes improper, fraudulent, dishonest, or negligent
25 dealings;
- 26 (12) Failure to enter into a binding written auction listing contract with the seller or with
27 the seller's duly authorized agent prior to advertising, promoting, or offering any

- 1 real or personal property by or at auction;
- 2 (13) Failure to provide a receipt to all persons consigning personal property with any
3 licensee for auction;
- 4 (14) Failure to establish and maintain, for a minimum of five (5) years from final
5 settlement, complete and correct written or electronic records and accounts of all
6 auction transactions, including:
- 7 (a) Listing contracts, including the name and address of the seller;
- 8 (b) Written purchase contracts;
- 9 (c) Descriptive inventory and final bid amounts of all items or lots offered;
- 10 (d) Buyer registration records; and
- 11 (e) Settlement records, including all moneys received and disbursed and escrow
12 account activity;
- 13 (15) Failure of any licensee to present any auction-related information, including but not
14 limited to advertisements, listing contracts, purchase contracts, clerking records,
15 buyer registration records, settlement records, escrow account information, license,
16 or any other auction-related information, subsequent to a request by the board's
17 administrative coordinator~~executive director~~, a board compliance officer, or
18 board counsel; or
- 19 (16) Failure of a principal auctioneer to provide supervision to his or her apprentice
20 auctioneers.
- 21 ➔Section 129. KRS 330.192 is amended to read as follows:
- 22 (1) (a) There is hereby created and established in the State Treasury the auctioneer's
23 education, research, and recovery fund.
- 24 (b) In addition to the license fees established in KRS 330.070, and KRS 330.095,
25 the board may assess each licensee a renewal recovery fee established by
26 administrative regulations promulgated by the board in accordance with KRS
27 Chapter 13A. Each initial applicant shall pay an initial recovery fee

1 established by administrative regulations promulgated by the board in
2 accordance with KRS Chapter 13A.

3 (2) The purposes of the auctioneer's education, research, and recovery fund shall be as
4 follows:

5 (a) When a licensee has been duly found guilty of violating one (1) or more of the
6 provisions of this chapter, or one (1) or more of the administrative regulations
7 duly promulgated by the board, and upon the conclusion of a final order
8 entered by the board or by the courts, if appealed, the board is authorized to
9 pay to the aggrieved party an amount not to exceed fifty thousand dollars
10 (\$50,000) against any one (1) licensee, if the licensee has refused to pay the
11 claim within twenty (20) days of entry of a final order and provided further
12 that the amount or amounts of money in question are certain and liquidated.

13 (b) The board shall maintain a minimum of two hundred fifty thousand dollars
14 (\$250,000) for recovery and guaranty purposes. These funds may be invested
15 and reinvested in the same manner as funds of the State Employees'
16 Retirement System and the interest from said investments shall be deposited
17 to the credit of the research and recovery fund, or, in the discretion of the
18 board, to the agency fund account as set out in subsection (5) of Section 127
19 of this Act~~[KRS 330.050(6)]~~. Sufficient liquidity, however, shall be
20 maintained so that money is available to satisfy all claims which may be
21 processed through the board by means of administrative hearing as outlined in
22 this chapter.

23 (c) The board may use funds in excess of two hundred fifty thousand dollars
24 (\$250,000), whether from the auctioneer's education, research, and recovery
25 fund fees or accrued interest thereon, for any of the following purposes:

26 1. To advance education and research in the auction field for the benefit of
27 those seeking an auctioneer license, those licensed under ~~the provisions~~

- 1 ~~of~~ this chapter and to improve and make more efficient the auction
2 industry;
- 3 2. To underwrite educational seminars, caravans, and other forms of
4 educational projects for the general benefit of licensees;
- 5 3. To establish an auction chair or courses at Kentucky state institutions of
6 higher learning for the purpose of making college or university level
7 courses available to licensees and the general public;
- 8 4. To contract for a particular research project in the auction field for the
9 Commonwealth of Kentucky;
- 10 5. To sponsor, contract for, and to underwrite all other educational and
11 research projects that contribute to the advancement of the auction field
12 in Kentucky;
- 13 6. To cooperate with associations of auctioneers and any other groups for
14 the enlightenment and advancement of Kentucky licensees;
- 15 7. To increase the level of the auctioneer's education, research, and
16 recovery fund above two hundred fifty thousand dollars (\$250,000); and
- 17 8. To augment the regular trust and agency account of the board for
18 purposes of addressing cash flow shortfalls, budget deficits, and for
19 reimbursement of ~~personnel,~~ administrative, operational, and capital
20 expenses incurred by the trust and agency account pursuant to the
21 purposes of the education, research, and recovery fund as provided in
22 this section, an amount not to exceed two hundred fifty thousand dollars
23 (\$250,000) annually.
- 24 (d) Within one hundred twenty (120) days after the end of each fiscal year, the
25 board shall make public, through its Web site or other public media, a
26 statement of income and expenses of the auctioneer's education, research, and
27 recovery fund, the details of which are in accordance with state financial

1 reporting requirements.

- 2 (3) (a) If a licensee is found guilty of one (1) or more provisions of this chapter or of
3 violating one (1) or more of the administrative regulations of the board, and if
4 the amount of the money lost by the aggrieved party or parties is in dispute or
5 cannot be determined accurately, then the amount of damages shall be
6 determined by the Circuit Court in the county where the alleged violation took
7 place, ~~if provided that~~ the board has previously determined that a violation of
8 the license laws or of the administrative regulations has occurred and a final
9 order has been entered.
- 10 (b) If an order has been entered and the license rights of the licensee have been
11 finally adjudicated, then the local Circuit Court shall determine the monetary
12 damages due from the licensee's ~~[aforesaid]~~ violation or violations.
- 13 (c) When a final order has been entered by the Circuit Court, Court of Appeals, or
14 Supreme Court, and upon certification to the board, the aggrieved party or
15 parties shall be paid an amount not to exceed fifty thousand dollars (\$50,000)
16 by the board, and the license held by the licensee against whom the claim was
17 made by the aggrieved party shall be suspended at least until the licensee has
18 reimbursed the auctioneer's education, research, and recovery fund for all
19 amounts paid to the aggrieved party due to the violation of the licensee.
- 20 (d) When, upon the final order of the court, the board has paid from the
21 auctioneer's education, research, and recovery fund any sum to the aggrieved
22 party, the board shall be subrogated to all of the rights of the aggrieved party
23 to the extent of the payment and the aggrieved party shall, to the extent of the
24 payment, assign his or her right, title, and interest in the judgment to the
25 board.
- 26 (e) All claims for monetary damages or relief from the auctioneer's education,
27 research, and recovery fund shall be made in writing and submitted to the

1 board within twelve (12) months of the act of the auctioneer giving rise to the
2 loss. Failure to file a claim within the twelve (12) month period shall bar the
3 claim. Additional evidence shall be submitted by the claimant if required by
4 the board.

5 (f) Notwithstanding any other provisions of this chapter, no unreimbursed
6 amount greater than fifty thousand dollars (\$50,000) shall be paid by the board
7 on account of any one (1) licensee, no matter over how long a time, or for how
8 many claims, and no matter ~~what~~ the number of claimants ~~be~~ or the size of
9 the~~such~~ claims, individually or in the aggregate. Should the licensee
10 reimburse the fund for all amounts paid, then future claims timely filed with
11 the board concerning different matters may be received pursuant to this
12 section.

13 (g) No claims shall be approved under this section for amounts which, in the
14 aggregate, exceed the maximum payable on account of any one (1) licensee in
15 effect at the time of the act or acts of the licensee giving rise to the claims,
16 except to the extent of that~~said~~ maximum. Statutory increases in the
17 maximum set out in this section do not apply retroactively.

18 (4) All categories of licensees under this chapter are covered under ~~the provisions of~~
19 this section for the benefit and protection of the public.

20 (5) This section is not intended to substitute for, circumvent, or duplicate other
21 remedies existing at law or otherwise for claimants or potential claimants, but
22 constitutes a last resort for aggrieved persons who would not, but for ~~the provisions~~
23 ~~of~~ this section, be able to recover their losses by any other means available. The
24 board shall have full discretion to require that claimants exhaust all other remedies
25 prior to proceeding under this section, including but not limited to the remedy of
26 obtaining a judgment by all diligent and appropriate means.

27 ➔Section 130. KRS 334.120 is amended to read as follows:

- 1 (1) Complaints against licensed persons shall be handled by the board in the following
2 manner:
- 3 (a) Any person desiring to make a complaint against a licensee under this chapter
4 shall reduce the complaint to writing and file it with the board.
- 5 (b) The board may conduct an investigation into any complaint which the board
6 feels may constitute a violation of this chapter or the administrative
7 regulations promulgated under this chapter~~[thereunder]~~.
- 8 (c) The board may require that the licensee file a statement or report in writing as
9 to the facts and circumstances concerning the complaint together with other
10 information, material, or~~[data]~~ reasonably related data~~[thereto]~~.
- 11 ~~[(d) The board may request the assistance of the Attorney General in connection
12 with an investigation.~~
- 13 ~~(e) The board may employ the services of a hearing officer to conduct hearings,
14 prehearing conferences, advise the board as to legal matters, and provide other
15 legal services deemed appropriate by the board.]~~
- 16 (2) If the board determines the charges made in the complaint are sufficient to warrant a
17 hearing to determine whether the license issued under this chapter shall be
18 suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in
19 accordance with KRS Chapter 13B.
- 20 (3) ~~[The provisions of]~~This chapter shall in no way limit the jurisdiction and authority
21 of the Attorney General to take any necessary action under the Kentucky Consumer
22 Protection Act, KRS 367.110 to 367.300.
- 23 (4) The board may suspend, revoke, or levy a fine not to exceed one thousand dollars
24 (\$1,000), refuse to issue or renew any license for a fixed period of time, place on
25 probation, issue a written reprimand to a licensee, or any combination of these
26 actions~~[thereof]~~, based on a finding of the board after hearing that a person licensed
27 under~~[the provisions of]~~ this chapter has committed any of the following acts:

- 1 (a) Change of personal name, corporate name, charter, entity, or partnership name
2 or composition to avoid the imposition of liens or court action;
- 3 (b) The conviction of a felony, or a misdemeanor, if in accordance with KRS
4 Chapter 335B. The record of conviction, or a copy of this record~~thereof~~,
5 certified by the clerk of the court or by the judge in whose court the conviction
6 is had, shall be conclusive evidence of that conviction;
- 7 (c) Procuring ~~a~~~~of~~ license by fraud or deceit practiced upon the board;
- 8 (d) Unethical conduct as defined by the board by promulgation of an
9 administrative regulation;
- 10 (e) Engaging in any unfair, false, misleading, or deceptive act or practice;
- 11 (f) Incompetence or negligence in the practice of selling or fitting hearing
12 instruments; or
- 13 (g) Violating~~any provision of~~ this chapter or the administrative regulations
14 promulgated under this chapter~~thereunder~~.

15 ➔Section 131. KRS 334.140 is amended to read as follows:

- 16 (1) There is created the Kentucky Licensing Board for Specialists in Hearing
17 Instruments.
- 18 (2) The board shall be composed of nine (9) members who shall be appointed by the
19 Governor. Terms of office shall be at the Governor's discretion, not to exceed four
20 (4) years. All terms shall expire on July 31 of the designated year~~. Each member~~
21 ~~shall serve for the term of his appointment and until his successor has been~~
22 ~~appointed and qualified. If a vacancy occurs on the board, a new member shall be~~
23 ~~appointed to serve out the unexpired term].~~ No member shall serve consecutive
24 terms on the board~~. Upon recommendation of the board, the Governor may remove~~
25 ~~any member of the board for excessive absenteeism, neglect of duty, or malfeasance~~
26 ~~in office].~~
- 27 (3) Five (5) members shall be specialists in hearing instruments licensed under KRS

1 334.080. The appointees shall have at least five (5) years' relevant experience. The
 2 Governor shall consider nominations from the Hearing Aid Association of
 3 Kentucky. No two (2) members from the same place of business may serve on the
 4 board at the same time.

5 (4) One (1) member shall be a physician licensed to practice medicine in Kentucky and
 6 specializing in otology or otolaryngology.

7 (5) One (1) member shall be an audiologist holding at least a master's degree from a
 8 recognized college or university and having the certification of clinical competence
 9 in audiology from the American Speech-Language-Hearing Association and
 10 licensed under KRS Chapter 334A.

11 (6) One (1) member shall be a citizen at large who is not associated with or financially
 12 interested in the practice or business regulated.

13 (7) One (1) member shall be the secretary of the Cabinet for Health and Family
 14 Services or *the secretary's*~~[his]~~ designee.

15 ~~[(8) Five (5) members of the nine (9) members of the board, when properly convened,
 16 may conduct the business of the board.]~~

17 ➔Section 132. KRS 334.150 is amended to read as follows:

18 The powers and duties of the board ~~are~~shall be as follows:

19 (1) To authorize all disbursements necessary to carry out ~~provisions of~~ this chapter;~~[-]~~

20 (2) To prepare and administer qualifying examinations to test the knowledge and
 21 proficiency of applicants for licensing;~~[-]~~

22 (3) To license persons who apply to the board and who are qualified to practice the
 23 fitting of hearing instruments;~~[-]~~

24 (4) To purchase and maintain or rent audiometric equipment and facilities necessary to
 25 carry out the examination of applicants for licensing;~~[-]~~

26 (5) To issue and renew licenses;~~[-]~~

27 (6) To suspend, revoke, refuse to issue, or renew licenses, impose probationary or

- 1 supervisory conditions, issue letters of reprimand, or levy fines against a licensee, or
 2 any combination ***of these actions;*** ~~thereof.~~
- 3 (7) To appoint representatives to conduct or supervise the examination of applicants for
 4 licensing;~~[-]~~
- 5 (8) To designate the time and place for examining applicants;~~[-]~~
- 6 (9) To promulgate administrative regulations consistent with the laws of this
 7 Commonwealth which are necessary to carry out ~~the provisions of~~ this chapter;~~[-]~~
- 8 (10) To require the periodic inspection of audiometric testing equipment and to carry out
 9 the periodic inspection of facilities of persons who practice the fitting of hearing
 10 instruments;~~[-]~~
- 11 ~~(11) To employ secretaries, attorneys, inspectors, clerks, or any other employees that the~~
 12 ~~board may deem necessary to carry out the provisions of this chapter. The board~~
 13 ~~may employ or discharge at its discretion.~~
- 14 ~~(12)~~ To initiate a formal educational program consistent with the intent of this chapter in
 15 that the consumer public shall be served by the specialist in hearing instruments
 16 trained in the latest technology in fitting hearing instruments;~~[-]~~
- 17 **(12)**~~(13)~~ To promulgate administrative regulations establishing requirements and
 18 standards for continuing education; ***and***~~[-]~~
- 19 **(13)**~~(14)~~ To administer oaths and to require the attendance of witnesses, the production
 20 of books, records, and papers pertinent to any matters coming before the board by
 21 the issuance of process which shall be served and returned in the same manner as in
 22 civil actions and for the disobedience of which the board shall have by resort to a
 23 court of competent jurisdiction the power to invoke the same rights as ***those***
 24 ***granted for*** ~~are provided in the event of~~ disobedience of a subpoena or subpoena
 25 duces tecum in a civil action.
- 26 ➔Section 133. KRS 334.160 is amended to read as follows:
- 27 ~~(1) The board shall meet at least once a year at times and places to be designated by the~~

1 ~~board and upon such notice as the board may prescribe. At its first meeting each~~
2 ~~calendar year, the board shall elect a chairman, vice chairman, and secretary~~
3 ~~treasurer, each to serve in his respective capacity for one (1) year.~~

4 (2) Fees, charges, and other moneys collected by the board shall be paid into the State
5 Treasury and credited to a trust and agency fund to be used to pay expenses in
6 administering this chapter. All moneys shall be received, disbursed, and accounted
7 for by the board or its designee. All moneys not expended by the board to pay
8 expenses in administering this chapter shall be retained by the board from year to
9 year to be expended for the purposes expressed in this chapter.

10 (2)(3) Each member of the board shall be paid a reasonable sum, not to exceed one
11 hundred dollars (\$100) per day, for each day of actual service on the board ~~and~~
12 ~~shall be reimbursed all reasonable and necessary travel expenses].~~

13 ➔Section 134. KRS 334A.070 is amended to read as follows:

14 (1) There is hereby created a Board of Speech-Language Pathology and Audiology
15 which shall consist of eight (8) members to be appointed by the Governor. Three (3)
16 members shall be audiologists, three (3) members shall be speech-language
17 pathologists, one (1) shall be an otolaryngologist, and one (1) member shall be a
18 citizen at large who is not associated with or financially interested in the practice or
19 business regulated. The audiologists and speech-language pathologists members
20 shall hold a Kentucky license from the board of speech-language pathology and
21 audiology and shall practice in Kentucky. One (1) of the speech-language
22 pathologist members shall be employed in the public schools of the
23 Commonwealth. The members of the board shall serve until the expiration of the
24 term for which they have been appointed ~~or until their successors are qualified].~~
25 All appointments made shall be for a term of three (3) years except for
26 appointments to fill vacancies caused by a reason other than the expiration of a
27 member's term which shall be filled for the remaining portion of the member's term.

1 No person shall be appointed to serve more than two (2) consecutive terms.

2 (2) ~~[(The board shall reorganize annually and select a chairman. Four (4) members of~~
3 ~~the board shall constitute a quorum to do business.]~~The board shall hold at least
4 two (2)~~[one (1)]~~ regular meetings~~[meeting]~~ each year. Additional meetings may be
5 held upon call of the chairman or at the written request of any two (2) members of
6 the board. All meetings of the board shall be open and public.

7 ➔Section 135. KRS 334A.120 is amended to read as follows:

8 All moneys received by the board under this chapter shall be paid to the secretary of the
9 board. All money shall be deposited in the State Treasury into a separate trust fund for the
10 board. The board shall be financed solely and individually from income accruing to it
11 from fees, licenses, and other charges collected by the board and all such moneys are
12 hereby appropriated to the board. All~~[salaries and]~~ expenses shall be paid~~[as budgeted~~
13 ~~after budgets have been approved by the State Budget Commission or]~~ within the
14 limitations of any appropriation for that purpose which may be included in the executive
15 branch budget bill.

16 ➔Section 136. KRS 335.050 is amended to read as follows:

17 (1) There is hereby created the Kentucky Board of Social Work, consisting of seven (7)
18 members appointed by the Governor. One (1) member shall be a certified social
19 worker under~~[the provisions of]~~ KRS 335.010 to 335.160 and 335.990. One (1)
20 member shall be a licensed social worker under~~[the provisions of]~~ KRS 335.010 to
21 335.160 and 335.990. One (1) member shall be a licensed clinical social worker
22 licensed under~~[the provisions of]~~ KRS 335.010 to 335.160 and 335.990. Three (3)
23 members shall be persons licensed by the board at any level, at the discretion of the
24 Governor. One (1) member shall be a citizen at large who is not associated with or
25 financially interested in the practice or business regulated. With the exception of the
26 citizen at large, each member shall be appointed from a list of names of qualified
27 persons submitted by any interested parties. The Governor may request the

1 submission of additional names.

2 (2) Members of the board shall be appointed for terms of four (4) years, except
3 appointments to fill vacancies caused by a reason other than the expiration of a
4 member's term. A member shall not serve more than two (2) consecutive full
5 terms~~]. A member currently serving on the board who has served more than two (2)~~
6 ~~consecutive full terms shall be replaced by the Governor in a timely manner. Upon~~
7 ~~recommendation of the board, made after notice and hearing, the Governor may~~
8 ~~remove any member of the board for incompetence, neglect of duty, or malfeasance~~
9 ~~in office.~~

10 ~~(3) All vacancies shall be filled by the Governor.~~

11 ~~(4) The board shall organize upon appointment and qualification of its members, and~~
12 ~~shall elect annually from its membership a chairman, vice chairman, and a secretary.~~
13 ~~The board shall meet as frequently as it deems necessary, but not less than two (2)~~
14 ~~times each year, at such times and places as the board designates. Additional~~
15 ~~meetings may be held upon call of the chairman or upon the written request of two~~
16 ~~(2) members of the board. Four (4) members of the board shall constitute a~~
17 ~~quorum].~~

18 ➔Section 137. KRS 335.060 is amended to read as follows:

19 The members of the board shall receive per diem compensation, not to exceed one
20 hundred twenty-five dollars (\$125), to be established by an administrative regulation
21 promulgated by the board~~]. Members may be reimbursed for their reasonable necessary~~
22 ~~expenses incurred in the performance of their duties. Reimbursement shall not be made if~~
23 ~~available funds are insufficient for this purpose].~~

24 ➔Section 138. KRS 335.070 is amended to read as follows:

25 (1) (a) The board shall administer and enforce ~~the provisions of]~~ KRS 335.010 to
26 335.160 and KRS 335.990, and shall evaluate applications and issue licenses
27 to qualified applicants within forty-five (45) days of submission of the

- 1 complete application packet and receipt of the official passing score report and
2 the licensure fee.
- 3 (b) Within fifteen (15) days of accepting an applicant's payment and application
4 packet, the board shall:
- 5 1. Notify the applicant that the application packet is complete, approve the
6 applicant to sit for the national examination, and issue a temporary
7 permit to engage in the practice of social work; or
 - 8 2. Notify the applicant that the application packet is incomplete and, when
9 all omitted application items are received, notify the applicant of receipt
10 of the complete application packet, approve the applicant to sit for the
11 national examination, and issue a temporary permit to engage in the
12 practice of social work.
- 13 (c) The board shall evaluate the complete application packet and, within forty-
14 five (45) days, notify a qualified applicant of the issuance of the permanent
15 license pursuant to KRS 335.080, 335.090, or 335.100.
- 16 (d) If the board deems an applicant unqualified, the license may be denied and the
17 temporary permit to practice social work may be revoked.
- 18 (e) In order to be issued a temporary permit, an applicant shall have submitted:
- 19 1. A complete application packet as provided in this subsection, with the
20 exception of a passing score on the required examination; and
 - 21 2. If applying for licensure as a certified social worker or as a licensed
22 clinical social worker, a letter from a licensed clinical social worker, or
23 equivalent, who will supervise the applicant while under temporary
24 permit in accordance with administrative regulations.
- 25 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
26 administer oaths, and investigate allegations of practices violating~~the provision of~~
27 KRS 335.010 to 335.160 and KRS 335.990.

- 1 (3) The board may promulgate administrative regulations pursuant to KRS Chapter
2 13A to carry out~~the provisions of~~ KRS 335.010 to 335.160 and KRS 335.990.
- 3 (4) The board may conduct hearings pursuant to KRS Chapter 13B and keep records
4 and minutes necessary to carry out the functions of KRS 335.010 to 335.160 and
5 KRS 335.990.
- 6 ~~(5) The board may employ any other persons it deems necessary to carry on the work of
7 the board, and shall define their duties and fix their compensation.~~
- 8 ~~(6)~~ The board may renew licenses and require continuing education as a condition for
9 license renewals, and shall authorize organizations to provide continuing education
10 programs, including but not limited to:
- 11 (a) Schools of social work accredited by the Council on Social Work Education;
12 (b) The National Association of Social Workers-Kentucky Chapter; and
13 (c) The Kentucky Society of Clinical Social Workers.
- 14 ~~(6)~~(7) The board may, after a hearing conducted in accordance with KRS Chapter
15 13B, revoke, suspend, or refuse to issue or renew; impose probationary or
16 supervisory conditions upon; impose administrative fines; issue written reprimands
17 and admonishments; or any combination of actions regarding licenses and licensees.
- 18 ~~(7)~~(8) The board may seek injunctive relief in Franklin Circuit Court to stop the
19 unlawful practice of social work by unlicensed persons.
- 20 ~~(8)~~(9) The board may establish, by promulgation of administrative regulations, the
21 requirements for temporary permits to practice social work.
- 22 ~~(9)~~(10) The board may enter into agreements with any organization for the creation
23 and implementation of a social work impairment program, as specified in the
24 agreement.
- 25 ~~(10)~~(11) The board shall refund any levied administrative assessments that it has
26 received for practice by unlicensed individuals employed by organizations
27 exempted from the application of KRS 335.010 to 335.160 and 335.990 by KRS

1 335.010(5).

2 **(11) At least one (1) person assigned to serve as an administrator or staff member of**
 3 **the board under Section 4 of this Act shall have spent a minimum of five (5) years**

4 **as:**

5 **(a) A licensee in good standing with the board; or**

6 **(b) An employee, administrator, or staff member of the board.**

7 ➔Section 139. KRS 335.310 is amended to read as follows:

8 (1) There is created the Kentucky Board of Licensure of Marriage and Family
 9 Therapists, **which** ~~Effective January 1, 1999, it~~ shall be composed of seven (7)
 10 members. Six (6) members shall be licensed marriage and family therapists. One (1)
 11 member shall be a citizen-at-large who is not associated with or financially
 12 interested in the practice or business of marriage and family therapy. All members
 13 shall be appointed by the Governor from a list of names of qualified persons
 14 submitted by any interested parties. The Governor may request the submission of
 15 additional names. Each member of the board shall serve for a term of four (4) years.

16 ~~(2) All reappointments to the board and vacancies on the board shall be filled by the~~
 17 ~~Governor as described in subsection (1) of this section.~~

18 ~~(3) Each member of the board shall receive one hundred dollars (\$100) per day for each~~
 19 ~~day spent performing official duties as a board member and reimbursement for~~
 20 ~~actual and necessary expenses incurred in carrying out official duties.~~

21 ~~(3)(4) The board shall annually elect a chair, a vice chair, and a secretary-treasurer.~~

22 ~~(5) The board shall hold at least two (2) meetings annually and additional meetings as~~
 23 ~~the board may deem necessary. The additional meetings may be held upon call of~~
 24 ~~the chairperson or upon written request of two (2) board members. Four (4) board~~
 25 ~~members shall constitute a quorum.~~

26 ~~(6) Upon recommendation of the board, the Governor may remove any board member~~
 27 ~~for a poor attendance record, neglect of duty, or malfeasance in office.~~

1 ~~(7)~~ No board member shall serve more than two (2) consecutive full terms. A person
2 who has previously served two (2) consecutive terms may be reappointed to the
3 board if that person has not served in the preceding four (4) years.

4 ➔Section 140. KRS 335.320 is amended to read as follows:

5 The board shall:

- 6 (1) Administer and enforce~~[the provisions of]~~ this chapter and shall evaluate the
7 qualifications of license and permit applicants;
- 8 (2) Approve the examination required of applicants for licensure, provide for the
9 administration and grading of the examination, and provide for other matters
10 relating to licensure in the profession of marriage and family therapy;
- 11 (3) Review the credentials of licensees to determine if they are eligible for license
12 renewal and have paid the fee **required by**~~[provided for in]~~ KRS 335.340;
- 13 (4) License the marriage and family therapist applicants who satisfy the experience and
14 educational requirements of KRS 335.330 and have paid the fee **required**
15 **by**~~[provided for in]~~ KRS 335.330;
- 16 (5) Review and approve contracts between marriage and family therapy associates and
17 approved supervisors for their supervision of practice during the qualifying term;
- 18 (6) Issue permits to marriage and family therapy associate applicants who satisfy the
19 requirements of KRS 335.332;
- 20 (7) Adopt a code of ethics for licensed marriage and family therapists and marriage and
21 family therapy associates;
- 22 (8) Submit an annual report to the Governor and to the Legislative Research
23 Commission by **September**~~[January]~~ 1 of each year, listing all hearings conducted
24 by the board and any decisions rendered; and
- 25 (9) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to
26 implement the purpose and scope of KRS 335.300 to 335.399.

27 ➔Section 141. KRS 335.325 is amended to read as follows:

1 The board may:

2 ~~(1) Employ needed personnel;~~

3 ~~(2) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,~~
4 ~~and investigate allegations of practices violating the provisions of this chapter;~~

5 ~~(2)(3) Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice~~
6 ~~of marriage and family therapy by unlicensed persons;~~

7 ~~(3)(4) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes~~
8 ~~necessary to carry out the functions of this chapter;~~

9 ~~(4)(5) Suspend or revoke licenses or permits or impose supervisory or probationary~~
10 ~~conditions upon licensees or permit holders, or impose administrative disciplinary~~
11 ~~finances, issue written reprimands or admonishments, or any combination *of these*~~
12 ~~*actions* thereof;~~

13 ~~(5)(6) Grant retired or inactive licensure status under conditions set forth by the~~
14 ~~board by the promulgation of administrative regulations;~~

15 ~~(6)(7) Enter into reciprocal agreements with boards of marriage and family therapy~~
16 ~~in other states having licensure qualifications and requirements that meet or exceed~~
17 ~~those provided in this chapter;~~

18 ~~(7)(8) Organize itself into two (2) panels to separate the functions of inquiry and~~
19 ~~hearings. Each panel shall have the power to act as either an inquiry or hearing~~
20 ~~panel. No member serving on the inquiry panel shall serve on the hearing panel for~~
21 ~~any one particular case. Any final decision of the hearing panel shall be considered~~
22 ~~as the final decision of the board and the hearing panel may exercise all powers~~
23 ~~granted to the board pursuant to KRS Chapter 13B; and~~

24 ~~(8)(9) Utilize mediation as a technique to resolve disciplinary matters.~~

25 ➔Section 142. KRS 335.342 is amended to read as follows:

26 (1) All fees and other moneys received by the board pursuant to ~~the provisions of~~ this
27 chapter shall be deposited in the State Treasury to the credit of a revolving fund for

1 the use of the board.

2 (2) No part of this revolving fund shall revert to the general fund of this
3 Commonwealth.

4 (3) The compensation of board members~~[and all of the board's employees]~~ and all
5 expenses incurred by the board shall be paid from this revolving fund.

6 ➔Section 143. KRS 335.510 is amended to read as follows:

7 (1) The Kentucky Board of Licensed Professional Counselors is created and shall
8 consist of seven (7) members who shall reside in the Commonwealth and be
9 appointed by the Governor. One (1) of the members shall be a citizen at large and
10 the remaining six (6) members shall be licensed professional clinical counselors.
11 The licensed professional clinical counselor members on the board shall have been
12 licensed as professional clinical counselors in the Commonwealth for at least two
13 (2) years preceding their appointments. The citizen at large member shall not be
14 associated with or have a relative who is associated with the practice or business of
15 professional counseling. Neither the citizen at large nor *the citizen's*~~[his]~~ relatives
16 shall have a financial interest in the practice or business of professional counseling.

17 (2) All appointments and vacancies to the board shall be filled by the Governor.
18 Appointments and vacancies of counselor members shall be filled by the Governor
19 from a list of three (3) names for each position to be filled that is submitted by the
20 Kentucky Mental Health Counseling Association~~[. Vacancies shall be filled for the~~
21 ~~remainder of the unexpired terms and in the same manner as set out in this~~
22 ~~subsection].~~

23 (3) The length of a term of board appointment shall be four (4) years. A board member
24 shall serve no more than two (2) consecutive terms.

25 (4)~~[The board shall elect a chair from its membership, and a chair shall be elected~~
26 ~~annually but shall serve no more than two (2) consecutive one (1) year terms. Four~~
27 ~~(4) members of the board shall constitute a quorum.~~

1 ~~(5)~~ The board shall hold two (2) meetings annually to give examinations pursuant to
 2 KRS 335.515 and may hold additional meetings as the board deems necessary. The
 3 additional meetings may be held upon call of the chair or upon the written request
 4 of three (3) or more board members.

5 ~~[(6) The Governor shall remove a member from the board, for cause only.]~~

6 ~~(7) A member of the board who is a citizen at large shall be disqualified from his or her~~
 7 ~~seat on the board if:~~

8 ~~(a) He or she, a member of his or her household, or a relative becomes associated~~
 9 ~~with or financially interested in the business of professional counseling;~~

10 ~~(b) He or she, a member of his or her household, or a relative becomes, or is in~~
 11 ~~training to become, a licensed professional clinical counselor; or~~

12 ~~(c) He or she ceases to reside in the Commonwealth.]~~

13 ~~(8) A counselor member of the board shall be disqualified from his seat on the board if:~~

14 ~~(a) He or she has been determined by the board or a court to have violated the~~
 15 ~~code of professional ethics or practice standards established pursuant to KRS~~
 16 ~~335.500 to 335.599;~~

17 ~~(b) He or she ceases to be a licensed professional clinical counselor; or~~

18 ~~(c) He or she ceases to reside in the Commonwealth.]~~

19 ~~(5)~~~~[(9)]~~ Each board member shall receive one hundred dollars (\$100) per day for each
 20 day of service actually given in carrying out ***the board member's***~~[his]~~ duties under
 21 KRS 335.500 to 335.599~~], and shall also be reimbursed the necessary traveling,~~
 22 ~~hotel, and contingent expenses incurred in attending the meetings of the board and~~
 23 ~~in performing the duties of the board].~~

24 ➔Section 144. KRS 335.515 is amended to read as follows:

25 (1) The board shall administer and enforce~~[the provisions of]~~ KRS 335.500 to 335.599
 26 and shall evaluate the qualifications of applicants for licensure.

27 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,

1 administer oaths, and investigate allegations of practices violating ~~the provisions~~
2 ~~of~~ KRS 335.500 to 335.599.

3 (3) The board shall promulgate administrative regulations pursuant to KRS Chapter
4 13A as necessary to carry out and enforce ~~the provisions of~~ KRS 335.500 to
5 335.599, including the establishment of fees.

6 (4) The board shall conduct hearings as necessary pursuant to KRS Chapter 13B and
7 shall keep records and minutes necessary to carry out the function of KRS 335.500
8 to 335.599.

9 (5) The board shall issue credentials to qualified candidates.

10 (6) The board shall renew credentials subject to the provisions of KRS 335.535 and
11 shall require ten (10) continuing education hours as a condition for renewal each
12 year.

13 (7) The board may suspend or revoke credentials, impose supervisory or probationary
14 conditions upon certificate holders, impose administrative disciplinary fines, issue
15 written reprimands and admonishments, or perform any combination ***of these***
16 ***actions***~~thereof~~.

17 (8) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of
18 KRS 335.505(1).

19 (9) The board may grant retired status or inactive status to a credential holder under
20 conditions set out in administrative regulations promulgated by the board.

21 ~~(10) The board may employ persons as necessary to carry on its work and shall define~~
22 ~~those persons' duties and fix their compensation.~~

23 ~~(11)~~ The board shall promulgate by administrative regulation a code of ethics for and
24 standards of practice for all credential holders.

25 ~~(11)~~~~(12)~~ The board may enter into reciprocal agreements with certified or licensed
26 professional counseling boards.

27 ➔Section 145. KRS 335.520 is amended to read as follows:

1 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~ this
2 chapter shall be deposited in the State Treasury to the credit of a revolving fund for
3 the use of the board. The compensation of the board's members~~[and employees]~~
4 and all expenses incurred by the board shall be paid from the revolving fund.

5 (2) No part of this revolving fund shall revert to the general funds of the
6 Commonwealth.

7 ➔Section 146. KRS 335.610 is amended to read as follows:

8 The Kentucky Board of Licensure for Pastoral Counselors is hereby created.

9 (1) The board shall be composed of five (5) members who shall be appointed by the
10 Governor to serve four (4) year terms.

11 (a) Four (4) members shall be Kentucky licensed pastoral counselors actively
12 engaged in the practice or teaching of pastoral counseling.

13 (b) One (1) member shall be a citizen at large who is not associated with, or
14 financially interested in, the practice or business of pastoral counseling.

15 (2) All reappointments to the board and vacancies on the board shall be filled by the
16 Governor from a list of three (3) nominees for each vacancy, submitted by the
17 executive committee of the Kentucky Association of Pastoral Counselors. In
18 selecting the three (3) nominees to be submitted to the Governor, the executive
19 committee shall consider all nominations, including self-nominations, from all
20 pastoral counselors licensed under~~[the provisions of]~~ KRS 335.600 to 335.699.

21 (3) No member shall serve more than two (2) consecutive terms.

22 (4) The chair of the board may not serve more than two (2) years.

23 ~~[(5) Each member shall serve until his or her successor is appointed and qualified.]~~

24 ➔Section 147. KRS 335.615 is amended to read as follows:

25 The board shall~~[meet at least twice a year. The board shall elect a chair at the fall~~
26 ~~meeting who shall serve a one (1) year term. The board shall]~~:

27 (1) Approve or deny applications for licensure submitted according to~~[the provisions~~

- 1 ~~of~~ KRS 335.600 to 335.699;
- 2 (2) Approve the examination required of applicants for licensure, provide for the
3 administration and grading of the examination, and provide for other matters
4 relating to licensure in the profession of pastoral counseling as promulgated in
5 administrative regulations;
- 6 (3) Review the credentials of license holders to determine eligibility for license
7 renewal, including payment of fees authorized in KRS 335.625;
- 8 (4) License those pastoral counseling applicants who satisfy the requirements of KRS
9 335.600 to 335.699, including payment of fees authorized in KRS 335.620;
- 10 (5) Adopt a code of ethics for Kentucky licensed pastoral counselors by promulgation
11 of administrative regulations;
- 12 (6) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to
13 implement the purposes of KRS 335.600 to 335.699;
- 14 (7) Investigate suspected violations of KRS 335.600 to 335.699;
- 15 (8) Institute and maintain actions to restrain or enjoin persons who violate the licensure
16 provisions of KRS 335.600 to 335.699; and
- 17 (9) Submit an annual report to the Governor and to the Legislative Research
18 Commission by September~~January~~ 1 of each year, listing all hearings conducted
19 by the board, any decisions rendered, and a current roster of all Kentucky licensed
20 pastoral counselors.
- 21 ➔Section 148. The following KRS sections are repealed:
- 22 310.080 Licensure and certification until July 15, 1995, of applicants certified under
23 prior law.
- 24 311.882 Issuance of certificate before July 1, 2005.
- 25 311B.060 Powers of board.
- 26 312.045 Suspending member of board.
- 27 312.065 Meetings of board -- Call of meetings, notice.

- 1 315.171 Compensation of board members and executive director.
- 2 319A.040 Meetings -- Quorum -- Officers.
- 3 319A.050 Executive secretary and assistants -- Expenditure of funds.
- 4 322.260 Officers of board.
- 5 323.180 Election of officers.
- 6 323.200 Quorum.
- 7 323A.150 Membership of board.
- 8 323A.180 Election of officers.
- 9 323A.200 Quorum.
- 10 324.2811 Automatic removal of member from commission.
- 11 324.284 Employees -- Office -- Equipment and supplies.
- 12 324A.025 Chairman of board -- Meetings.
- 13 324A.060 Goods and services -- Administrative coordinator.
- 14 324B.010 Definitions for chapter.
- 15 324B.020 Department of Professional Licensing within Public Protection Cabinet.
- 16 324B.030 Department of Professional Licensing -- Services for boards and commissions
- 17 -- Charges -- Complaints -- Acceptance of personal checks in payment of license
- 18 renewal fees.
- 19 324B.040 Independent board or commission to use services of Department of
- 20 Professional Licensing -- Exemptions -- Report.
- 21 324B.050 Kentucky Real Estate Authority -- Executive director -- Powers.
- 22 324B.060 Duties of executive director of Kentucky Real Estate Authority.
- 23 334.170 Department of Professional Licensing to provide assistance.
- 24 334A.100 Board members -- Expenses.
- 25 334A.110 Board to employ necessary personnel.