

## CHAPTER 15

## (HB 276)

AN ACT relating to boards and commissions.

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

➔SECTION 1. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "independent board or commission" means an executive branch agency created by statute that serves the primary purpose of licensing, certifying, registering, or otherwise regulating any occupational or professional category. "Independent board or commission" does not include:*
- (a) *An executive branch board or commission that is a part of another executive branch agency;*
  - (b) *Any board or commission that is under the authority or jurisdiction of the General Assembly or the judicial branch; or*
  - (c) *Any board or commission within any branch of state government if that board or commission is expressly designed to:*
    1. *Study, report, or make recommendations regarding a particular issue; or*
    2. *Expire within a time certain.*
- (2) *Any independent board or commission that is created after the effective date of this Act shall use the administrative services of the Division of Occupations and Professions as described under Section 2 of this Act unless that board or commission can reasonably demonstrate to the satisfaction of the division that it will license, certify, register, or otherwise regulate at least one hundred (100) persons. If the board or commission is able to initially demonstrate that it will reach the threshold established in this subsection and then fails to license, certify, register, or otherwise regulate at least one hundred (100) persons at the end of any two (2) consecutive fiscal years, that board or commission shall be subject to the process required in subsection (4) of this section.*
- (3) *Any independent board or commission that was created before the effective date of this Act shall undergo the process required in subsection (4) of this section if that board or commission licenses, certifies, registers, or otherwise regulates less than one hundred (100) persons at the end of any two (2) consecutive fiscal years ending on or after June 30, 2010.*
- (4) (a) *If an independent board or commission fails to regulate one hundred (100) or more persons for two (2) consecutive fiscal years as described in subsections (2) and (3) of this section, that board or commission shall submit a report within ninety (90) days after the close of the second of the two (2) fiscal years to the Division of Occupations and Professions and to the Interim Joint Committee on Licensing and Occupations of the Legislative Research Commission or to the corresponding standing committees of the General Assembly. The report shall contain, at a minimum:*
1. *The number of persons licensed, certified, registered, or otherwise regulated by the board or commission at the close of each of the two (2) fiscal years;*
  2. *A detailed accounting of the revenues, fees collected, board or commission member reimbursements or per diems, staff salaries, costs, expenses, and other financial activities of the board or commission for each of the two (2) fiscal years; and*
  3. *The board or commission's plan to:*
    - a. *Increase the number of persons it licenses, certifies, registers, or otherwise regulates to one hundred (100) or more persons;*
    - b. *Merge with one (1) or more other boards, commissions, or other governmental entities, which will result in a merged entity that will license, certify, register, or otherwise regulate one hundred (100) or more persons; or*
    - c. *Allow the Division of Occupations and Professions to assume administrative duties for the board or commission as described in Section 2 of this Act.*

*(b) If, after implementation of its plan under paragraph (a)3.a. or b. of this subsection, an independent board or commission fails to license, certify, register, or otherwise regulate one hundred (100) or more persons for an additional three (3) consecutive fiscal years, for a total of five (5) consecutive fiscal years, that board or commission shall allow the Division of Occupations and Professions to assume administrative duties for the board or commission as described in Section 2 of this Act within ninety (90) days after the end of the fifth fiscal year.*

➔Section 2. KRS 224.10-052 is amended to read as follows:

- (1) The Division of Occupations and Professions shall provide administrative services, technical assistance, and advice to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: the State Board of Accountancy, the Kentucky Board of Architects, the Kentucky Board of Barbering, the Kentucky Board of Hairdressers and Cosmetologists, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Kentucky Board of Nursing, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board of Auctioneers, the State Board for Proprietary Education, the State Board of Examiners and Registration of Landscape Architects, the State Board of Medical Licensure, the Board of Speech-Language Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home Administrators, the Kentucky Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of Social Work, and such other boards and commissions as are created to license, certify, register, or otherwise regulate any occupational or professional category.
- (2) *The division may also provide administrative services to a board or commission that is created to license, certify, register, or otherwise regulate any occupational or professional category if these administrative services are deemed to be preferable or required after the review process conducted under Section 1 of this Act.*
- (3) To the extent that the division provides administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The division shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The division may employ persons previously employed by boards or commissions.
- ~~(4)~~~~(3)~~ The division may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the division for administrative purposes. The division shall cause such complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a determination of the validity of the complaint. The division shall keep a record of all complaints received by it and forwarded to a board or commission.
- ~~(5)~~~~(4)~~ Any board or commission listed in subsection (1) of this section, shall accept personal checks in payment of license renewal fees.

**Signed by Governor March 18, 2010.**