

CHAPTER 97**(HB 398)**

AN ACT relating to physical therapist licensure and declaring an emergency.

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

➔SECTION 1. KRS 327.310 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Board of Physical Therapy established in KRS 327.030 shall require a national and state criminal background investigation for every applicant seeking a license, certificate, or temporary permit issued by the board permitting the applicant to engage in a profession authorized by the board. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation, pursuant to the following requirements:

- (1) The applicant shall provide his or her fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation after a state criminal background check is conducted;*
- (2) The results of the national and state criminal background check shall be sent to the board for the screening of applicants;*
- (3) The board shall be prohibited from releasing any criminal history record information to any private entity or other licensing board, or authorizing receipt by such entity or board; and*
- (4) Any fee charged by the Department of Kentucky State Police or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check. The board may charge this fee to the applicant for licensure or certification.*

➔Section 2. Whereas, the Federal Bureau of Investigation has deemed the criminal background check procedures of KRS Chapter 327 insufficient to meet its standards, and failure to change these background check procedures before May 2018 could risk Kentucky's membership in the Physical Therapy Licensure Compact, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 2, 2018.