

201 KAR 2:270. Expungement.

RELATES TO: KRS 315.121(6), 315.191(1)(a)

STATUTORY AUTHORITY: KRS 315.121(6), 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations relating to pharmacists. KRS 315.121(6) requires the board to promulgate administrative regulations to establish violations that are considered minor and subject to expungement. This administrative regulation establishes the violations considered minor and the criteria and procedure for expungement.

Section 1. Definition. "Expungement" means that:

- (1) The affected records shall be sealed;
- (2) The proceedings to which they refer shall be deemed not to have occurred; and
- (3) The affected party may properly represent that no record exists regarding the matter expunged.

Section 2. Minor Violations and Expungement Procedure. (1) The following violations are to be considered minor in nature:

(a) Any unlicensed, unregistered, or unpermitted practice occurring no more than seven (7) days after the expiration of the license, registration, or permit due to failure to timely renew a license, registration, or permit;

(b) Failure to timely obtain required continuing education; and

(c) Failure to comply with any provisions of 201 KAR 2:106 for pharmacy, manufacturer, or distributor closures.

(2) A licensee, registrant, or permit holder seeking expungement of a record of a disciplinary action resulting from a violation designated in subsection (1) of this section shall, in accordance with KRS 315.121(6):

(a) Not have been the subject of a subsequent violation of the same nature for a period of three (3) years after the date of completion of disciplinary sanctions imposed for the violation sought to be expunged; and

(b) Submit a written request to the board.

(3) The board shall consider each request and shall, if the conditions of subsection (2) of this section are satisfied, expunge every record under its custody relating to the subject disciplinary order. (29 Ky.R. 2196; 2447; eff. 4-11-2003; 45 Ky.R. 3460, 46 Ky.R. 414; eff. 8-19-2019.)