

201 KAR 9:025. Interpretation and application of KRS 311.571(10).

RELATES TO: KRS 311.530-311.620, 311.990

STATUTORY AUTHORITY: KRS 311.565, 311.571(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the administrative regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. KRS 311.571(10) authorizes the board to waive licensure requirements in extraordinary circumstances if the applicant's practice would benefit the public welfare based on the applicant's exceptional education, training, and practice credentials. This administrative regulation establishes application procedures and limitations for licensure under KRS 311.571(10).

Section 1. Definitions. (1) "Extraordinary circumstances" means that either one (1) of the Commonwealth's medical schools or an area or group of patients will be specially benefited by the board's granting of licensure to an applicant who has completed qualified education and training comparable in nature to the requirements of KRS 311.571(1) or (2) and is qualified to competently and safely practice medicine or osteopathy within the Commonwealth of Kentucky.

(2) "Exceptional education, training, and practice credentials" means credentials of a character demonstrably comparable to or far beyond those generally presented by applicants seeking licensure, including, at a minimum, verifiable proof that the applicant:

(a) Is a graduate of a medical or osteopathic school of proven quality or has received advanced degrees from reputable graduate study programs in medicine:

(b) Has completed at least three (3) years of postgraduate training recognized by the board to be of high quality; and

(c) Has proven his or her abilities through practice experience.

Section 2. Application. (1) In extraordinary circumstances, the board may grant licensure to an applicant upon proof that the applicant possesses exceptional education, training, and practice credentials and that the applicant's practice would be beneficial to the public welfare.

(2) If an applicant requests that the executive director present his or her application for the board's review under KRS 311.571(10), the executive director may, based upon his or her evaluation of the applicant's credentials and the circumstances involved, refuse to present the application to the board. The executive director shall require the applicant to provide written documentation and other verifiable evidence to aid his or her evaluation.

Section 3. Limitation Upon Licensure if Granted. The board may, in its discretion, grant regular or limited licensure or may place restrictions upon the licensure of anyone who is granted licensure pursuant to KRS 311.571(10). The board shall only grant licensure to physicians of whose competency and fitness the board is assured, and, in any circumstance, to only grant licensure sufficient to satisfy the extraordinary circumstances that are present. (11 Ky.R. 312; eff. 10-9-1984; 42 Ky.R. 2798; 43 Ky.R. 12; eff. 7-20-2016.)