

**201 KAR 9:210. Criminal background checks required for all new applicants.**

RELATES TO: KRS 218A.205, 311.565, 311.571, 311.595, 311.850

STATUTORY AUTHORITY: KRS 218A.205(8), 311.565(1)(b), (k), (t), 311.842(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(b) authorizes the board to promulgate administrative regulations establishing moral, physical, intellectual, educational, scientific, technical, and professional qualifications of applicants for licenses and permits that may be issued by the board. KRS 311.842(1) requires the board to promulgate administrative regulations relating to the licensing and regulation of physician assistants. KRS 311.595 establishes the legal grounds for denial for an application for licensing physicians. KRS 311.850 establishes the legal grounds for denial for an application for licensing physician assistants. KRS 311.565(1)(t) authorizes the board to require a criminal background investigation of all persons applying for licensure at the time of initial application by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. KRS 218A.205(8) requires the board to promulgate an administrative regulation establishing a process for obtaining a national and state fingerprint-supported criminal record check for initial applicants of any license that may be authorized to prescribe controlled substances. This administrative regulation establishes the requirement for criminal background checks for all new applicants.

Section 1. (1) The board shall obtain a fingerprint-supported criminal record check conducted by the Department of Kentucky State Police and Federal Bureau of Investigation, on each applicant for initial licensing to practice medicine or osteopathy or to practice as a physician assistant within the Commonwealth of Kentucky.

(2) The board shall not grant an initial license to practice medicine or osteopathy or to practice as a physician assistant within the Commonwealth until it has received and reviewed the criminal background investigations by both the Department of Kentucky State Police and the Federal Bureau of Investigation for that applicant. (39 Ky.R. 661; Am. 1660; eff. 3-4-2013; Crt eff. 1-15-2020; 47 Ky.R. 368, 943; eff. 11-19-2020)