

201 KAR 9:350. Expungement.

RELATES TO: KRS 311.530-311.620

STATUTORY AUTHORITY: KRS 311.275, 311.565

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.275 and 311.565 authorize the board to promulgate administrative regulations regarding the expungement of records of its licensees or certificate holders. This administrative regulation establishes the violations that may be expunged 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 to have not 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) Failure to timely renew a license or certificate;
- (b) Failure to timely obtain required continuing medical education; and
- (c) Failure to timely obtain required HIV/AIDS continuing education.

(2) A licensee or certificate 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 311.275:

- (a) Submit a written request to the board, no sooner than three (3) years following completion of any disciplinary sanctions imposed under the action sought to be expunged;
- (b) Certify that the licensee or certificate holder has not been disciplined for any subsequent violation of KRS Chapter 311 during that three (3) year period; and
- (c) Certify that the licensee or certificate holder has not previously had a minor violation expunged by the board.

(3) The board shall consider each request and may, if the conditions of subsection (2) of this section are satisfied, expunge all records relating to the disciplinary action being expunged. (30 Ky.R. 769; 1204; eff. 11-19-2003; Crt eff. 12-20-2018.)