

## **201 KAR 32:101. Reinstatement of license subject to disciplinary action.**

RELATES TO: KRS 335.325(5), 335.340(5), (7)

STATUTORY AUTHORITY: KRS 335.320(9), 335.348, 335.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.348 empowers the board to punish a licensee for violation of the statutes and administrative regulations governing the practice of marriage and family therapy. This includes the ability to revoke a license. KRS 335.360 permits a person whose license has been revoked to apply for reinstatement after five (5) years. This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.

Section 1. Definition. (1) "A license voluntarily surrendered as if revoked" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

Section 2. Reinstatement of a License Revoked by Disciplinary Action of the Board. (1) If a license has been revoked, an individual may apply for reinstatement by:

- (a) Completing the License Reinstatement form;
- (b) Paying the initial licensure fee as set forth in 201 KAR 32:030;
- (c) Paying the examination fee as established in 201 KAR 32:030;
- (d) Taking the licensure examination and achieving a passing score; and
- (e) The applicant shall show evidence of completion of fifteen (15) hours of continuing education for each year since the date of revocation in accordance with the requirements established in 201 KAR 32:060.

(2)(a) A hearing shall be held to determine whether or not to reinstate the former licensee.

(b) The board shall consider the information contained in the application and the testimony and evidence obtained in the hearing.

(c) Based upon the information gathered the board shall determine if reinstatement of the license would be a threat to public safety, health and welfare.

(d) If the board finds that there no longer exists a danger to the public, it may reinstate the license.

(e) If the board finds that the danger still exists, it may refuse to reinstate the license.

Section 3. Reinstatement of a License which was Voluntarily Surrendered as if Revoked. (1) If a license has been voluntarily surrendered as if revoked, an individual may apply for reinstatement by:

- (a) Completing the License Reinstatement form;
- (b) Paying the initial licensure fee as established in 201 KAR 32:030;
- (c) Paying a reinstatement fee of fifty (50) dollars;
- (d) Notifying the board, in writing, that the requirements of agreed order have been met or completed; and
- (e) Notifying the board, in writing, to request that a hearing be held to determine if the issuance of a license would no longer be a threat to public safety and welfare;

(2) An individual whose license has been voluntarily surrendered as if revoked shall be required to comply with the annual continuing education requirements for the period during which the license was voluntarily surrendered in accordance with the requirements established in 201 KAR 32:060.

Section 4. Incorporation by Reference. (1) "License Reinstatement form," (2000 Edition), Kentucky Board of Licensure for Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Kentucky Board of Licensure for Marriage and Family Therapists, 911 Leawood Drive, Berry Hill Annex, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (26 Ky.R. 2427; Am. 27 Ky.R. 744; eff. 9-11-2000.)