

201 KAR 21:054. Emergency orders.

RELATES TO: KRS 312.019(3)

STATUTORY AUTHORITY: KRS 312.019(3), 312.150

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(1) authorizes the Board of Chiropractic Examiners to promulgate administrative regulations relating to the practice of chiropractic. KRS 312.019(3) authorizes the board to suspend or limit any license issued by it. This administrative regulation establishes procedures for the emergency suspension or restriction of a license if there is an immediate danger to the health, welfare, or safety of a patient or the general public.

Section 1. Emergency Order of Suspension or Limitation.

- (1) The board president or the board as a whole may take emergency action, which shall be in accordance with KRS 13B.125, by issuing an emergency order to suspend or limit a license to practice chiropractic. An emergency order shall:
 - (a) Be based upon a finding by the board president or the board as a whole that:
 1. The emergency order is in the public interest; and
 2. There is substantial evidence of immediate danger to the health, welfare, or safety of a patient or the general public;
 - (b) Specify the factual basis that caused the emergency condition to exist;
 - (c) Specify the statutory or regulatory violation that caused the emergency condition to exist; and
 - (d) Be served on a licensee in accordance with KRS 13B.050(2).
 - (2) Upon receipt of an emergency order, a licensee shall immediately comply with the emergency order of suspension or limitation.
 - (3) A licensee may appeal the emergency order. An appeal shall be:
 - (a) Made by a written request to the board;
 - (b) In accordance with KRS 13B.125; and
 - (c) Made within thirty (30) days after receipt of the order.
 - (4) A chiropractor's license shall be revoked if:
 - (a) The licensee does not request a hearing; or
 - (b) The condition that resulted in the emergency order is not corrected within thirty (30) calendar days of service of the emergency order.
 - (5) The emergency order shall be affirmed if there is substantial evidence of an immediate threat to public health, safety, or welfare.
- (40 Ky.R. 1513; eff. 3-20-2014; 48 Ky.R. 106, 1525; eff. 11-23-2021.)