

311.605 Reports of violations -- Enforcement powers of agents of board -- Injunctions.

- (1) The county boards of health shall report to the board and to the county and Commonwealth's attorneys of their respective counties all violations of KRS 311.550 to 311.620 and shall assist in the enforcement thereof.
- (2) (a) For the purpose of enforcing the provisions of KRS 311.550 to 311.620, agents of the board shall have the power and authority:
 1. To administer oaths;
 2. To enter upon professional premises during periods when those premises are otherwise open to patients or the public;
 3. To obtain evidence, including but not limited to psychiatric or nonpsychiatric records, by consent or pursuant to a subpoena or search warrant;
 4. To interview all persons; and
 5. To require the production of books, papers, documents, or other evidence, either by consent or pursuant to a subpoena or search warrant.
- (b) The term "premises" as used in this subsection shall mean physician offices, or a physician's primary place of practice, and all pharmacies and health care facilities licensed or regulated by the Commonwealth. Agents of the board may only require pharmacies to produce prescription records and health care facilities to produce records of patients or physician peer reviews. Such inspection or seizure of peer review records shall not affect the confidential nature of those records as provided in KRS 311.377, and the board shall maintain such peer review records so as to protect the confidentiality thereof.
- (3) The board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin the practice of medicine by:
 - (a) An individual who is not licensed to practice medicine or who is not involved in conduct specifically exempted from the requirements of this chapter by KRS 311.550(11); or
 - (b) An individual who was previously licensed by the board to practice medicine but is currently practicing medicine in violation of an emergency order of restriction or suspension, regardless of whether the respondent has been convicted for violation of the penal provisions thereof.
- (4) A petition for injunction filed under subsection (3) of this section may be filed in Jefferson Circuit Court, in the county of residence of the respondent, or in the county in which the acts are alleged to have been committed, and the board shall not be required to pay any costs or filing fees or furnish any bond in connection therewith.
 - (a) In the petition it shall be sufficient to charge that the respondent on a day certain in a named county engaged in the practice of medicine in violation of subsection (3)(a) or (b) of this section. No showing of damage or injury shall be required.

- (b) Issuance of an injunction shall enjoin any act specified under subsection (3)(a) or (b) of this section and shall remain in place as long as necessary to prevent the unlawful practice of medicine.
- (c) Issuance of an injunction shall not relieve the respondent from being subject to any other proceeding under law provided by this chapter or otherwise.
- (d) Violation of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 175, sec. 5, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 130, sec. 19, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 190, sec. 12, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 224, sec. 23, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 302, sec. 12, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 218, sec. 15. -- Created 1952 Ky. Acts ch. 150, sec. 13, effective June 19, 1952.