

311.852 Emergency order issued by inquiry panel suspending, limiting, or restricting license.

- (1) At any time when an inquiry panel established under KRS 311.591 has probable cause to believe that a physician assistant has violated the terms of an agreed order as defined in KRS 311.550(19), or violated the terms of a disciplinary order, or that a physician assistant's practice constitutes a danger to the health, welfare, or safety of his or her patients or the general public, the inquiry panel may issue an emergency order in accordance with KRS 13B.125 suspending, limiting, or restricting the physician assistant's license.
- (2) For the purposes of a hearing conducted under KRS 13B.125 on an emergency order issued under this section, the findings of fact in the emergency order shall constitute a rebuttable presumption of substantial evidence of a violation of law that constitutes immediate danger to the health, welfare, or safety of patients or the general public. For the purposes of this hearing only, hearsay shall be admissible and may serve as a basis of the board's findings.
- (3) An emergency order as described in subsection (1) of this section shall not be issued unless grounds exist for the issuance of a complaint. The inquiry panel shall issue a complaint prior to the date of the emergency hearing or the emergency order shall become void.
- (4) An order of temporary suspension, restriction, or limitation shall not be maintained after a final order as defined in KRS 311.550(20) is served on the charged physician assistant pursuant to the proceeding on the complaint. An appeal of an emergency order shall not prejudice the board from proceeding with the complaint.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 78, sec. 8, effective July 12, 2006. -- Created 2002 Ky. Acts ch. 130, sec. 29, effective July 15, 2002.

Legislative Research Commission Note (7/12/2006). 2006 Ky. Acts ch. 78, sec. 11, provides: "A physician assistant who is certified in Kentucky and in good standing on the effective date of this Act [July 12, 2006] shall automatically be licensed under Sections 1 to 10 of this Act [KRS 311.840, 311.842, 311.844, 311.845, 311.846, 311.848, 311.850, 311.852, 311.856, and 311.862] and shall be issued a physician assistant license upon annual renewal."