

### **319.092 Administrative hearing -- Sanctions -- Appeal.**

- (1) In every proceeding for probation, suspension, or revocation of a license, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The board or a hearing officer appointed by the board shall conduct the hearing.
- (2) All decisions revoking or suspending a license or placing a credential holder on probation shall be made by the board.
- (3) If, after a hearing, a majority of the board finds that a credential holder has violated any provision of this chapter, the board may:
  - (a) Revoke or suspend the license;
  - (b) Impose a monetary penalty not to exceed two thousand dollars (\$2,000) per violation;
  - (c) Revoke or suspend the license or impose a monetary penalty, but suspend enforcement thereof by placing the credential holder on probation, which shall be revocable if the board finds the conditions of the probation order are not being followed by the credential holder;
  - (d) Require the credential holder, as a condition of probation, to submit to care, counseling, or treatment by a professional designated by the board, or require the credential holder to be supervised by a licensed psychologist designated by the board. The expense of this action shall be borne by the credential holder on probation;
  - (e) Modify the conditions of the probation, with good cause, and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both;
  - (f) Require restitution; and
  - (g) Assess the costs of the disciplinary proceeding.
- (4) If the board substantiates that sexual contact occurred between a credential holder and a patient while the patient was under the care or in a professional relationship with the credential holder, the credential holder's license may be revoked or suspended with mandatory treatment of that individual as prescribed by the board. The board may require the credential holder to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.
- (5) Final orders of the board suspending or revoking a license or placing a credential holder on probation shall become effective immediately after written notice is served on the credential holder and the credential holder shall not, after notice of same, engage or continue to engage in the practice of psychology unless the board's final order is revoked or modified by the court after judicial review.
- (6) The board shall make public its final order in all disciplinary actions.
- (7) Any person aggrieved by a final order of the board may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 13, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 318, sec. 277, effective July 15, 1996. -- Amended 1994 Ky. Acts

ch. 265, sec. 10, effective July 15, 1994; and ch. 470, sec. 10, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 104, sec. 9, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 14, effective July 15, 1986.

**Legislative Research Commission Note (7/15/94).** This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.