

### **309.404 Kentucky Board of Durable Medical Equipment Suppliers.**

- (1) There is hereby created the Kentucky Board of Durable Medical Equipment Suppliers that shall be attached for administrative purposes to the Department of Professional Licensing in the Public Protection Cabinet. The board shall consist of five (5) members, each appointed by the Governor. Four (4) members shall be appointed from a list of three (3) names for each position submitted by the Kentucky Medical Equipment Suppliers Association. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. Any vacancy shall be filled for the unexpired term by the Governor, as provided in the original appointment.
- (2) To be eligible for appointment as a member of the board, a person shall be at least twenty-one (21) years of age, of good moral character, a resident of this state, and a licensed durable medical equipment services provider in this state for at least three (3) consecutive years next preceding the date of his or her appointment.
- (3) The terms of office of each member shall be four (4) years, or until a successor is appointed and qualified.
- (4) The board shall elect one (1) of its members as president and another of its members as secretary. The secretary may, subject to approval by the board, employ and fix the compensation of all personnel required for the administration of KRS 309.400 to 309.422. The board may make all rules and promulgate all administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are necessary to implement and carry out the provisions and purposes of KRS 309.400 to 309.422.
- (5) The board shall hold meetings at least twice a year and as frequently as it deems necessary at a time and place within the Commonwealth as the board may designate. A majority of the members shall constitute a quorum.
- (6) The board may sue and be sued in its own name.
- (7) Members of the board shall be immune from suit in any civil or criminal action which is based upon any official act or acts performed by them in good faith as members of the board.
- (8) Members of the board shall receive no compensation for their services, but shall be paid for actual travel and other expenses incurred in connection with the performance of their duties and the business of the board.
- (9) The board may utilize any materials, services, or facilities as may be made available to it by other state agencies or may contract therefor, to the extent as the board in its discretion may determine.

**Effective:** April 11, 2017

**History:** Amended 2017 Ky. Acts ch. 178, sec. 22, effective April 11, 2017. --  
Created 2016 Ky. Acts ch. 103, sec. 11, effective July 15, 2016.