

### **327.070 Disciplinary actions.**

- (1) The board, after due notice and an opportunity for an administrative hearing conducted in accordance with KRS Chapter 13B may take any one (1) or a combination of the following actions against any licensee, certificate holder, or applicant:
  - (a) Refuse to license or certify any applicant;
  - (b) Refuse to renew the license or certificate of any person;
  - (c) Suspend or revoke or place on probation the license or certificate of any person;
  - (d) Impose restrictions on the scope of practice of any person;
  - (e) Issue an administrative reprimand to any person;
  - (f) Issue a private admonishment to any person; and
  - (g) Impose fines for violations of this chapter not to exceed two thousand five hundred dollars (\$2,500).
- (2) The following acts by a licensee, certificate holder, or applicant may be considered cause for disciplinary action:
  - (a) Indulgence in excessive use of alcoholic beverages or abusive use of controlled substances;
  - (b) Engaging in, permitting, or attempting to engage in or permit the performance of substandard patient care by himself or by persons working under his supervision due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established;
  - (c) Having engaged in or attempted to engage in a course of lewd or immoral conduct with any person:
    1. While that person is a patient of a health care facility defined by KRS 216B.015 where the physical therapist or physical therapist's assistant provides physical therapy services; or
    2. While that person is a patient or client of the physical therapist or physical therapist's assistant;
  - (d) Having sexual contact, as defined by KRS 510.010(7), without the consent of both parties, with an employee or coworker of the licensee or certificate holder;
  - (e) Sexually harassing an employee or coworker of the licensee or certificate holder;
  - (f) Conviction of a felony or misdemeanor in the courts of this state or any other state, territory, or country which affects his ability to continue to practice competently and safely on the public, if in accordance with KRS Chapter 335B. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;
  - (g) Obtaining or attempting to obtain a license or certificate by fraud or material misrepresentation or making any other false statement to the board;

- (h) Engaging in fraud or material deception in the delivery of professional services, including reimbursement, or advertising services in a false or misleading manner;
  - (i) Evidence of gross negligence or gross incompetence in his practice of physical therapy;
  - (j) Documentation of being declared mentally disabled by a court of competent jurisdiction and not thereafter having had his rights restored;
  - (k) Failing or refusing to obey any lawful order or administrative regulation of the board;
  - (l) Promoting for personal gain an unnecessary device, treatment, procedure, or service, or directing or requiring a patient to purchase a device, treatment, procedure, or service from a facility or business in which he has a financial interest; and
  - (m) Being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently.
- (3) A private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l). A private admonishment shall not constitute disciplinary action but may be used by the board for statistical purposes or in subsequent disciplinary action against the same licensee, certificate holder, or applicant.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 158, sec. 77, effective June 29, 2017. -- Amended 2005 Ky. Acts ch. 45, sec. 9, effective June 20, 2005; and ch. 93, sec. 6, effective March 16, 2005. -- Amended 2000 Ky. Acts ch. 313, sec. 7, effective July 14, 2000. - - Amended 1996 Ky. Acts ch. 318, sec. 300, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 377, sec. 6, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 141, sec. 88, effective July 1, 1982. -- Amended 1980 Ky. Acts ch. 53, sec. 7, effective July 15, 1980. -- Amended 1970 Ky. Acts ch. 115, sec. 7. -- Created 1958 Ky. Acts ch. 27, sec. 7, effective June 19, 1958.

**Legislative Research Commission Note (6/20/2005).** Although KRS 313.130 was included in 2005 Ky. Acts ch. 45, sec. 9, and ch. 93, sec. 6, as having been amended, the amendment relettering paragraphs of this section in those acts became unnecessary when the Office of the Kentucky Attorney General requested that other changes be made to the rearrangement of the paragraphs of KRS 61.878, which was also amended in 2005 Ky. Acts chs. 45 and 93. The Statute Reviser made these changes under the authority of KRS 7.136.