

311.824 Additional remedies for failure to comply with KRS 311.823.

In addition to whatever remedies are available under the laws of this Commonwealth, failure to comply with the requirements of KRS 311.823 shall:

- (1) Provide a basis for a civil action for compensatory and punitive damages. Any conviction under KRS 311.823 shall be admissible in a civil suit as prima facie evidence of a failure to provide medically appropriate and reasonable medical care and treatment to a born-alive infant. Any civil action may be based on a claim that the death of or injury to the born-alive infant was a result of simple negligence, gross negligence, wantonness, willfulness, intentional conduct, or another violation of the legal standard of care;
- (2) Provide a basis for professional disciplinary action for the suspension or revocation of the license of a physician, physician assistant, advanced practice registered nurse, nurse, or pharmacist. A conviction of any physician, physician assistant, advanced practice registered nurse, nurse, or pharmacist for failure to comply with KRS 311.823(2) shall result in the automatic suspension of his or her license for a period of at least one (1) year and the license shall be reinstated after that time only under such conditions as the licensing body shall require to ensure compliance with KRS 311.823; and
- (3) Provide a basis for recovery for the parent of the infant, or the parent or guardian of the mother if the mother is a minor, for the wrongful death of the infant, whether or not the infant was viable at the time the attempted abortion was performed.

Effective: January 22, 2021

History: Created 2021 Ky. Acts ch. 1, sec. 4, effective January 22, 2021.