

216B.106 Ambulance service investigations and hearings -- Procedures -- Appeals.

- (1) The cabinet shall investigate and hold hearings on complaints pertaining to ambulance services licensed under KRS 311A.030 that are transferred to the cabinet by the Kentucky Board of Emergency Medical Services as required by KRS 311A.055 if the cabinet determines a hearing is needed.
- (2) The hearing shall be before a person designated to serve as hearing officer by the secretary.
- (3) Within thirty (30) days from the conclusion of the hearing, the findings and recommendations of the hearing officer shall be transmitted to the cabinet, with a synopsis of the evidence contained in the record and a statement of the basis of the hearing officer's findings. The applicant or licensee shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the cabinet so permits, by depositions. A full and complete record shall be kept of all hearings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to this chapter. The cabinet shall immediately submit the hearing officer's findings and recommendations or the prepared written findings of fact and statement of the basis for its decision, which shall become part of the record of the proceedings, to the Kentucky Board of Emergency Medical Services.
- (4) The Kentucky Board of Emergency Medical Services may deny, revoke, modify, or suspend a license in any case in which the cabinet finds that there has been a substantial failure to comply with the provisions of KRS 311A.030 or the administrative regulations promulgated hereunder. The denial, revocation, modification, or suspension shall be effected by mailing to the applicant or licensee, by certified mail or other method of delivery which may include electronic service, a notice setting forth the particular reasons for the action. The board shall notify the cabinet within five (5) days of its action in response to the cabinet's findings and recommendations in writing.
- (5) The denial, revocation, modification, or suspension shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within the thirty (30) day period, files a request in writing for a hearing with the cabinet. The cabinet shall notify the board of its actions within five (5) days of receiving a hearing request. All decisions revoking, suspending, modifying, or denying licenses shall be made by the board in writing. The board shall notify the applicant or licensee of the decision.
- (6) The decision of the board shall be final for purposes of judicial appeal upon notice of the board's decision.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 126, sec. 8, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). In codification, a correction has been made to subsection (1) of this statute. Section 8 of 2022 House Bill 777, which created this statute, contained a reference in subsection (1) to "Section 5 of this Act," which has been codified as KRS 311A.035. However, it is clear from the text of the bill that the reference was intended to read "Section 6 of this Act," which has been

codified as KRS 311A.055. Under the authority of KRS 7.136, the Reviser of Statutes has corrected this reference.