

321.351 Disciplinary action -- Offenses subject to disciplinary action -- Private admonishment -- Criminal background investigation.

- (1) The board may refuse to issue a credential, or may suspend, revoke, impose probationary or supervisory conditions upon, impose an administrative fine not to exceed five thousand dollars (\$5,000) per violation, issue a written reprimand, issue a private admonishment, or any combination of actions regarding any credential holder upon proof that the credential holder has:
 - (a) Committed any act of dishonesty or corruption, if in accordance with KRS Chapter 335B. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the credential holder or applicant. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;
 - (b) Misrepresented or concealed a material fact in obtaining a board credential, or in reinstatement of a board credential;
 - (c) Committed any unfair, false, misleading, or deceptive act or practice;
 - (d) Been incompetent or negligent in the practice of veterinary medicine, the practice of veterinary technology, animal euthanasia, allied animal health professional activities, or any associated professional activities;
 - (e) Violated any statute or administrative regulation governing the practice of veterinary medicine, veterinary technology, animal euthanasia, allied animal health professional activities, or any associated professional activities;
 - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
 - (g) Violated the code of conduct as set forth by the board by administrative regulation;
 - (h) Become impaired or incapacitated and unable to perform that person's duties with reasonable skill and safety; or
 - (i) Violated any applicable provision of any federal or state law or regulation regarding the dispensing of controlled substances, veterinary drugs, veterinary prescription drugs, or legend drugs, if in accordance with KRS Chapter 335B.
- (2) Five (5) years from the date of a revocation, any person whose board credential has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the board credential upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in practice.
- (3) When in the judgment of the board, an alleged violation is not of a serious nature, and the evidence presented to the board after the investigation and appropriate opportunity for the credential holder to respond, provides a clear indication that the alleged violation did in fact occur, the board may issue a written reprimand to the credential holder. A copy of the reprimand shall be placed in the permanent file of the credential holder. The credential holder shall have the right to file a response to the reprimand within thirty (30) days of its receipt and to have the response placed

in the permanent licensure file. The credential holder may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request the board shall set aside the written reprimand and set the matter for hearing.

- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order, settlement agreement, or accept an assurance of voluntary compliance with the credential holder which effectively deals with the complaint or grievance.
- (5) The board may reconsider, modify, or reverse its probation, reprimand, suspensions, or other disciplinary action.
- (6) Private admonishment shall not be subject to disclosure to the public under KRS 61.878 and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in a subsequent disciplinary action against the credential holder or applicant.
- (7) As a part of any board investigation under this section or KRS 321.235, the board may require an applicant, credential holder, or any other person engaging in a veterinary practice or activity regulated by the board under this chapter to submit to a criminal background investigation conducted in accordance with KRS 321.189.
- (8) For the purposes of this section, "credential holder" means a person who:
 - (a) Holds any license, certificate, permit, registration, or other credential issued or approved by the board; or
 - (b) Serves as the veterinarian manager, AAHP manager, registered responsible party designated on a facility registration or AAHP facility registration, or as the designated on-site manager for a certified animal control agency.

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History: Amended 2023 Ky. Acts ch. 95, sec. 25, effective June 29, 2023. -- Amended 2017 Ky. Acts ch. 158, sec. 69, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 116, sec. 15, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 13, effective July 14, 1992.