

321.353 Emergency order for immediate, temporary suspension of license, certificate, permit, or registration when necessary to protect the public -- Right to appeal.

- (1) The board may, by a majority vote, issue an emergency order for the immediate, temporary suspension of a license, certificate, permit, or registration against which disciplinary action, an investigation, or initiating complaint is pending if the order is necessary to protect the public.
- (2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of the credential holder's clients, animals, or the general public.
- (3) A licensee, certificate holder, permittee, or registrant may appeal the emergency order by filing a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.
- (4) The appeal of an emergency order shall address only the necessity for the action and shall not constitute an appeal of the merits of the underlying complaint or charge.
- (5) The emergency order shall remain in effect until modified or vacated by the board or hearing officer or superseded by final disciplinary action of the board or hearing officer on the underlying complaint or charge.
- (6) The board shall expedite disciplinary hearings in which a licensee, certificate holder, permittee, or registrant has been suspended under subsection (1) of this section.
- (7) Any party aggrieved by a final order of the board may appeal to the Franklin Circuit Court after a written decision is issued by the board in accordance with KRS Chapter 13B.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 95, sec. 26, effective June 29, 2023. -- Created 2016 Ky. Acts ch. 116, sec. 12, effective July 15, 2016.