335.517 National and state criminal background investigation requirement.

(1) The board shall require a national and state criminal background investigation for every:

(a) Applicant seeking an initial license issued by the board permitting the applicant to engage in a profession authorized by the board;

(b) Applicant seeking to reinstate a license; and

(c) Credential holder licensed to engage in a profession authorized by the board who applies for authorization to engage in the practice of professional counseling outside this Commonwealth in accordance with the counseling compact.

(2) The criminal background investigation under subsection (1) of this section shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation pursuant to the following requirements:

(a) The board shall require each applicant described in subsection (1) of this section to provide a complete and legible set of fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation for a national criminal background check after a state criminal background check is conducted;

(b) The results of the national and state criminal background check shall be sent to the board for the screening of applicants;

(c) The results of a national and state criminal background check shall not be distributed or otherwise released by the board, except that the board:

1. Shall provide any applicant or credential holder the results of his or her national and state criminal background check upon request; and

2. May introduce the results under seal as evidence in a legal proceeding that involves a challenge to any disciplinary action taken by the board based in whole or in part on information contained in the results; and

(d) Any fee charged by the Department of Kentucky State Police or for the Federal Bureau of Investigation background check shall be an amount no greater than the actual cost of processing the request and conducting the background check.

(3) The board shall review the criminal background check results for every person described in subsection (1)(c) of this section and determine whether the person is eligible to apply for the compact privilege to practice outside this Commonwealth.

(4) The board may require a criminal background check for any person licensed to engage in a profession authorized by the board who is the subject of a complaint alleging prohibited conduct as described in KRS 335.540.

(5) Unless otherwise required by law, the board shall not require a criminal background check solely for the purpose of renewing a license.

(6) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

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