

327.070 Disciplinary actions.

- (1) The board, after due notice and an opportunity for an administrative hearing conducted in accordance with KRS Chapter 13B, may take one (1) or a combination of the following actions against any licensee, licensee of another member state as defined in KRS 327.300, or applicant:
 - (a) Refuse to license any applicant;
 - (b) Refuse to renew the license of any person;
 - (c) Permanently revoke, suspend, or place on probation the license of any person;
 - (d) Impose restrictions on the scope of practice of any person;
 - (e) Issue an administrative reprimand to any person; and
 - (f) Issue a private admonishment to any person.
- (2) The following acts by a licensee, licensee of another member state as defined in KRS 327.300, or applicant may be considered cause for disciplinary action:
 - (a) Indulgence in excessive use of alcoholic beverages or abusive use of controlled substances;
 - (b) Engaging in, permitting, or attempting to engage in or permit the performance of substandard patient care by himself or herself or by persons working under his or her supervision due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established;
 - (c)
 1. Having engaged in or attempted to engage in sexual contact as defined in KRS 510.010, whether consensual or nonconsensual, with any active patient of record, or with the parent or legal guardian of an active patient of record, unless a consensual sexual relationship exists between, and predated, the patient and therapist relationship; or
 2. Requesting sexual favors or physical contact of a sexual nature unless a prior consensual sexual relationship exists with any active patient of record of the physical therapist or physical therapist assistant;
 - (d) Having sexual contact, as defined in KRS 510.010, without the consent of both parties, with any individual;
 - (e) Sexually harassing any individual;
 - (f) Conviction of a felony or misdemeanor in the courts of the Commonwealth or any other state, territory, or country which impedes a person's ability to practice competently and safely on the public, if in accordance with KRS Chapter 335B. As used in this paragraph, "conviction" includes a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an Alford plea, an admission of guilt, or a plea of nolo contendere;
 - (g) Obtaining or attempting to obtain a license by fraud or material misrepresentation or making any other false statement to the board;
 - (h) Engaging in fraud or material deception in the delivery of professional services, including reimbursement, or advertising services in a false or misleading manner;
 - (i) Evidence of gross negligence or gross incompetence in his or her practice of

physical therapy;

- (j) Documentation of being declared mentally disabled by a court of competent jurisdiction without having had his or her rights restored;
 - (k) Failing or refusing to obey any lawful order or administrative regulation of the board;
 - (l) Promoting for personal gain an unnecessary device, treatment, procedure, or service, or directing or requiring a patient to purchase a device, treatment, procedure, or service from a facility or business in which he or she has a financial interest;
 - (m) Being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently;
 - (n) Having had a license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked, or suspended by the proper authorities of another state, territory, or country;
 - (o) Interfering with an investigation or disciplinary proceeding by failure to cooperate, by willful misrepresentation of facts, or by the use of threats or harassment against any patient or witness to prevent that patient or witness from providing evidence in a disciplinary proceeding or any legal action;
 - (p) Failing to maintain patient confidentiality without documented authorization of the patient or authorized decision maker, or unless otherwise required by law;
 - (q) Engaging, or attempting to engage, in conduct that subverts or undermines the integrity of the licensure examination process;
 - (r) Violation of KRS 304.39-215; and
 - (s) Conduct that is subject to the penalties under KRS 304.99-060(4) or (5).
- (3) A private admonishment shall not:
- (a) Be subject to disclosure to the public under KRS 61.878(1)(l);
 - (b) Constitute disciplinary action, but may be used by the board for statistical purposes or in subsequent disciplinary action against the same licensee or applicant; or
 - (c) Be admissible in any proceeding under KRS Chapter 13B, except as provided in paragraph (b) of this subsection.
- (4) (a) The board shall develop specific guidelines through the promulgation of administrative regulations in accordance with KRS Chapter 13A to follow upon receipt of an allegation of sexual misconduct by a physical therapist or physical therapist assistant licensed by the board or granted a compact privilege under KRS 327.300.
- (b) The guidelines shall include investigation, inquiry, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a physical therapist or physical therapist assistant is falsely accused.
- (5) The board, staff, and investigators may receive periodic education on pertinent issues, including but not limited to topics affecting the practice of physical therapy and public protection.

- (6) (a) The board may, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish which disciplinary action records may be expunged.
- (b) Any records that are expunged shall be exempt from disclosure under the Kentucky Open Records Act, KRS 61.870 to 61.884.
- (c) The board shall not report expunged disciplinary actions for any purpose other than statistical.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 36, sec. 10, effective July 15, 2026; and ch. 65, sec. 10, effective July 15, 2026. -- Amended 2019 Ky. Acts ch. 143, sec. 19, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 158, sec. 77, effective June 29, 2017. -- Amended 2005 Ky. Acts ch. 45, sec. 9, effective June 20, 2005; and ch. 93, sec. 6, effective March 16, 2005. -- Amended 2000 Ky. Acts ch. 313, sec. 7, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 318, sec. 300, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 377, sec. 6, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 141, sec. 88, effective July 1, 1982. -- Amended 1980 Ky. Acts ch. 53, sec. 7, effective July 15, 1980. -- Amended 1970 Ky. Acts ch. 115, sec. 7. -- Created 1958 Ky. Acts ch. 27, sec. 7, effective June 19, 1958.

Legislative Research Commission Note (7/15/2026). This statute was amended by 2026 Ky. Acts chs. 36 and 65, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (6/20/2005). Although KRS 327.070 was included in 2005 Ky. Acts ch. 45, sec. 9, and ch. 93, sec. 6, as having been amended, the amendment relettering paragraphs of this section in those acts became unnecessary when the Office of the Kentucky Attorney General requested that other changes be made to the rearrangement of the paragraphs of KRS 61.878, which was also amended in 2005 Ky. Acts chs. 45 and 93. The Statute Reviser made these changes under the authority of KRS 7.136.