

1 AN ACT relating to reorganization.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS CHAPTER 308 IS ESTABLISHED AND A NEW
4 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

5 *As used in this chapter, unless the context otherwise requires:*

6 *(1) "Board" means one (1) of the state administrative agencies listed in Section 3 of*
7 *this Act;*

8 *(2) "Complaint" means any written allegation that alleges conduct by a licensee or*
9 *other individual that might constitute a violation of this chapter, the chapter*
10 *governing a board's profession or trade, or the administrative regulations*
11 *promulgated under the governing chapter;*

12 *(3) "Department" means the Department of Professional Licensing within the*
13 *Public Protection Cabinet;*

14 *(4) "Enabling act" means the statutory scheme containing the statutes establishing a*
15 *board; and*

16 *(5) "Nominating group" means a nongovernmental trade or professional group or*
17 *association entitled by statute to submit the name of a potential board member to*
18 *the Governor.*

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
20 READ AS FOLLOWS:

21 *It is hereby declared to be the policy and intent of the Commonwealth to:*

22 *(1) Protect the public health, safety, and welfare through the reasonable regulation*
23 *of occupations and professions;*

24 *(2) Prohibit an unlicensed person from practicing an occupation or profession that*
25 *requires licensure from a board;*

26 *(3) Foster and encourage legitimate competition in all occupations and professions*
27 *covered by this chapter;*

- 1 **(4) Eliminate unnecessary burdens to market entry;**
2 **(5) Provide active state supervision of boards; and**
3 **(6) Create administrative efficiencies by standardizing certain practices among the**
4 **boards.**

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
6 READ AS FOLLOWS:

7 **Except as otherwise specifically stated, this chapter shall prevail over any enabling act**
8 **and over other laws and administrative regulations that purport to govern a board.**

9 **This chapter shall apply to the following professional licensing boards:**

- 10 **(1) State Board of Accountancy;**
11 **(2) Kentucky Board of Barbering;**
12 **(3) Kentucky State Board of Chiropractic Examiners;**
13 **(4) Kentucky Applied Behavior Analysis Licensing Board;**
14 **(5) Kentucky Board of Licensed Professional Counselors;**
15 **(6) Kentucky Board of Licensure for Pastoral Counselors;**
16 **(7) Kentucky Board of Alcohol and Drug Counselors;**
17 **(8) Kentucky Board of Interpreters for the Deaf and Hard of Hearing;**
18 **(9) Kentucky Board of Licensure for Massage Therapy;**
19 **(10) Kentucky Board of Prosthetics, Orthotics, and Pedorthics;**
20 **(11) Kentucky Board of Dentistry;**
21 **(12) Kentucky Board of Licensure and Certification for Dietitians and Nutritionists;**
22 **(13) Board of Embalmers and Funeral Home Directors;**
23 **(14) Kentucky Board of Architects;**
24 **(15) Kentucky Board of Landscape Architects;**
25 **(16) Kentucky Board of Examiners of Psychology;**
26 **(17) Kentucky Board of Social Work;**
27 **(18) Kentucky Board of Hairdressers and Cosmetologists;**

- 1 **(19) Kentucky Licensing Board for Specialists in Hearing Instruments;**
- 2 **(20) Kentucky Board of Licensure for Long-Term Care Administrators;**
- 3 **(21) State Board of Medical Licensure;**
- 4 **(22) Kentucky Board of Nursing;**
- 5 **(23) Kentucky Board of Ophthalmic Dispensers;**
- 6 **(24) Kentucky Board of Optometric Examiners;**
- 7 **(25) Kentucky Board of Licensure for Professional Art Therapists;**
- 8 **(26) Board of Occupational Therapy;**
- 9 **(27) Board of Respiratory Care;**
- 10 **(28) Kentucky Board of Licensure of Marriage and Family Therapists;**
- 11 **(29) Kentucky Board of Pharmacy;**
- 12 **(30) Board of Physical Therapy;**
- 13 **(31) State Board of Podiatry;**
- 14 **(32) State Board of Licensure for Professional Engineers and Land Surveyors;**
- 15 **(33) Board of Speech-Language Pathology and Audiology;**
- 16 **(34) Kentucky Board of Veterinary Examiners;**
- 17 **(35) Kentucky Board of Licensure for Private Investigators;**
- 18 **(36) Board of Registration for Professional Geologists;**
- 19 **(37) Kentucky Board of Licensed Diabetes Educators;**
- 20 **(38) Kentucky Board for Medical Imaging and Radiation Therapy;**
- 21 **(39) Kentucky Board of Durable Medical Equipment Suppliers;**
- 22 **(40) Kentucky Real Estate Commission;**
- 23 **(41) Real Estate Appraisers Board;**
- 24 **(42) Board of Auctioneers; and**
- 25 **(43) Kentucky Board of Home Inspectors.**

26 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
27 READ AS FOLLOWS:

- 1 (1) Each board shall be organized within the department except as otherwise stated
2 in an enabling act.
- 3 (2) The department shall provide administrative services, technical assistance,
4 personnel staffing, and meeting space to the boards organized within the
5 department. All of the boards shall maintain their individual identity.
- 6 (3) The department may charge each board a reasonable amount for services
7 provided.
- 8 (4) Each board shall be organized within an authority for purposes of providing
9 administrative services, technical assistance, and personnel staffing to carry out
10 the duties and functions of the boards. These authorities shall be organized
11 within the department as follows:
- 12 (a) Medical Licensure Authority:
- 13 1. State Board of Medical Licensure;
- 14 (b) Nursing Authority:
- 15 1. Kentucky Board of Nursing;
- 16 (c) Pharmacy Authority:
- 17 1. Kentucky Board of Pharmacy;
- 18 (d) Health and Restoration Authority:
- 19 1. Kentucky State Board of Chiropractic Examiners;
- 20 2. Kentucky Board of Dentistry;
- 21 3. Kentucky Board of Examiners of Psychology;
- 22 4. Kentucky Board of Social Work;
- 23 5. Kentucky Board of Optometric Examiners;
- 24 6. Board of Respiratory Care;
- 25 7. State Board of Podiatry;
- 26 8. Board of Physical Therapy; and
- 27 9. Kentucky Board for Medical Imaging and Radiation Therapy;

1 (e) Land Development Authority:

2 1. Kentucky Board of Architects;

3 2. Kentucky Board of Landscape Architects;

4 3. State Board of Licensure for Professional Engineers and Land
5 Surveyors; and

6 4. Board of Registration for Professional Geologists;

7 (f) General Licensing Authority:

8 1. Kentucky Board of Barbering;

9 2. Kentucky Applied Behavior Analysis Licensing Board;

10 3. Kentucky Board of Licensed Professional Counselors;

11 4. Kentucky Board of Licensure for Pastoral Counselors;

12 5. Kentucky Board of Alcohol and Drug Counselors;

13 6. Kentucky Board of Interpreters for the Deaf and Hard of Hearing;

14 7. Kentucky Board of Licensure for Massage Therapy;

15 8. Kentucky Board of Prosthetics, Orthotics, and Pedorthics;

16 9. Kentucky Board of Licensure and Certification for Dietitians and
17 Nutritionists;

18 10. Board of Embalmers and Funeral Home Directors;

19 11. Kentucky Board of Hairdressers and Cosmetologists;

20 12. Kentucky Licensing Board for Specialists in Hearing Instruments;

21 13. Kentucky Board of Licensure for Long-Term Care Administrators;

22 14. Kentucky Board of Ophthalmic Dispensers;

23 15. Kentucky Board of Licensure for Professional Art Therapists;

24 16. Board of Occupational Therapy;

25 17. Kentucky Board of Licensure of Marriage and Family Therapists;

26 18. Board of Speech-Language Pathology and Audiology;

27 19. Kentucky Board of Licensure for Private Investigators;

- 1 20. Kentucky Board of Licensed Diabetes Educators; and
 2 21. Kentucky Board of Durable Medical Equipment Suppliers; and
 3 (g) Real Estate Authority:
 4 1. Kentucky Board of Home Inspectors;
 5 2. Board of Auctioneers;
 6 3. Real Estate Appraisers Board; and
 7 4. Kentucky Real Estate Commission.

8 (5) Each authority shall be managed by an executive director. The executive
 9 directors of the Medical Licensure Authority, Nursing Authority, and Pharmacy
 10 Authority shall be appointed by their respective boards with the consent of the
 11 secretary. The remaining executive directors shall be appointed by the secretary
 12 of the Public Protection Cabinet with the approval of the Governor in accordance
 13 with KRS 12.050. The executive director of the Real Estate Authority shall have
 14 at least ten (10) years of experience in one (1) of the professions under the Real
 15 Estate Authority's jurisdiction.

16 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 17 READ AS FOLLOWS:

- 18 (1) The department shall review and evaluate each regulated occupation and board
 19 at least once every five (5) years. The review and evaluation shall include the
 20 following:
 21 (a) The functions, powers, and duties of the board, including any functions,
 22 powers, or duties that are inconsistent with the current or projected practice
 23 of the occupation;
 24 (b) An assessment of the management efficiency of the board;
 25 (c) An assessment of the occupation's and the board's ability to meet the
 26 objectives of the General Assembly in licensing the regulated occupation;
 27 (d) An assessment of the necessity of, burden of, and alternatives to the licenses

1 issued by the board;

2 (e) An assessment of the fees charged by the board; and

3 (f) Any other criteria identified by the department.

4 (2) Following the department's review and evaluation, it shall prepare a report to the
 5 Governor and to the Legislative Research Commission concerning each
 6 occupation and board that the department reviews and evaluates. The report shall
 7 contain the following:

8 (a) The number of individuals who are licensed by the board;

9 (b) A summary of the board's functions and actions;

10 (c) The budget and other fiscal factors of regulating the occupation, including
 11 the actual cost of administering license applications, renewals, and issuing
 12 licenses;

13 (d) An assessment of the effect of the regulated occupation on the state's
 14 economy, including consumers and businesses;

15 (e) Any recommendations for legislation, including whether:

16 1. The regulation of a regulated occupation should be modified;

17 2. The board should be combined with another board;

18 3. The board or the regulation of the occupation should be terminated;

19 4. A license should be eliminated; or

20 5. Multiple licenses should be consolidated into a single license;

21 (f) Any recommendations for administrative changes; and

22 (g) Information that supports the department's recommendations.

23 (3) A board shall cooperate with the department and assist in the department's
 24 review and evaluation of the board. A board may attach written comments to the
 25 report.

26 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 27 READ AS FOLLOWS:

- 1 (1) All board members shall be appointed by the Governor, except for ex officio
 2 members.
- 3 (2) Excluding ex officio members and members appointed to fill an unexpired term,
 4 all full terms of membership on a board shall be three (3) years.
- 5 (3) After the effective date of this Act, a board member shall not serve more than
 6 three (3) full consecutive terms. A person who has served three (3) full
 7 consecutive terms may be appointed as a member to the same board after a break
 8 in service.
- 9 (4) A board position shall be vacant upon the expiration of a board member's three
 10 (3) year term until the position is filled by gubernatorial appointment. No
 11 individual may serve as a board member past an expired term unless reappointed.
- 12 (5) If new boards are created or existing boards are reorganized, initial terms shall
 13 be staggered as evenly as possible so that members are initially appointed for a
 14 one (1) year, two (2) year, or three (3) year term.

15 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 16 READ AS FOLLOWS:

- 17 (1) A majority of the voting members of a board or board committee shall constitute
 18 a quorum for the transaction of business. If a board has one (1) or more
 19 vacancies in its membership, a board shall not be required to include one (1)
 20 such vacant position to determine the existence of a quorum.
- 21 (2) Except as otherwise provided in this chapter or in an enabling act, every member
 22 of a board shall be a voting member entitled to vote on all matters.

23 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 24 READ AS FOLLOWS:

- 25 (1) A board shall establish by administrative regulation the compensation paid to a
 26 board member for each day spent in the discharge of official business.
 27 Compensation shall not exceed one hundred dollars (\$100) per board member

1 per day.

2 (2) A board may reimburse a member for actual and necessary expenses, including
 3 mileage, incurred in the performance of the member's official duties consistent
 4 with the laws and administrative regulations governing state employees. A board
 5 may reimburse a member for lodging only if the member is required to travel
 6 more than one hundred (100) miles from the member's residence to attend an
 7 official board function. Boards shall not otherwise pay, or in any way
 8 compensate, board members for their services.

9 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 10 READ AS FOLLOWS:

11 (1) A board shall annually elect a chair, vice chair, and any other necessary officers
 12 at the board's first meeting of a calendar year. The vice chair shall act in the
 13 chair's absence. The officers shall serve until the next election or until their
 14 terms expire, whichever occurs first. If there is a vacancy in an officer position,
 15 the board shall hold an election to fill any vacancy at its next meeting.

16 (2) A board shall meet at least semiannually and may meet at any other times it
 17 deems necessary.

18 (3) A board shall adopt a regular schedule of meetings in accordance with KRS
 19 61.820 no later than the board's first meeting of a calendar year. The regular
 20 schedule of meetings shall include the date, time, and location of meetings for
 21 that calendar year.

22 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 23 READ AS FOLLOWS:

24 A board member shall be automatically disqualified from service on a board, thereby
 25 creating a vacancy, if a member:

26 (1) Ceases to hold the license required for membership;

27 (2) Is a consumer or citizen member of the board who acquires, or a member of

- 1 whose household acquires, a license or financial interest in the profession or
2 trade regulated by the board;
- 3 (3) Enters a plea of guilty to, or has been found guilty of, a felony or any other crime
4 involving fraud, dishonesty, or sexual misconduct during the member's time of
5 service on the board;
- 6 (4) Ceases to be a bona fide resident of this Commonwealth;
- 7 (5) Displays incompetence, neglect of duty, or unprofessional conduct, as voted upon
8 by the board;
- 9 (6) Fails to adhere to the board's duly adopted code of ethics, as voted upon by the
10 board; or
- 11 (7) Misses three (3) consecutive meetings or misses more than fifty percent (50%) of
12 the meetings held over the previous twelve (12) month period.

13 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
14 READ AS FOLLOWS:

15 In addition to any powers established in a board's enabling act, including subpoena
16 power, a board may:

- 17 (1) Administer and enforce the provisions of its enabling act and any other chapter
18 governing its profession or trade;
- 19 (2) Examine witnesses, administer oaths, and investigate allegations of actions
20 violating this chapter, the board's enabling act, and any administrative regulation
21 promulgated under the board's enabling act;
- 22 (3) Promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
23 this chapter and the board's enabling act;
- 24 (4) Conduct administrative hearings in accordance with KRS Chapter 13B;
- 25 (5) Evaluate the qualifications and authorize the issuance, renewal, reactivation, or
26 reregistration of licenses, certificates, or permits to qualified individuals;
- 27 (6) Issue disciplinary action, including to:

- 1 (a) Suspend, revoke, or restrict licenses;
- 2 (b) Deny the issuance, renewal, reactivation, or reregistration of a license;
- 3 (c) Impose probationary conditions on the licensee;
- 4 (d) Levy fines not to exceed two thousand dollars (\$2,000) per violation except
5 as otherwise provided by a board's enabling act or a board's administrative
6 regulations; and
- 7 (e) Issue a public reprimand or private letter of admonishment. A private letter
8 of admonishment shall not be subject to KRS 61.870 to 61.884;
- 9 (7) Require the continuing professional education of individuals subject to this
10 chapter and the board's enabling act;
- 11 (8) Institute civil actions in Franklin Circuit Court, the Circuit Court of the county
12 where the board's principal place of business is located, or the Circuit Court of
13 the county where the violation occurred to restrain or enjoin any violation of this
14 chapter, the board's enabling act, or any administrative regulation promulgated
15 by the board, in addition to any other civil or criminal penalties;
- 16 (9) Approve appropriate examinations for licensees and establish standards for
17 acceptable performance;
- 18 (10) Adopt a code of ethics;
- 19 (11) Delegate responsibilities to committees or staff who serve the board;
- 20 (12) Establish by administrative regulation any fees, including fees for licensure,
21 subject to any maximum established by law;
- 22 (13) Establish advisory councils or other bodies to advise the board on matters within
23 its jurisdiction. A member of an advisory council or other appointed body shall
24 not be compensated but may be reimbursed for travel costs; and
- 25 (14) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
26 expungement of a disciplinary action.

27 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) Pursuant to KRS 13A.120(3), a board shall submit an administrative regulation
3 to the executive director of the authority within which the board is organized
4 prior to the board filing the administrative regulation. The executive director
5 shall review the proposed administrative regulation to determine whether it
6 complies with clearly articulated state policy as provided by the General Assembly
7 and is narrowly tailored to avoid unnecessary barriers to market entry. The
8 commissioner of the department or the secretary of the Public Protection Cabinet
9 may act in the absence of the executive director. A proposed administrative
10 regulation that does not comply with clearly articulated state policy as provided
11 by the General Assembly or is not narrowly tailored to avoid unnecessary barriers
12 to market entry, both as determined by the executive director, shall not be filed.

13 (2) When a board completes the regulatory impact analysis required by KRS
14 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall include
15 a brief narrative summary of:

16 (a) How the administrative regulation complies with clearly articulated state
17 policy as provided by the General Assembly;

18 (b) Why the administrative regulation is necessary to protect the public health,
19 safety, and welfare; and

20 (c) How the administrative regulation is narrowly tailored to avoid unnecessary
21 barriers to market entry.

22 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
23 READ AS FOLLOWS:

24 A board shall:

25 (1) Keep a register of all individuals licensed by the board. The register shall show
26 the name of every licensee, the licensee's last known professional and home
27 address, e-mail address if one exists, telephone number, the type of license held,

1 and the date and number of each license; and
2 (2) Make an annual report to the Governor and the Legislative Research
3 Commission by September 1 of each year. The Legislative Research Commission
4 shall forward a copy of each report to the Interim Joint Committee on Licensing,
5 Occupations, and Administrative Regulations or its successor committee. The
6 annual report shall cover the preceding fiscal year. The annual report shall
7 contain an account of duties performed, actions taken, number of licensees over
8 the most recent three (3) years, financial condition, and appropriate
9 recommendations.

10 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) The General Assembly finds and declares that the timely issuance of a license to
13 a deserving person is of great importance to that person's livelihood and to
14 market competition.

15 (2) (a) An application for licensure of any kind shall be approved or denied within
16 thirty (30) days of the application becoming complete. An application shall
17 be considered complete when all matters required for the issuance of a
18 license have been received by the board, including any application form and
19 required attachments, proof of continuing education, test results, and any
20 other assessments required by the board.

21 (b) If an application for licensure is not acted upon within thirty (30) days of
22 the application becoming complete, the license application fee shall be
23 refunded to the applicant, and the application shall be acted upon within
24 the subsequent fifteen (15) days.

25 (c) If an application is not acted upon within forty-five (45) days of the
26 application becoming complete, the applicant shall be granted the requested
27 license.

1 (3) Notwithstanding subsection (2) of this section and for good cause, a license
2 application may be referred on one (1) occasion to the full board or a board
3 committee for action if this referral occurs within thirty (30) days of the
4 application becoming complete. Upon this referral, the applicant or licensee shall
5 be notified of the referral and the reason for the referral. The board or board
6 committee shall then approve or deny the license application within forty-five (45)
7 days of the referral. The license shall be granted and any application fee
8 refunded to the applicant or licensee if action is not taken within forty-five (45)
9 days of the referral.

10 (4) A board may authorize one (1) or more of its members or department staff to
11 review license applications and to approve or deny issuance of a license without
12 review and action by the board at a meeting.

13 (5) Beginning with any license that expires on or after July 1, 2019, a board shall
14 issue or renew a license for a period of not less than two (2) years unless the
15 board's enabling act or an accrediting standard specifies a longer period.

16 (6) If a board offers electronic licensing or electronic renewals, any licensing
17 applicant that submits a paper application for that licensure or renewal shall pay
18 an additional twenty-five dollars (\$25) processing fee, in addition to all other
19 application fees.

20 (7) A board that administers its own examination for licensure shall offer the
21 examination at least once every seventy-five (75) days. A board may cancel a
22 scheduled examination if no person has indicated an intent to take the
23 examination at least three (3) days before the examination is scheduled.

24 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) Each board shall establish one (1) or more disciplinary review committees
27 composed of less than one-half (1/2) of the members of the board.

1 (2) Any individual, organization, or entity may submit a complaint to the board. A
2 board may also file a complaint based on information in its possession.
3 Complaints shall be in writing and identify and be signed by the individual
4 making the complaint.

5 (3) (a) Upon receipt of a complaint, the board staff or legal counsel shall send a
6 copy of the complaint to the appropriate disciplinary review committee.

7 (b) The disciplinary review committee shall review the assigned complaint.

8 Following review, the disciplinary review committee shall:

9 1. Order further investigation into the complaint;

10 2. Order that a formal complaint stating the charge or charges be filed
11 and that an administrative proceeding before the remaining members
12 of the board who are not on the disciplinary review committee be
13 commenced in accordance with KRS Chapter 13B. The formal
14 complaint shall be signed by the chair or an authorized representative
15 and served upon the individual against whom it is filed;

16 3. Enter into settlement negotiations, mediation, or other informal
17 methods to resolve the complaint, if the board deems appropriate; or

18 4. Dismiss the complaint if the committee finds that the complaint and
19 any subsequent investigation fails to establish probable cause that a
20 violation that warrants disciplinary action has occurred. The board
21 shall notify both the complaining party and the individual against
22 whom the complaint was filed of the dismissal.

23 (c) Notwithstanding any provision of law to the contrary, the disciplinary
24 review committee that reviewed the complaint shall have the sole authority
25 to approve and issue a final order regarding any settlement or agreed order
26 that resolves a complaint.

27 (d) A member of the board who is not a member of the disciplinary review

1 committee that reviewed the complaint shall not be involved in the
2 investigation of a complaint, discussion or decisions involving the
3 settlement or other resolution of a complaint, or any other matter involving
4 a complaint or the disciplinary process other than serving as a hearing
5 officer or the agency head in the KRS Chapter 13B administrative hearing
6 process.

7 (e) A member of the disciplinary review committee who reviewed the complaint
8 shall recuse from, have no role in, and not vote on any matter relating to an
9 administrative hearing or a final order that resolves a case through any
10 method other than agreement of the parties.

11 (4) If, in the opinion of the disciplinary review committee, a complaint is
12 substantiated to show that a person is practicing the profession or trade without a
13 license, the disciplinary review committee shall prepare a letter signed by the
14 chair or an authorized representative that notifies the person of the committee's
15 belief that the person is practicing without a license. The letter shall request that
16 a person voluntarily cease practice of the profession or trade without a license.
17 The board may forward the complaint to the appropriate county attorney or
18 Commonwealth's attorney with a request that appropriate action be taken. The
19 board may also initiate an action for injunctive relief to stop the unauthorized
20 practice of the profession or trade in Franklin Circuit Court, the Circuit Court of
21 the county where the board's principal place of business is located, or the Circuit
22 Court of the county where the individual is practicing the profession or trade
23 without a license.

24 (5) A board may promulgate administrative regulations that are necessary to carry
25 out or supplement this section and KRS Chapter 13B.

26 (6) Nothing in this section shall be construed to prevent a board from taking
27 emergency action if authorized by KRS 13B.125.

1 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) A nominating group recognized in a board's enabling act may submit lists of
4 names to the Governor for appointment to a board. The Governor shall not be
5 required to appoint more than fifty percent (50%) of the membership of any
6 board from nominations submitted by any nominating group or combination of
7 nominating groups. For any appointment made from a list of names provided by
8 a nominating group, the executive order appointing the member shall reflect that
9 the person appointed was chosen from a list of names provided by the nominating
10 group.

11 (2) If a statute requires the Governor to appoint a member from a list of names
12 submitted by a nominating group, but the nomination at issue would violate the
13 provisions of subsection (1) of this section, the Governor shall not be required to
14 choose from among the list of names provided by the nominating group.

15 (3) (a) A nominating group shall submit nominations to the Governor at least
16 thirty (30) days before a vacancy arises in the case of an expired term. If a
17 nominating group fails to submit nominations at least thirty (30) days
18 before a vacancy arises, the Governor may appoint an individual not
19 submitted by the nominating group.

20 (b) If an appointment to a board vacancy created by reason other than an
21 expired term is required to be made from a list of names submitted by a
22 nominating group, the nominating group shall be notified of the vacancy
23 and given forty-five (45) days to submit a list of at least three (3) names to
24 the Governor for consideration. If a nominating group fails to submit
25 nominations within forty-five (45) days after notification, the Governor may
26 appoint an individual not submitted by the nominating group.

27 (4) If the Governor rejects all of the names submitted, the nominating group shall

1 have fifteen (15) days to submit new names. If a nominating group fails to submit
2 new names within fifteen (15) days, the Governor may appoint an individual not
3 submitted by the nominating group.

4 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
5 READ AS FOLLOWS:

6 If a licensee of any professional licensing board identified in Section 3 of this Act,
7 including any person who holds an inactive or escrowed license, is convicted of, pleads
8 guilty to, pleads no contest to, or enters an Alford plea to any felony or misdemeanor,
9 excluding only misdemeanor convictions under KRS Chapter 189, the licensee shall
10 notify the board in writing of the conviction within thirty (30) days after the entry of an
11 order or judgment of conviction unless a shorter time is specified in an administrative
12 regulation. The licensee shall include a letter of explanation and a certified copy of the
13 order or judgment of conviction with the written notice.

14 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) A board shall allow licensees to complete at least one-half (1/2) of their
17 continuing education requirements by means other than in-person training.

18 (2) A board shall waive any continuing education requirement for a licensee:

19 (a) In accordance with KRS 12.355;

20 (b) Whose spouse is called to full-time military service during the period of full-
21 time military service and for sixty (60) days after the service if the licensee
22 ceases to practice an occupation that is regulated by the board during the
23 period of his or her spouse's full-time military service;

24 (c) Suffering a documented incapacitating illness or injury during the period of
25 incapacity and for sixty (60) days after the incapacity; or

26 (d) Who has suffered any other circumstance warranting a waiver as
27 determined by the board.

1 (3) The board may extend the period for completion of continuing education based
2 on good cause shown.

3 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
4 READ AS FOLLOWS:

5 All members of a board, as well as all staff, legal counsel, or other persons who act for
6 or on behalf of a board, an authority, or the department shall be immune from suit or
7 civil liability for damages for conduct that is taken in good faith and is within the scope
8 and arising out of the performance of their duties.

9 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) Notwithstanding any other law, a board shall send notice of the upcoming
12 expiration of a license to each licensee at least thirty (30) days prior to the
13 expiration of the license.

14 (2) Notwithstanding any other law, a board shall send notice of the expiration of a
15 license to each licensee whose license has expired within thirty (30) days
16 following the expiration of the license.

17 (3) If a license is first issued to an individual less than ninety (90) days before the
18 license is scheduled to expire, the license issued to the individual shall not expire
19 on that date, but instead it shall expire at the conclusion of the next licensing
20 period.

21 (4) Absent good cause shown, a board shall require that a licensee or license
22 applicant provide an electronic mail address for purposes of official
23 communications. Any notice required by this chapter or a board's enabling act
24 may be sent to a licensee's or license applicant's electronic mail address unless a
25 board has excused that person from providing an electronic mail address.

26 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
27 READ AS FOLLOWS:

1 Except as permitted in an enabling act, no board shall issue an advisory opinion
2 interpreting any statute, administrative regulation, or code of ethics pertaining to any
3 matter under its jurisdiction.

4 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) There is hereby established within the department a Prescribing Boards Advisory
7 Council. The council shall consist of eight (8) ex officio members, including a
8 representative of the:

9 (a) Kentucky Medical Licensure Authority;

10 (b) Kentucky Nursing Authority;

11 (c) Kentucky Pharmacy Authority;

12 (d) Kentucky Board of Dentistry;

13 (e) Kentucky Office of Drug Control Policy;

14 (f) State Board of Podiatry;

15 (g) Kentucky Board of Optometric Examiners; and

16 (h) Inspector general of the Cabinet for Health and Family Services.

17 (2) The council shall meet at least quarterly to discuss matters relating to the
18 prescribing of drugs, with an emphasis on controlled substances. The council
19 shall discuss and coordinate efforts to combat prescription drug abuse.

20 (3) The council shall submit an annual report by December 31 of each year to the
21 Governor and to the Legislative Research Commission that:

22 (a) States the council's meeting dates and topics for the preceding year;

23 (b) Provides relevant statistical information;

24 (c) Describes the efforts made by the council to share information related to
25 issues with prescription drugs, including controlled substances; and

26 (d) Provides policy recommendations, including recommendations for statutory
27 changes or administrative regulation changes.

1 **(4) Members shall not receive any additional compensation for their service on the**
 2 **council but shall be reimbursed for all necessary expenses.**

3 →Section 23. KRS 12.020 is amended to read as follows:

4 Departments, program cabinets and their departments, and the respective major
 5 administrative bodies that they include are enumerated in this section. It is not intended
 6 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
 7 bureau, interstate compact, commission, committee, conference, council, office, or any
 8 other form of organization shall be included in or attached to the department or program
 9 cabinet in which they are included or to which they are attached by statute or statutorily
 10 authorized executive order; except in the case of the Personnel Board and where the
 11 attached department or administrative body is headed by a constitutionally elected officer,
 12 the attachment shall be solely for the purpose of dissemination of information and
 13 coordination of activities and shall not include any authority over the functions,
 14 personnel, funds, equipment, facilities, or records of the department or administrative
 15 body.

16 I. Cabinet for General Government - Departments headed by elected officers:

- 17 (1) The Governor.
 18 (2) Lieutenant Governor.
 19 (3) Department of State.
 20 (a) Secretary of State.
 21 (b) Board of Elections.
 22 (c) Registry of Election Finance.
 23 (4) Department of Law.
 24 (a) Attorney General.
 25 (5) Department of the Treasury.
 26 (a) Treasurer.
 27 (6) Department of Agriculture.

- 1 (a) Commissioner of Agriculture.
- 2 (b) Kentucky Council on Agriculture.
- 3 (7) Auditor of Public Accounts.
- 4 II. Program cabinets headed by appointed officers:
- 5 (1) Justice and Public Safety Cabinet:
- 6 (a) Department of Kentucky State Police.
- 7 (b) Department of Criminal Justice Training.
- 8 (c) Department of Corrections.
- 9 (d) Department of Juvenile Justice.
- 10 (e) Office of the Secretary.
- 11 (f) Office of Drug Control Policy.
- 12 (g) Office of Legal Services.
- 13 (h) Office of the Kentucky State Medical Examiner.
- 14 (i) Parole Board.
- 15 (j) Kentucky State Corrections Commission.
- 16 (k) Office of Legislative and Intergovernmental Services.
- 17 (l) Office of Management and Administrative Services.
- 18 (m) Department of Public Advocacy.
- 19 (2) Education and Workforce Development Cabinet:
- 20 (a) Office of the Secretary.
- 21 1. Governor's Scholars Program.
- 22 2. Governor's School for Entrepreneurs Program.
- 23 (b) Office of Legal and Legislative Services.
- 24 1. Client Assistance Program.
- 25 (c) Office of Communication.
- 26 (d) Office of Budget and Administration.
- 27 1. Division of Human Resources.

- 1 2. Division of Administrative Services.
- 2 (e) Office of Technology Services.
- 3 (f) Office of Educational Programs.
- 4 (g) Office for Education and Workforce Statistics.
- 5 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 6 (i) Board of Directors for the Center for School Safety.
- 7 (j) Department of Education.
 - 8 1. Kentucky Board of Education.
 - 9 2. Kentucky Technical Education Personnel Board.
- 10 (k) Department for Libraries and Archives.
- 11 (l) Department of Workforce Investment.
 - 12 1. Office for the Blind.
 - 13 2. Office of Vocational Rehabilitation.
 - 14 3. Office of Employment and Training.
 - 15 a. Division of Grant Management and Support.
 - 16 b. Division of Workforce and Employment Services.
 - 17 c. Division of Unemployment Insurance.
- 18 (m) Foundation for Workforce Development.
- 19 (n) Kentucky Office for the Blind State Rehabilitation Council.
- 20 (o) Kentucky Workforce Investment Board.
- 21 (p) Statewide Council for Vocational Rehabilitation.
- 22 (q) Unemployment Insurance Commission.
- 23 (r) Education Professional Standards Board.
 - 24 1. Division of Educator Preparation.
 - 25 2. Division of Certification.
 - 26 3. Division of Professional Learning and Assessment.
 - 27 4. Division of Legal Services.

- 1 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 2 (t) Kentucky Educational Television.
- 3 (u) Kentucky Environmental Education Council.
- 4 (3) Energy and Environment Cabinet:
- 5 (a) Office of the Secretary.
- 6 1. Office of Legislative and Intergovernmental Affairs.
- 7 2. Office of General Counsel.
- 8 3. Office of Administrative Hearings.
- 9 4. Mine Safety Review Commission.
- 10 5. Kentucky State Nature Preserves Commission.
- 11 6. Kentucky Public Service Commission.
- 12 (b) Department for Environmental Protection.
- 13 1. Office of the Commissioner.
- 14 2. Division for Air Quality.
- 15 3. Division of Water.
- 16 4. Division of Environmental Program Support.
- 17 5. Division of Waste Management.
- 18 6. Division of Enforcement.
- 19 7. Division of Compliance Assistance.
- 20 (c) Department for Natural Resources.
- 21 1. Office of the Commissioner.
- 22 2. Division of Technical and Administrative Support.
- 23 3. Division of Mine Permits.
- 24 4. Division of Mine Reclamation and Enforcement.
- 25 5. Division of Abandoned Mine Lands.
- 26 6. Division of Oil and Gas.
- 27 7. Division of Mine Safety.

- 1 8. Division of Forestry.
- 2 9. Division of Conservation.
- 3 10. Office of the Reclamation Guaranty Fund.
- 4 (d) Department for Energy Development and Independence.
- 5 1. Division of Efficiency and Conservation.
- 6 2. Division of Renewable Energy.
- 7 3. Division of Biofuels.
- 8 4. Division of Energy Generation Transmission and Distribution.
- 9 5. Division of Carbon Management.
- 10 6. Division of Fossil Energy Development.
- 11 (4) Public Protection Cabinet.
- 12 (a) Office of the Secretary.
- 13 1. Office of Communications and Public Outreach.
- 14 2. Office of Legal Services.
- 15 a. Insurance Legal Division.
- 16 b. Charitable Gaming Legal Division.
- 17 c. Alcoholic Beverage Control Legal Division.
- 18 d. Housing, Buildings and Construction Legal Division.
- 19 e. Financial Institutions Legal Division.
- 20 **3. Office of Inspector General.**
- 21 **a. Division of Internal Investigations.**
- 22 **b. Division of Professional Licensing Investigations.**
- 23 (b) Kentucky Claims Commission.
- 24 (c) Kentucky Boxing and Wrestling Commission.
- 25 (d) Kentucky Horse Racing Commission.
- 26 1. Office of Executive Director.
- 27 a. Division of Pari-mutuel Wagering and Compliance.

- 1 b. Division of Stewards.
- 2 c. Division of Licensing.
- 3 d. Division of Enforcement.
- 4 e. Division of Incentives and Development.
- 5 f. Division of Veterinary Services.
- 6 (e) Department of Alcoholic Beverage Control.
- 7 1. Division of Distilled Spirits.
- 8 2. Division of Malt Beverages.
- 9 3. Division of Enforcement.
- 10 (f) Department of Charitable Gaming.
- 11 1. Division of Licensing and Compliance.
- 12 2. Division of Enforcement.
- 13 (g) Department of Financial Institutions.
- 14 1. Division of Depository Institutions.
- 15 2. Division of Non-Depository Institutions.
- 16 3. Division of Securities.
- 17 (h) Department of Housing, Buildings and Construction.
- 18 1. Division of Fire Prevention.
- 19 2. Division of Plumbing.
- 20 3. Division of Heating, Ventilation, and Air Conditioning.
- 21 4. Division of Building Code Enforcement.
- 22 (i) Department of Insurance.
- 23 1. Division of Insurance Product Regulation.
- 24 2. Division of Administrative Services.
- 25 3. Division of Financial Standards and Examination.
- 26 4. Division of Agent Licensing.
- 27 5. Division of Insurance Fraud Investigation.

- 1 6. Division of Consumer Protection.
- 2 7. Division of Kentucky Access.
- 3 (j) Department of Professional Licensing.
- 4 1. Real Estate Authority.
- 5 **2. Medical Licensure Authority.**
- 6 **3. Nursing Authority.**
- 7 **4. Pharmacy Authority.**
- 8 **5. Health and Restoration Authority.**
- 9 **6. Land Development Authority.**
- 10 **7. General Licensing Authority.**
- 11 **8. Division of Administrative Services.**
- 12 (5) Labor Cabinet.
- 13 (a) Office of the Secretary.
- 14 1. Division of Management Services.
- 15 2. Office of General Counsel.
- 16 a. Workplace Standards Legal Division.
- 17 b. Workers' Claims Legal Division.
- 18 (b) Office of General Administration and Program Support for Shared
- 19 Services.
- 20 1. Division of Human Resource Management.
- 21 2. Division of Fiscal Management.
- 22 3. Division of Budgets.
- 23 4. Division of Information Services.
- 24 (c) Office of Inspector General for Shared Services.
- 25 (d) Department of Workplace Standards.
- 26 1. Division of Apprenticeship.
- 27 2. Division of Occupational Safety and Health Compliance.

- 1 3. Division of Occupational Safety and Health Education and
- 2 Training.
- 3 4. Division of Wages and Hours.
- 4 (e) Department of Workers' Claims.
- 5 1. Division of Workers' Compensation Funds.
- 6 2. Office of Administrative Law Judges.
- 7 3. Division of Claims Processing.
- 8 4. Division of Security and Compliance.
- 9 5. Division of Information Services.
- 10 6. Division of Ombudsman and Workers' Compensation Specialist
- 11 Services.
- 12 7. Workers' Compensation Board.
- 13 (f) Workers' Compensation Funding Commission.
- 14 (g) Occupational Safety and Health Standards Board.
- 15 (h) Apprenticeship and Training Council.
- 16 (i) State Labor Relations Board.
- 17 (j) Employers' Mutual Insurance Authority.
- 18 (k) Kentucky Occupational Safety and Health Review Commission.
- 19 (l) Workers' Compensation Nominating Committee.
- 20 (6) Transportation Cabinet:
- 21 (a) Department of Highways.
- 22 1. Office of Project Development.
- 23 2. Office of Project Delivery and Preservation.
- 24 3. Office of Highway Safety.
- 25 4. Highway District Offices One through Twelve.
- 26 (b) Department of Vehicle Regulation.
- 27 (c) Department of Aviation.

- 1 (d) Department of Rural and Municipal Aid.
- 2 1. Office of Local Programs.
- 3 2. Office of Rural and Secondary Roads.
- 4 (e) Office of the Secretary.
- 5 1. Office of Public Affairs.
- 6 2. Office for Civil Rights and Small Business Development.
- 7 3. Office of Budget and Fiscal Management.
- 8 4. Office of Inspector General.
- 9 (f) Office of Support Services.
- 10 (g) Office of Transportation Delivery.
- 11 (h) Office of Audits.
- 12 (i) Office of Human Resource Management.
- 13 (j) Office of Information Technology.
- 14 (k) Office of Legal Services.
- 15 (7) Cabinet for Economic Development:
- 16 (a) Office of the Secretary.
- 17 1. Office of Legal Services.
- 18 2. Department for Business Development.
- 19 a. Office of Entrepreneurship.
- 20 i. Commission on Small Business Advocacy.
- 21 b. Office of Research and Public Affairs.
- 22 c. Bluegrass State Skills Corporation.
- 23 3. Office of Financial Services.
- 24 a. Kentucky Economic Development Finance Authority.
- 25 b. Division of Finance and Personnel.
- 26 c. Division of Network Administration.
- 27 d. Compliance Division.

- 1 e. Incentive Assistance Division.
- 2 (8) Cabinet for Health and Family Services:
- 3 (a) Office of the Secretary.
- 4 (b) Office of Health Policy.
- 5 (c) Office of Legal Services.
- 6 (d) Office of Inspector General.
- 7 (e) Office of Communications and Administrative Review.
- 8 (f) Office of the Ombudsman.
- 9 (g) Office of Finance and Budget.
- 10 (h) Office of Human Resource Management.
- 11 (i) Office of Administrative and Technology Services.
- 12 (j) Department for Public Health.
- 13 (k) Department for Medicaid Services.
- 14 (l) Department for Behavioral Health, Developmental and Intellectual
- 15 Disabilities.
- 16 (m) Department for Aging and Independent Living.
- 17 (n) Department for Community Based Services.
- 18 (o) Department for Income Support.
- 19 (p) Department for Family Resource Centers and Volunteer Services.
- 20 (q) Kentucky Commission on Community Volunteerism and Service.
- 21 (r) Kentucky Commission for Children with Special Health Care Needs.
- 22 (s) Governor's Office of Electronic Health Information.
- 23 (t) Office of Legislative and Regulatory Affairs.
- 24 (9) Finance and Administration Cabinet:
- 25 (a) Office of the Secretary.
- 26 (b) Office of the Inspector General.
- 27 (c) Office of Legislative and Intergovernmental Affairs.

- 1 (d) Office of General Counsel.
- 2 (e) Office of the Controller.
- 3 (f) Office of Administrative Services.
- 4 (g) Office of Policy and Audit.
- 5 (h) Department for Facilities and Support Services.
- 6 (i) Department of Revenue.
- 7 (j) Commonwealth Office of Technology.
- 8 (k) State Property and Buildings Commission.
- 9 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 10 (m) Kentucky Employees Retirement Systems.
- 11 (n) Commonwealth Credit Union.
- 12 (o) State Investment Commission.
- 13 (p) Kentucky Housing Corporation.
- 14 (q) Kentucky Local Correctional Facilities Construction Authority.
- 15 (r) Kentucky Turnpike Authority.
- 16 (s) Historic Properties Advisory Commission.
- 17 (t) Kentucky Tobacco Settlement Trust Corporation.
- 18 (u) Kentucky Higher Education Assistance Authority.
- 19 (v) Kentucky River Authority.
- 20 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 21 (x) Executive Branch Ethics Commission.
- 22 (10) Tourism, Arts and Heritage Cabinet:
 - 23 (a) Kentucky Department of Tourism.
 - 24 1. Division of Tourism Services.
 - 25 2. Division of Marketing and Administration.
 - 26 3. Division of Communications and Promotions.
 - 27 (b) Kentucky Department of Parks.

- 1 1. Division of Information Technology.
- 2 2. Division of Human Resources.
- 3 3. Division of Financial Operations.
- 4 4. Division of Facilities Management.
- 5 5. Division of Facilities Maintenance.
- 6 6. Division of Customer Services.
- 7 7. Division of Recreation.
- 8 8. Division of Golf Courses.
- 9 9. Division of Food Services.
- 10 10. Division of Rangers.
- 11 11. Division of Resort Parks.
- 12 12. Division of Recreational Parks and Historic Sites.
- 13 (c) Department of Fish and Wildlife Resources.
- 14 1. Division of Law Enforcement.
- 15 2. Division of Administrative Services.
- 16 3. Division of Engineering, Infrastructure, and Technology.
- 17 4. Division of Fisheries.
- 18 5. Division of Information and Education.
- 19 6. Division of Wildlife.
- 20 7. Division of Marketing.
- 21 (d) Kentucky Horse Park.
- 22 1. Division of Support Services.
- 23 2. Division of Buildings and Grounds.
- 24 3. Division of Operational Services.
- 25 (e) Kentucky State Fair Board.
- 26 1. Office of Administrative and Information Technology Services.
- 27 2. Office of Human Resources and Access Control.

- 1 3. Division of Expositions.
- 2 4. Division of Kentucky Exposition Center Operations.
- 3 5. Division of Kentucky International Convention Center.
- 4 6. Division of Public Relations and Media.
- 5 7. Division of Venue Services.
- 6 8. Division of Personnel Management and Staff Development.
- 7 9. Division of Sales.
- 8 10. Division of Security and Traffic Control.
- 9 11. Division of Information Technology.
- 10 12. Division of the Louisville Arena.
- 11 13. Division of Fiscal and Contract Management.
- 12 14. Division of Access Control.
- 13 (f) Office of the Secretary.
 - 14 1. Office of Finance.
 - 15 2. Office of Government Relations and Administration.
 - 16 3. Office of Film and Tourism Development.
 - 17 4. Kentucky Sports Authority.
- 18 (g) Office of Legal Affairs.
- 19 (h) Office of Human Resources.
- 20 (i) Office of Public Affairs and Constituent Services.
- 21 (j) Office of Creative Services.
- 22 (k) Office of Capital Plaza Operations.
- 23 (l) Office of Arts and Cultural Heritage.
- 24 (m) Kentucky African-American Heritage Commission.
- 25 (n) Kentucky Foundation for the Arts.
- 26 (o) Kentucky Humanities Council.
- 27 (p) Kentucky Heritage Council.

- 1 (q) Kentucky Arts Council.
- 2 (r) Kentucky Historical Society.
- 3 1. Division of Museums.
- 4 2. Division of Oral History and Educational Outreach.
- 5 3. Division of Research and Publications.
- 6 4. Division of Administration.
- 7 (s) Kentucky Center for the Arts.
- 8 1. Division of Governor's School for the Arts.
- 9 (t) Kentucky Artisans Center at Berea.
- 10 (u) Northern Kentucky Convention Center.
- 11 (v) Eastern Kentucky Exposition Center.
- 12 (11) Personnel Cabinet:
- 13 (a) Office of the Secretary.
- 14 (b) Department of Human Resources Administration.
- 15 (c) Office of Employee Relations.
- 16 (d) Kentucky Public Employees Deferred Compensation Authority.
- 17 (e) Office of Administrative Services.
- 18 (f) Office of Legal Services.
- 19 (g) Governmental Services Center.
- 20 (h) Department of Employee Insurance.
- 21 (i) Office of Diversity, Equality, and Training.
- 22 (j) Office of Public Affairs.
- 23 III. Other departments headed by appointed officers:
- 24 (1) Council on Postsecondary Education.
- 25 (2) Department of Military Affairs.
- 26 (3) Department for Local Government.
- 27 (4) Kentucky Commission on Human Rights.

- 1 (5) Kentucky Commission on Women.
- 2 (6) Department of Veterans' Affairs.
- 3 (7) Kentucky Commission on Military Affairs.
- 4 (8) Office of Minority Empowerment.
- 5 (9) Governor's Council on Wellness and Physical Activity.
- 6 (10) Kentucky Communications Network Authority.

7 ➔Section 24. KRS 12.252 is amended to read as follows:

- 8 (1) There is established within the Public Protection Cabinet a Department of Financial
9 Institutions, a Department of Insurance, a Department of Housing, Buildings and
10 Construction, a Department of Charitable Gaming, a Department of Professional
11 Licensing, and a Department of Alcoholic Beverage Control. Each department shall
12 be headed by a commissioner appointed by the Governor as required by KRS
13 12.040 and, where appropriate, by KRS 238.510, 241.015, and 304.2-020.
14 Commissioners shall be directly responsible to the secretary and shall perform the
15 functions, powers, and duties provided by law and prescribed by the secretary.
- 16 (2) The secretary of the Public Protection Cabinet shall be appointed by the Governor
17 in accordance with KRS 12.255. The Office of the Secretary shall contain the
18 following entities:
 - 19 (a) The Office of Communications and Public Outreach, which shall be headed
20 by an executive director appointed by the secretary with the approval of the
21 Governor in accordance with KRS 12.050;~~and~~
 - 22 (b) The Office of Legal Services, which shall be headed by an executive director
23 appointed by the secretary with the approval of the Governor in accordance
24 with KRS 12.050 and 12.210; and
 - 25 (c) The Office of Inspector General, which shall be headed by an executive
26 director appointed by the secretary with the approval of the Governor in
27 accordance with KRS 12.050. The Office of the Inspector General shall

1 have the following powers and duties:

2 1. Conduct audits and investigations for detecting the perpetration of
 3 fraud or abuse of any program within the cabinet by a state employee
 4 or by any vendor of services with whom the cabinet has contracted;

5 2. Conduct investigations into alleged Public Protection Cabinet state
 6 employee misconduct. If a state employee willfully refuses or fails to
 7 cooperate as a witness in an investigation, hearing, proceeding, or
 8 inquiry, the employee may be subject to disciplinary action;

9 3. Upon request of a cabinet agency, conduct an investigation into
 10 alleged wrongdoing by any person licensed by the cabinet if this
 11 wrongdoing has a nexus to the person's licensure;

12 4. Upon request of a cabinet agency, assist the agency to determine
 13 whether an applicant for licensure meets the requirements for
 14 licensure; and

15 5. Subpoena witnesses and send for and compel the production of books,
 16 records, papers, and documents for the furtherance of any
 17 investigation within the office's jurisdiction.

18 (3) There is established within the Public Protection Cabinet the Kentucky Claims
 19 Commission pursuant to KRS 49.010.

20 (4) The Kentucky Horse Racing Commission is attached to the Public Protection
 21 Cabinet for administrative purposes only, except as provided in KRS 131.330.

22 (5) There is established within the Public Protection Cabinet the Kentucky Boxing and
 23 Wrestling Commission, which shall be headed by an executive director appointed
 24 by the secretary with the approval of the Governor as required by KRS 12.050. The
 25 executive director shall be directly responsible to the secretary and shall perform the
 26 functions, powers, and duties provided by law and prescribed by the secretary.

27 ➔Section 25. KRS 198B.704 is amended to read as follows:

- 1 (1) (a) There is hereby created~~[an independent agency of state government to be~~
2 ~~known as]~~ the Kentucky Board of Home Inspectors~~[, which shall be attached~~
3 ~~to the Department of Professional Licensing for administrative purposes]~~. The
4 board shall consist of five (5) members, each appointed by the Governor.~~[~~
5 ~~Each board member shall serve a term of three (3) years. The board shall~~
6 ~~annually select one (1) of its members to serve as chair and one (1) of its~~
7 ~~members to serve as vice chair to act in the chair's absence.]~~ The board shall
8 designate either a board member or a member of the board's administrative
9 staff to serve as secretary to the board.
- 10 (b)~~[Any member appointed to fill a vacancy occurring other than by expiration of~~
11 ~~a term shall be appointed for the remainder of the unexpired term.~~
- 12 (c)~~] No more than three (3) members of the same political party shall serve on the~~
13 board at the same time.
- 14 (c)~~(d)] No member of the board shall reside in the same county as another~~
15 member. The members of the board shall be residents of Kentucky.
- 16 (d)~~(e) 1. A majority of the board shall constitute a quorum for the~~
17 ~~transaction of business. The affirmative vote of a majority of the~~
18 ~~members is necessary for the board to take official action.~~
- 19 2.~~] If the chair and vice chair are absent from a meeting of the board when a~~
20 quorum exists, the members who are present may elect a presiding
21 officer who shall serve as acting chair until the conclusion of the
22 meeting or until the arrival of the chair or vice chair.
- 23 (e) ~~(f) No member may serve on the board for more than six (6) consecutive~~
24 ~~years.]~~A member may serve on the board~~[for six (6) consecutive years]~~ on
25 more than one (1) occasion if that person is not a member of the board for at
26 least two (2) years between periods of board service.
- 27 (2) The five (5) members of the board shall be chosen as follows:

- 1 (a) Three (3) members shall:
- 2 1. Have been actively engaged in performing home inspections in
- 3 Kentucky for at least five (5) years immediately before the member's
- 4 appointment to the board, or have completed no less than one hundred
- 5 (100) fee-paid inspections per year over the last five (5) years; and
- 6 2. Be licensed by the board as a home inspector;
- 7 (b) One (1) member shall represent the public at large and shall not be associated
- 8 with the home inspection, home building, or real estate business other than as
- 9 a consumer; and
- 10 (c) One (1) member shall be a real estate professional licensed under KRS
- 11 Chapter 324 who has been actively engaged in selling, trading, exchanging,
- 12 optioning, leasing, renting, managing, or listing residential real estate in
- 13 Kentucky for at least five (5) years immediately before the member's
- 14 appointment to the board. This member shall be selected from a list of three
- 15 (3) names submitted to the Governor from the Kentucky Association of
- 16 Realtors. When a vacancy occurs in this member position ***due to expiration of***
- 17 ***a term***, the Kentucky Association of Realtors shall have ***thirty (30)***~~sixty (60)~~
- 18 days ***before***~~after~~ the vacancy occurs to submit a list of three (3) names to the
- 19 Governor to fill the vacancy. ***If the vacancy occurs for a reason other than***
- 20 ***the expiration of a term, the Kentucky Association of Realtors shall have***
- 21 ***forty-five (45) days after notification of the vacancy to submit a list of three***
- 22 ***(3) names to the Governor to fill the vacancy.*** The Governor may reject the
- 23 list of three (3) names and request that the Kentucky Association of Realtors
- 24 submit a new list of three (3) names within ***fifteen (15)***~~sixty (60)~~ days of the
- 25 Governor's request. If the Kentucky Association of Realtors fails to timely
- 26 submit this list to the Governor, the Governor may immediately appoint a
- 27 qualified person to fill this vacancy.

- 1 (3) ~~[A board member shall be automatically removed from the board and a vacancy~~
 2 ~~shall occur when the board member:~~
- 3 (a) ~~—Ceases to be a resident of the Commonwealth of Kentucky;~~
 4 (b) ~~—Displays incompetence, neglect of duty, or unprofessional conduct;~~
 5 (c) ~~—Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere~~
 6 ~~to this code shall be determined by official action of the board;~~
 7 (d) ~~—Enters a plea of guilty to, or has been found guilty of, a felony and the time for~~
 8 ~~appeal has passed or the judgment of conviction has been finally affirmed on~~
 9 ~~appeal; or~~
- 10 (e) ~~—Misses three (3) consecutive meetings or misses more than twenty five~~
 11 ~~percent (25%) of the meetings held over the previous twelve (12) month~~
 12 ~~period.~~
- 13 (4) ~~—Voting members of the board shall be compensated no more than three hundred~~
 14 ~~dollars (\$300) per day for official business, subject to an annual maximum of six~~
 15 ~~thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and~~
 16 ~~incurred in the discharge of official business consistent with the reimbursement~~
 17 ~~policy for state employees.]~~With the approval of the executive director of the
 18 Kentucky Real Estate Authority within the Department of Professional Licensing,
 19 board members and board staff may attend and travel to and from meetings and
 20 events relevant to the board or the industry the board represents.
- 21 ~~(4)~~~~(5)~~ The board shall meet at least quarterly each calendar year upon the call of the
 22 chair or the written request of a majority of the members of the board.
- 23 ~~(5)~~~~(6)~~ The chair shall establish the date, time, and place for each meeting.
- 24 ➔Section 26. KRS 198B.706 is amended to read as follows:
- 25 The board shall:
- 26 (1) Through the promulgation of administrative regulations:
- 27 (a) Determine the requirements for and prescribe the form of licenses,

- 1 applications, and other documents that are required by KRS 198B.700 to
2 198B.738; and
- 3 (b) Require that a home inspection report include a statement that the home
4 inspection report does not address environmental hazards and list all other
5 exclusions with specificity;
- 6 (2) Grant, deny, suspend, and revoke approval of examinations and courses of study
7 regarding home inspections;
- 8 (3) Issue or deny applications for *biennial* licensure and *biennial* renewals;
- 9 (4) Investigate complaints concerning licensees, or persons the board has reason to
10 believe should be licensees, including complaints concerning failure to comply with
11 KRS 198B.700 to 198B.738 or administrative regulations promulgated under KRS
12 198B.700 to 198B.738, and, when appropriate, take action in accordance with KRS
13 198B.728 and 198B.730;
- 14 (5) Bring actions in the name of the state in an appropriate court in order to enforce
15 compliance with KRS 198B.700 to 198B.738 or the administrative regulations
16 promulgated under KRS 198B.700 to 198B.738;
- 17 (6) Establish license fees in an amount not to exceed two hundred fifty dollars (\$250)
18 for each year of licensure~~[annually]~~;
- 19 (7) Inspect the records of a licensee in accordance with administrative regulations
20 promulgated by the board;
- 21 (8) Conduct or designate a member or other representative to conduct public hearings
22 on any matter for which a hearing is required under KRS 198B.728 and 198B.730;
- 23 (9) Adopt a seal containing the words "Kentucky Board of Home Inspectors" and,
24 through the board's secretary, certify copies and authenticate all acts of the board;
- 25 (10) ~~[Use counsel, consultants, and other persons,]~~ Enter into contracts, and authorize
26 expenditures that are reasonably necessary or appropriate to administer and enforce
27 KRS 198B.700 to 198B.738 and administrative regulations promulgated under

1 those sections~~[thereunder]~~;

2 (11) Establish continuing education requirements for licensed home inspectors in
3 accordance with KRS 198B.722 and 198B.724;

4 (12) Conduct disciplinary actions against licensees to include:

5 (a) Suspension, probation, or permanent revocation of a license;

6 (b) Requiring a licensee to obtain additional continuing education; and

7 (c) Issuance of a written reprimand;

8 (13) Require all fee-paid home inspections to be conducted in accordance with the
9 standards of practice of:

10 (a) The American Society of Home Inspectors;

11 (b) The International Association of Certified Home Inspectors; or

12 (c) Any other approved standards of practice that are equal to the standards of
13 practice of the organizations in paragraphs (a) and (b) of this subsection as
14 determined by the board.

15 The board may establish standards of practice for home inspectors licensed in
16 Kentucky at a later date, which will supersede any other standards of practice
17 previously adopted by the board and, if adopted by administrative regulation, the
18 standards in paragraphs (a) and (b) of this subsection;

19 (14) Exercise all other powers specifically conferred on the board under KRS 198B.700
20 to 198B.738; and

21 (15) Promulgate administrative regulations to carry out the effective administration and
22 the requirements of KRS 198B.700 to 198B.738, with the approval of the executive
23 director of the Kentucky Real Estate Authority.

24 ➔Section 27. KRS 198B.722 is amended to read as follows:

25 (1) The initial biennial license for a home inspector issued in accordance with KRS
26 198B.700 to 198B.738, shall expire on the last day of the licensee's birth month in
27 the second licensure~~[following]~~ year. The board may reduce the license fee on a pro

- 1 rata basis for initial licenses issued for less than twenty-four (24)~~[twelve (12)]~~
2 months.
- 3 (2) Renewed licenses shall expire on the last day of the licensee's birth month of each
4 even numbered year after the date of issuance of the renewed license.
- 5 (3) An individual who applies to renew a license as a licensed home inspector shall:
- 6 (a) Furnish evidence showing successful completion of the continuing education
7 requirements of this section;
- 8 (b) Pay the renewal fee and late fee, if applicable, established by the board;
- 9 (c) Show proof of general liability insurance in the amount required by KRS
10 198B.712(3)(d); and
- 11 (d) Submit a recent background check performed by the Kentucky State Police.
- 12 (4) Renewal notices shall be sent to each licensee at least sixty (60) days prior to the
13 expiration of the license. The notice shall inform the licensee of the need to renew
14 and the requirement of payment of the renewal fee.
- 15 (5) Renewal and applicable late fees shall be paid with a credit card, a draft, a money
16 order, a cashier's check, a certified or other personal check, or, if payment is made
17 in person, the payment may be made in cash. If the board receives an uncertified
18 personal check for the renewal fee and if the check does not clear the bank, the
19 board may refuse to renew the license.
- 20 (6) Each licensee shall complete the continuing education required by the board prior to
21 applying for license renewal. This requirement shall not exceed thirty (30) hours per
22 two (2) year license cycle.
- 23 (7) The board may, through the promulgation of administrative regulations:
- 24 (a) Establish an inactive license for licensees who are not actively engaging in the
25 home inspection business but wish to maintain their license;
- 26 (b) Reduce license and renewal fees for inactive licenses; and
- 27 (c) Waive the insurance requirements established in KRS 198B.712 for inactive

1 licenses.

2 ➔Section 28. KRS 216A.040 is amended to read as follows:

3 (1) There shall be a Kentucky Board of Licensure for Long-term Care Administrators
 4 located within the Public Protection Cabinet~~[for administrative and budgetary~~
 5 ~~purposes]~~. The board shall be composed of ten (10) members. The secretary of the
 6 Cabinet for Health and Family Services, or his or her designee, shall be an ex
 7 officio member of the board. The other members of the board shall be appointed by
 8 the Governor. *Subject to Section 16 of this Act, appointments may be made as*
 9 *follows:*

10 (a) One (1) member shall be a practicing hospital administrator, to be appointed
 11 from a list of two (2) names submitted by the Kentucky Hospital
 12 Association;~~[.]~~

13 (b) One (1) member shall be a practicing medical physician;~~[.] to be appointed~~
 14 ~~from a list of two (2) names submitted by the Kentucky State Medical~~
 15 ~~Association.]~~

16 (c) One (1) member shall be an educator in the field of allied health services;~~[.]~~

17 (d) One (1) member shall be a citizen at large who is not associated with or
 18 financially interested in the practice or business regulated;~~[.]~~

19 (e) One (1) member shall be a practicing long-term care administrator appointed
 20 from a list of two (2) names submitted by LeadingAge Kentucky; *and*~~[.]~~

21 (f) The other four (4) members shall be practicing long-term care administrators.
 22 *Three (3) of these members shall be* appointed from a list of two (2) names
 23 for each vacancy submitted by the Kentucky Association of Health Care
 24 Facilities and duly licensed under this chapter.

25 (2) No person who has been disciplined in the previous five (5) years by the board, or
 26 by another state's board of licensure governing the same profession, shall be
 27 appointed to the board.

1 ➔Section 29. KRS 216A.060 is amended to read as follows:

2 ~~[(1) The board shall elect annually from its membership a chair and vice chair.]~~The
3 board shall hold three (3) or more meetings each year.~~[At any meeting a majority of the~~
4 ~~appointed members with unexpired terms shall constitute a quorum.]~~ The board may
5 procure specialized consultation through the formation of any~~[such]~~ technical advisory
6 committees ***to execute the board's***~~[as it may deem necessary in the execution of its]~~
7 responsibilities.

8 ~~[(2) Members of the board shall receive per diem compensation to be established by~~
9 ~~administrative regulation. This compensation shall not exceed one hundred twenty~~
10 ~~dollars (\$120) per day. Members shall be reimbursed for actual and necessary~~
11 ~~expenses.]~~

12 ➔Section 30. KRS 309.081 is amended to read as follows:

13 (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors
14 consisting of seven (7) members who shall be appointed by the Governor. One (1)
15 member shall be a citizen at large who is not associated with or financially
16 interested in the practice or business of alcohol and drug counseling, and the six (6)
17 remaining members shall be licensed clinical alcohol and drug counselors or
18 certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089~~].~~~~The~~
19 ~~board shall elect a chairperson each year at the first meeting called after the~~
20 ~~appointment of new members].~~

21 ~~(2)[Each member of the board shall serve for a term of four (4) years with a maximum~~
22 ~~of two (2) full consecutive terms.~~

23 ~~(3)]~~ Each counselor member appointed to the board shall be a licensed clinical alcohol
24 and drug counselor or certified alcohol and drug counselor and shall be actively
25 engaged in the practice or teaching of alcohol and drug counseling in Kentucky.

26 ~~(3)]~~~~(4)]~~ All reappointments to and vacancies on the board shall be filled by the
27 Governor. ***Subject to Section 16 of this Act, the Governor may select a candidate***

1 from a list of three (3) names for each position that shall be submitted by the
 2 Kentucky Association of Addiction Professionals. The list shall consist of the three
 3 (3) nominees receiving the most votes in an election for each position to be filled.
 4 The election shall be administered by the Kentucky Association of Addiction
 5 Professionals, and nominations may be submitted by any interested party. The
 6 nominees shall be selected by all alcohol and drug counselors licensed or certified
 7 under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an
 8 unexpired term in the same manner as set out in this subsection.

9 ~~[(5) The citizen at large member shall be disqualified from serving on the board if:~~

10 ~~(a) The member, a person who is a part of the member's household, or the~~
 11 ~~member's relative becomes associated with or financially interested in the~~
 12 ~~business of alcohol and drug counseling, or participates or has participated in~~
 13 ~~a professional field related to alcohol and drug counseling; or~~

14 ~~(b) The member, a person who is a part of the member's household, or the~~
 15 ~~member's relative becomes, or is in training to become, a licensed clinical~~
 16 ~~alcohol and drug counselor or certified alcohol and drug counselor.~~

17 ~~(6) A counselor member of the board shall be disqualified from serving on the board if:~~

18 ~~(a) He or she violates the code of professional ethics or standards of practice~~
 19 ~~established pursuant to KRS 309.0813; or~~

20 ~~(b) He or she ceases to be a licensed clinical alcohol and drug counselor or~~
 21 ~~certified alcohol and drug counselor in Kentucky.~~

22 ~~(7) Board members shall be reimbursed for all reasonable and necessary expenses they~~
 23 ~~incur because of their board duties.]~~

24 ➔Section 31. KRS 309.0813 is amended to read as follows:

25 The board shall:

26 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
 27 administration and enforcement of KRS 309.080 to 309.089;

- 1 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a
2 code of ethics, standards of practice, and continuing education for licensed clinical
3 alcohol and drug counselors, licensed clinical alcohol and drug counselor
4 associates, certified alcohol and drug counselors, and registered alcohol and drug
5 peer support specialists;
- 6 (3) Approve and disapprove, at least twice a year, those persons who shall be licensed,
7 certified, or registered under KRS 309.080 to 309.089;
- 8 (4) Approve the examination required of applicants for licensure or certification as
9 alcohol and drug counselors and applicants for registration as alcohol and drug peer
10 support specialists, and promulgate administrative regulations pursuant to KRS
11 Chapter 13A for the administration and grading of the examination;
- 12 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the
13 process to register with the board as a registered alcohol and drug peer support
14 specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug
15 counselor associate, or licensed clinical alcohol and drug counselor;
- 16 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
17 grounds and procedures for denying, suspending, failing to reissue, or revoking a
18 license, certificate, or registration, and issuing reprimands and admonishments
19 pursuant to KRS 309.080 to 309.089;
- 20 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved
21 licensee, licensee associate, certificate holder, or registrant, or an applicant for a
22 license, certificate, or registration;
- 23 ~~(8) Employ needed personnel and establish their duties and compensation;~~
- 24 ~~(9)~~ Maintain a register of licensed clinical alcohol and drug counselors, licensed
25 clinical alcohol and drug counselor associates, certified alcohol and drug
26 counselors, and registered alcohol and drug peer support specialists;
- 27 (9)~~(10)~~ Keep a complete record of the board's proceedings;

1 ~~(10)~~~~(11)~~ Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
2 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;

3 ~~(11)~~~~(12)~~ Promulgate administrative regulations pursuant to KRS Chapter 13A
4 establishing an initial licensure fee, certification fee, registration fee, and ~~annual~~
5 renewal fees not to exceed three hundred dollars (\$300) **for** each **credentialed year**;

6 ~~(12)~~~~(13)~~ Take legal action as necessary to restrain or enjoin violations of KRS 309.080
7 to 309.089 and the administrative regulations promulgated pursuant to KRS
8 309.080 to 309.089;

9 ~~(13)~~~~(14)~~ Submit an annual report to the Governor and the Legislative Research
10 Commission by **September**~~January~~ 1 of each year, which lists all hearings
11 conducted by the board and the decisions rendered; and

12 ~~(14)~~~~(15)~~ Collect and deposit all fees, fines, and other moneys owed to the board into
13 the State Treasury to the credit of the revolving fund established in KRS 309.082.

14 ➔Section 32. KRS 309.131 is amended to read as follows:

15 (1) There is hereby created the Kentucky Board of Licensure for Professional Art
16 Therapists ~~that shall be attached to the Department of Professional Licensing in the~~
17 ~~Public Protection Cabinet for administrative purposes~~. The board shall consist of
18 five (5) members who are United States citizens and have been Kentucky residents
19 for at least five (5) years prior to their appointment. The board membership shall be
20 determined as follows:

21 (a) Four (4) members shall be professional art therapists who are licensed
22 pursuant to KRS 309.133, and shall have engaged in art therapy practice for at
23 least five (5) years. These members shall not hold any elected or appointed
24 office in any professional organization of art therapy or closely related field
25 during their tenure on the board; and

26 (b) One (1) member shall represent the public. The public member shall not have
27 been licensed or have practiced as a professional art therapist, nor have any

1 significant financial interest, either direct or indirect, in the profession of art
2 therapy.

3 ~~(2) All members of the board shall be appointed by the Governor for staggered terms of~~
4 ~~four (4) years.~~

5 ~~(3)~~ The four (4) professional members shall be appointed from a list of eight (8) names
6 submitted by the board of directors of the Kentucky Art Therapy Association, Inc.,
7 **subject to Section 16 of this Act**, and the one (1) public member shall be a citizen at
8 large. ~~Each member shall hold office until a successor is appointed. Vacancies~~
9 ~~shall be filled in the same manner as original appointments. No board member shall~~
10 ~~serve more than two (2) consecutive terms].~~

11 ~~(3)~~~~(4)~~ Each board candidate shall be licensed as an art therapist prior to nomination
12 and shall be actively engaged in the practicing or teaching of art therapy, except for
13 the one (1) public member.

14 ~~[(5) Members of the board shall receive no compensation, perquisite, or allowance.~~

15 ~~(6) The board shall elect annually from its membership a chairman, secretary, and other~~
16 ~~officers as necessary to carry out its duties.~~

17 ~~(7) The board shall meet at least two (2) times each year. Additional meetings may be~~
18 ~~called by the chairman, upon the written request of at least two (2) members of the~~
19 ~~board. A simple majority of the board members shall constitute a quorum of the~~
20 ~~board.]~~

21 ➔Section 33. KRS 309.302 is amended to read as follows:

22 (1) There is hereby created a board to be known as the "Kentucky Board of Interpreters
23 for the Deaf and Hard of Hearing."

24 (2) The board shall consist of seven (7) members appointed by the Governor as follows:

25 (a) Five (5) practicing interpreters who hold current nationally recognized
26 certification and have at least five (5) years interpreting experience;

27 (b) One (1) deaf interpreter with past or current nationally recognized

1 certification; and

2 (c) One (1) consumer with knowledge about interpreter issues.

3 ~~[(3) After the initial term of each appointment, all members shall be appointed for a~~
4 ~~term of four (4) years.~~

5 ~~(4) Board members shall not be allowed to succeed themselves but a former member~~
6 ~~may be reappointed to the board if that member has not served in the preceding four~~
7 ~~(4) years.~~

8 ~~(5) The members of the board shall receive no compensation for their services on the~~
9 ~~board, but they shall be reimbursed for actual and necessary expenses incurred in~~
10 ~~the performance of their official duties.~~

11 ~~(6) The board shall annually elect a chairman, a vice chairman, and a secretary treasurer~~
12 ~~from the members of the board.~~

13 ~~(7) The board shall hold at least one (1) meeting annually and additional meetings as~~
14 ~~the board may deem necessary. The additional meetings may be held upon call of~~
15 ~~the chairman or upon written request of a quorum. Four (4) members of the board~~
16 ~~shall constitute a quorum to conduct business.~~

17 ~~(8) Upon recommendation of the board, the Governor may remove any member of the~~
18 ~~board for neglect of duty or malfeasance in office.]~~

19 ➔Section 34. KRS 309.304 is amended to read as follows:

20 (1) The board shall administer and enforce the provisions of this chapter and shall have
21 the responsibility of evaluating the qualifications of applicants for licensure and the
22 issuance of licenses.

23 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
24 administer oaths, and investigate allegations of practices violating the provisions of
25 this chapter.

26 (3) The board shall promulgate necessary and reasonable administrative regulations in
27 accordance with KRS Chapter 13A and this chapter to effectively carry out and

1 enforce the provisions of KRS 309.300 to 309.319, including administrative
2 regulations to establish authorized fees. Fees shall not exceed amounts necessary to
3 generate sufficient funds to effectively carry out and enforce the provisions of KRS
4 309.300 to 309.319.

5 (4) The board may conduct hearings in accordance with KRS Chapter 13B and keep
6 records and minutes necessary to carry out the functions of KRS 309.300 to
7 309.319.

8 (5) The board may renew licenses and require continuing education as a condition for
9 renewal.

10 (6) The board may suspend or revoke licenses,~~or~~ impose supervisory or probationary
11 conditions upon licensees,~~or~~ impose administrative disciplinary fines, issue
12 written reprimands, or any combination of these actions~~thereof~~.

13 (7) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful
14 practice of interpreting by unlicensed persons.

15 ~~(8) The board may employ any persons it deems necessary to carry on the work of the
16 board, and shall define their duties and fix their compensation.~~

17 ~~(9)~~ ~~Beginning in 1999,~~ On September~~October~~ 1 of each year, the board shall submit
18 a report to the Legislative Research Commission indicating:

19 (a) The current number of licensed interpreters; and

20 (b) The number of complaints received against interpreters and any disciplinary
21 action taken within the previous calendar year.

22 ➔Section 35. KRS 309.306 is amended to read as follows:

23 (1) All fees and other moneys received by the board under the provisions of KRS
24 309.300 to 309.319 shall be deposited in the State Treasury to the credit of a
25 revolving fund for the use of the board.

26 (2) No part of this revolving fund shall revert to the general fund of this
27 Commonwealth.

1 (3) This revolving fund shall pay for the reimbursement of board members for actual
2 and necessary expenses incurred in the performance of their official duties~~[, the~~
3 ~~compensation of all of the employees of the board,]~~ and ***for*** those operational
4 expenses incurred in fulfilling the board's duties as described in administrative
5 regulation.

6 ➔Section 36. KRS 309.314 is amended to read as follows:

7 (1) Each person licensed as an interpreter shall ***biennially***~~[annually]~~, on or before July 1
8 ***of the second year***, submit to the board current proof of nationally recognized
9 certification and pay a fee for the renewal of the interpreter license. The amount of
10 the fee shall be promulgated by administrative regulation of the board. All licenses
11 not renewed by July 1 of ***the second***~~[each]~~ year shall expire.

12 (2) A sixty (60) day grace period shall be allowed after July 1 ***of the second year***,
13 during which time individuals may continue to practice and may renew their
14 licenses upon payment of the renewal fee plus a late renewal fee as promulgated by
15 administrative regulation of the board.

16 (3) All licenses not renewed by August 31 ***of the second year*** shall terminate based on
17 the failure of the individual to renew in a timely manner. Upon termination, the
18 licensee is no longer eligible to practice in the Commonwealth.

19 (4) After the sixty (60) day grace period, but before five (5) years from the date of
20 termination, individuals with a terminated license may have their licenses reinstated
21 upon payment of the renewal fee plus a reinstatement fee as promulgated by
22 administrative regulation of the board.

23 (5) A suspended license is subject to expiration and termination and may be renewed as
24 provided in KRS 309.300 to 309.319. Renewal shall not entitle the licensee to
25 engage in the practice of interpreting until the suspension has ended or is otherwise
26 removed by the board and the right to practice is restored by the board.

27 (6) A revoked license is subject to expiration and termination but shall not be renewed.

1 If it is reinstated, the licensee shall pay the reinstatement fee as set forth in
2 subsection (4) of this section and the renewal fee as set forth in subsection (1) of
3 this section.

4 (7) The board may require that a person applying for renewal or reinstatement of
5 licensure show evidence of completion of continuing education as prescribed by the
6 board by administrative regulation.

7 ➔Section 37. KRS 309.329 is amended to read as follows:

8 (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators
9 consisting of five (5) members who shall be appointed by the Governor as follows:

10 (a) One (1) member shall be a licensed medical physician with experience in the
11 delivery of diabetes education appointed from a list of three (3) names
12 submitted by the State Board of Medical Licensure;

13 (b) One (1) member shall be a registered nurse with experience in diabetes
14 education appointed from a list of three (3) names submitted by the Kentucky
15 Board of Nursing;

16 (c) One (1) member shall be a pharmacist experienced in diabetes education,
17 licensed under KRS Chapter 315, and appointed from a list of three (3) names
18 submitted by the Kentucky Board of Pharmacy;

19 (d) One (1) member shall be a licensed dietitian or certified nutritionist with
20 experience in diabetes education appointed from a list of three (3) names
21 submitted by the Kentucky Board of Licensure and Certification for Dietitians
22 and Nutritionists; and

23 (e) One (1) member shall be a citizen at large who is not employed in the health
24 care field.

25 **(2)** One (1) of the members appointed under paragraph (b), (c), or (d) of ~~this~~
26 subsection **(1) of this section** shall have completed either the credentialing program
27 of the American Association of Diabetes Educators or the National Certification

1 Board for Diabetes Educators.

2 ~~[(2) (a) The Governor shall initially appoint one (1) member and the citizen at large to~~
 3 ~~terms of four (4) years, two (2) members to terms of three (3) years, and one~~
 4 ~~(1) member to a term of two (2) years.~~

5 ~~(b) All reappointments to the board shall be for terms of four (4) years.~~

6 ~~(c) No member shall serve more than two (2) consecutive terms and shall serve~~
 7 ~~on the board until his or her successor is appointed.~~

8 ~~(3) The board shall organize annually and elect one (1) of its members as chair and one~~
 9 ~~(1) of its members as secretary. A quorum of the board shall consist of three (3)~~
 10 ~~members. The board shall meet at least semiannually and upon the call of the chair,~~
 11 ~~or at the request of two (2) or more members to the secretary of the board.~~

12 ~~(4) The board shall be placed for administrative purposes under the Department of~~
 13 ~~Professional Licensing of the Public Protection Cabinet.]~~

14 ➔Section 38. KRS 309.331 is amended to read as follows:

15 The board shall:

16 (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to
 17 carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics,
 18 standards of practice, and continuing education requirements for licensed diabetes
 19 educators, based upon policies and positions adopted by the American Association
 20 of Diabetes Educators;

21 (2) Issue initial licenses and license renewals to individuals. A license shall not be
 22 issued to a partnership, unincorporated association, corporation, or similar business
 23 organization;

24 (3) Investigate alleged violations brought to its attention, conduct investigations, and
 25 schedule and conduct administrative hearings in accordance with KRS Chapter 13B
 26 to enforce KRS 309.325 to 309.339 and administrative regulations promulgated
 27 pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is

1 authorized to:

2 (a) Administer oaths;

3 (b) Receive evidence;

4 (c) Interview persons;

5 (d) Require the production of books, papers, documents, or other evidence; and

6 (e) Institute civil and criminal proceedings against violators of KRS 309.325 to
7 309.339. The Attorney General, Commonwealth's attorneys, and county
8 attorneys shall assist the board in prosecuting violations of KRS 309.325 to
9 309.339;

10 (4) Keep a record of its proceedings and a register of all persons licensed as diabetes
11 educators, including the name of the licensee, the license number, date of issue, and
12 last known place of business. The list shall be available to anyone upon request and
13 payment of a fee not to exceed the cost of the publication; ***and***

14 (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339
15 and deposit all moneys into the fund established by KRS 309.333; ~~and~~

16 ~~(6) Reimburse members of the board for actual travel expenses incurred for attending~~
17 ~~the meetings of the board].~~

18 ➔Section 39. KRS 309.335 is amended to read as follows:

19 (1) An applicant for licensure as a diabetes educator shall:

20 (a) File a written application on forms provided by the board;

21 (b) Provide evidence to the board showing successful completion of one (1) of the
22 following:

23 1. A board-approved course in diabetes education with demonstrable
24 experience in the care of people with diabetes under supervision that
25 meets requirements specified in administrative regulations promulgated
26 by the board;

27 2. The credentialing program of the American Association of Diabetes

1 Educators or the National Certification Board for Diabetes Educators; or
2 3. An equivalent credentialing program as determined by the board; and
3 (c) Pay licensing amounts as promulgated by the board through administrative
4 regulation, with the following restrictions:
5 1. Initial licensing shall not exceed one hundred dollars (\$100);
6 2. ~~Annual renewal shall not exceed one hundred dollars (\$100);~~
7 ~~3. Biennial renewal shall not exceed two hundred dollars (\$200);~~
8 ~~4. Late renewal shall not exceed one hundred fifty dollars (\$150); and~~
9 ~~5. The reinstatement fee shall not exceed two hundred twenty-five dollars~~
10 (\$225).

- 11 (2) (a) Licenses or permits shall be renewed ~~annually or~~ biennially ~~if the board~~
12 ~~requires biennial license renewal by administrative regulation~~.
13 (b) Licenses or permits not renewed within thirty (30) days after the renewal date
14 shall pay a late penalty as promulgated by the board in administrative
15 regulation.
16 (c) Licenses or permits not renewed within ninety (90) days of the renewal date
17 shall lapse and may only be reinstated with payment of a reinstatement fee and
18 initial licensing amount as promulgated by the board in administrative
19 regulation.
20 (d) An apprentice diabetes educator shall not carry a permit for more than five (5)
21 years without becoming licensed.

22 ~~[(3) Notwithstanding subsections (1) and (2) of this section, prior to July 1, 2014, a~~
23 ~~person who the board finds to have successfully achieved a core body of knowledge~~
24 ~~and skills in the biological and social sciences, communication, counseling, and~~
25 ~~education, by training or instruction, as well as experience in the care of people with~~
26 ~~diabetes under supervision that meets the requirements specified in administrative~~
27 ~~regulations promulgated by the board, may be issued an initial license by the board~~

1 ~~upon payment of an initial licensing fee, completion of a written application on~~
2 ~~forms provided by the board, and submission of any other information requested by~~
3 ~~the board.~~

4 ~~(4) Until May 1, 2014, notwithstanding subsection (1) of this section, individuals who~~
5 ~~have practiced diabetes education for a minimum of one thousand (1,000) hours per~~
6 ~~year for the past three (3) years, but are not currently credentialed by the American~~
7 ~~Association of Diabetes Educators as a board-certified advanced diabetes manager~~
8 ~~or by the National Certification Board for Diabetes Educators as a certified diabetes~~
9 ~~educator, may apply to the board for licensure as a diabetes educator by submitting~~
10 ~~the initial licensure fee and proof of employment, in order to continue to practice~~
11 ~~diabetes education, as defined by KRS 309.325(2).]~~

12 ➔Section 40. KRS 309.354 is amended to read as follows:

13 (1) There is created a board to be known as the Kentucky Board of Licensure for
14 Massage Therapy~~, which shall be an independent agency].~~

15 (2) The Governor shall appoint seven (7) members to serve on the board with the
16 following representation:

17 (a) Five (5) members who are massage therapists licensed under KRS 309.350 to
18 309.364, who have been in the practice of massage therapy for at least five (5)
19 of the last seven (7) years, and who have been residents of Kentucky for at
20 least one (1) year;

21 (b) Of these five (5), at least one (1) but no more than two (2) shall own or direct
22 a board-approved massage therapy training program; and

23 (c) Two (2) members shall be appointed by the Governor and shall serve as
24 members at large who are neither licensed massage therapists nor spouses of
25 persons who are licensed, or have a direct or indirect interest in the profession
26 regulated under KRS 309.350 to 309.364. One (1) of the two (2) may hold a
27 license in another health care profession.

1 ~~[(3) Appointments shall be for three (3) years with initial appointments as follows: three~~
2 ~~(3) appointees shall serve three (3) year terms; two (2) shall serve two (2) year~~
3 ~~terms; and two (2) shall serve one (1) year terms. The Governor shall assign terms~~
4 ~~to initial members at his or her discretion.~~

5 ~~(4) The board shall elect initially, and annually thereafter, a chair, vice chair, and~~
6 ~~secretary from its membership and shall meet at least once per year, and more often~~
7 ~~as deemed necessary, at a time and at a place in Kentucky for the board to fulfill its~~
8 ~~duties.~~

9 ~~(5) Each member of the board shall receive a per diem not to exceed one hundred~~
10 ~~dollars (\$100) and other actual and necessary expenses for each day he or she is~~
11 ~~actually engaged in the discharge of the board's official duties.~~

12 ~~(6) Upon recommendation of the board, the Governor may remove any member of the~~
13 ~~board for a poor attendance record, neglect of duty, or malfeasance in office.]~~

14 ➔Section 41. KRS 309.355 is amended to read as follows:

15 (1) The board shall administer and enforce the provisions of KRS 309.350 to 309.364
16 and shall have the responsibility to evaluate the qualifications of applicants for
17 licensure and to authorize issuing, renewing, suspending, and revoking licenses.

18 (2) The board shall investigate alleged violations brought to its attention, conduct
19 investigations, and schedule and conduct administrative hearings in accordance with
20 KRS Chapter 13B to enforce the provisions of KRS 309.350 to 309.364 and
21 administrative regulations promulgated pursuant to KRS 309.350 to 309.364. The
22 board may~~shall have the authority to~~ administer oaths, receive evidence, interview
23 persons, and require the production of books, papers, documents, or other evidence.
24 The board may institute civil and criminal proceedings against violators of KRS
25 309.350 to 309.364. The Attorney General, Commonwealth's attorneys, and county
26 attorneys shall assist the board in prosecuting violations of KRS 309.350 to
27 309.364.

- 1 (3) The board shall promulgate administrative regulations, pursuant to KRS Chapter
2 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including
3 creating a code of ethics, standards of practice, standards of educational program
4 curriculum and instructor qualification, and continuing education requirements for
5 licensed massage therapists.
- 6 (4) The board shall keep a record of its proceedings and a register of all persons
7 licensed as massage therapists. The register shall include the name, license number
8 and date of issue, last known place of business, and residence of each licensee. The
9 board shall publish annually a directory of licensed massage therapists and their
10 places of business. The list shall be available to any Kentucky citizen upon request
11 and payment of a fee not to exceed the cost of the publication.
- 12 (5) The board shall make an annual report to the Governor and the Legislative
13 Research Commission~~[General Assembly]~~, which shall contain an account of its
14 duties performed, actions taken, and appropriate recommendations.
- 15 (6) The board may seek an injunction in the Circuit Court of the county where the
16 alleged violation occurred against any individual who practices massage therapy in
17 the Commonwealth without a license.
- 18 ➔Section 42. KRS 309.356 is amended to read as follows:
- 19 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~
20 KRS 309.350 to 309.364 shall be deposited in the State Treasury to the credit of a
21 revolving fund for the use of the board.
- 22 (2) No part of this revolving fund shall revert to the general funds of this
23 Commonwealth.
- 24 (3) The compensation of members of the board~~[and all of the employees of the board]~~
25 and all expenses incurred by the board shall be paid from this revolving fund.
- 26 ➔Section 43. KRS 309.404 is amended to read as follows:
- 27 (1) There is hereby created the Kentucky Board of Durable Medical Equipment

- 1 Suppliers~~[that shall be attached for administrative purposes to the Department of~~
2 ~~Professional Licensing in the Public Protection Cabinet]~~. The board shall consist of
3 five (5) members, each appointed by the Governor. Four (4) members may~~[shall]~~ be
4 appointed from a list of three (3) names for each position submitted by the
5 Kentucky Medical Equipment Suppliers Association, *subject to Section 16 of this*
6 *Act*. One (1) member shall be a citizen at large who is not associated with or
7 financially interested in the practice or business regulated.~~[Any vacancy shall be~~
8 ~~filled for the unexpired term by the Governor, as provided in the original~~
9 ~~appointment.]~~
- 10 (2) To be eligible for appointment as a member of the board, a person shall be at least
11 twenty-one (21) years of age, of good moral character, a resident of this state, and, *if*
12 *a supplier member*, a licensed durable medical equipment services provider in this
13 state for at least three (3) consecutive years next preceding the date of his or her
14 appointment.
- 15 (3) ~~[The terms of office of each member shall be four (4) years, or until a successor is~~
16 ~~appointed and qualified.]~~
- 17 ~~(4) The board shall elect one (1) of its members as president and another of its~~
18 ~~members as secretary. The secretary may, subject to approval by the board, employ~~
19 ~~and fix the compensation of all personnel required for the administration of KRS~~
20 ~~309.400 to 309.422.]~~The board may make all rules and promulgate all
21 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are
22 necessary to implement and carry out the provisions and purposes of KRS 309.400
23 to 309.422.
- 24 ~~[(5) The board shall hold meetings at least twice a year and as frequently as it deems~~
25 ~~necessary at a time and place within the Commonwealth as the board may~~
26 ~~designate. A majority of the members shall constitute a quorum.]~~
- 27 (4)~~[(6)]~~ The board may sue and be sued in its own name.

1 ~~(5)~~⁽⁷⁾ Members of the board shall be immune from suit in any civil or criminal
2 action which is based upon any official act or acts performed by them in good faith
3 as members of the board.

4 ~~[(8) Members of the board shall receive no compensation for their services, but shall be
5 paid for actual travel and other expenses incurred in connection with the
6 performance of their duties and the business of the board.]~~

7 ~~(6)~~⁽⁹⁾ The board may utilize any materials, services, or facilities ***that are***~~[as may be]~~
8 made available to it by other state agencies or may contract therefor, to the extent as
9 the board in its discretion may determine.

10 ➔Section 44. KRS 310.040 is amended to read as follows:

11 (1) The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
12 is hereby created to be ***composed***~~[comprised]~~ of seven (7) members appointed by
13 the Governor. Three (3) members shall be licensed dietitians, three (3) members
14 shall be certified nutritionists, and one (1) member shall be a public member who
15 shall have no pecuniary interest in the nutrition field. Of the members from the
16 nutrition field, one (1) shall represent hospitals, one (1) shall represent health care
17 facilities other than hospitals, one (1) shall represent state or local nutritional
18 programs or shall be in private practice and one (1) shall be a dietetic educator.
19 ***Subject to Section 16 of this Act,*** appointments may be made from a list of
20 nominees submitted to the Governor by the Kentucky Dietetic Association, the
21 Kentucky Hospital Association, the Kentucky Association of Health Care Facilities,
22 and the Kentucky Medical Association.

23 (2) ~~[Each member of the board shall serve for a term of four (4) years, except that for
24 initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3)
25 years, and two (2) shall be for two (2) years and one (1) shall be for one (1) year. No
26 member shall serve more than two (2) consecutive terms and each member on July
27 15, 1994, shall serve on the board until his successor is appointed. Vacancies shall~~

1 ~~be filled by appointment of the Governor for the unexpired term.~~

2 ~~(3) The board shall organize annually and elect one (1) of its members as chairman and~~
 3 ~~one (1) of its members as secretary. A quorum of the board shall consist of four (4)~~
 4 ~~members.]The board shall meet at least quarterly and upon the call of the chairman,~~
 5 ~~or at the request of two (2) or more members to the secretary of the board.~~

6 ~~(3)[(4)] [Each member of the board shall receive compensation for services in an~~
 7 ~~amount determined by the department, not to exceed one hundred dollars (\$100)~~
 8 ~~dollars per meeting. The members shall be reimbursed for all travel expenses for~~
 9 ~~attending the meetings of the board.]The compensation of members[and~~
 10 ~~employees] of the board shall be paid from the revolving fund established in KRS~~
 11 ~~310.041(7).~~

12 ➔Section 45. KRS 310.041 is amended to read as follows:

13 The board shall:

- 14 (1) Promulgate administrative regulations in accordance with KRS Chapter 13A
 15 implementing the provisions of KRS 310.005, 310.021, 310.031, 310.040, 310.041,
 16 310.042, 310.050, 310.070, and 310.990;
- 17 (2) Issue initial licenses and certificates and license and certificate renewals;
- 18 (3) Notify in writing any person determined by the board to be in violation of this
 19 chapter or the administrative regulations promulgated under this
 20 chapter~~thereunder~~. The notification shall state that the person may request a
 21 hearing by the board within an amount of time specified by the board. If a hearing is
 22 requested, the hearing shall be conducted in accordance with KRS Chapter 13B. If
 23 the person fails to request the hearing, or if the board determines from the hearing
 24 that the person is in violation of this chapter or the administrative regulations
 25 promulgated under this chapter~~thereunder~~, the board may apply to the Circuit
 26 Court of the county in which the violation occurred for an injunction or other
 27 appropriate restraining order to prohibit the continued violation;

- 1 (4) Publish and make available to the public, upon request and for a fee not to exceed
 2 the actual cost of printing and mailing, the administrative regulations of the board
 3 and the requirements for licensure and certification;
- 4 (5) Establish fees, subject to maximum limitations prescribed in this chapter, in
 5 amounts sufficient to pay the expenses of the board directly attributable to the
 6 performance of its duties pursuant to the provisions of this chapter;
- 7 (6) Review and approve or reject the qualifications of all applicants for licensure and
 8 certification and issue all approved licenses and certificates;
- 9 (7) Collect or receive all fees, fines, and moneys owed pursuant to the provisions of this
 10 chapter and to deposit all fees, fines, and moneys into the State Treasury to the
 11 credit of a revolving fund for the use of the board. No part of this revolving fund
 12 shall revert to the general funds of this Commonwealth;
- 13 (8) Deny, suspend, or revoke the license or certification of or to otherwise discipline or
 14 fine, by administrative penalty not to exceed five hundred dollars (\$500), or
 15 reprimand a license or certificate holder found guilty of violating ~~any provisions~~
 16 ~~of~~ this chapter or the administrative regulations promulgated **under this**
 17 **chapter**~~[thereunder]~~;
- 18 (9) **Receive and investigate any complaint against a licensee;**
- 19 **(10)** Promulgate administrative regulations in accordance with KRS Chapter 13A to
 20 establish conditions for granting a retired or inactive licensure status; and
- 21 **(11)**~~(10)~~ Promulgate administrative regulations in accordance with KRS Chapter 13A
 22 to establish procedures to permit a licensee or certificate holder to voluntarily
 23 relinquish a license or certificate and conditions to reinstate a voluntarily
 24 relinquished license or certificate.
- 25 ➔Section 46. KRS 310.050 is amended to read as follows:
- 26 (1) The board, by duly-promulgated administrative regulation, shall establish fees for
 27 the application, reinstatement, and renewal of a license or certificate and fees for

1 reciprocal and duplicate licensure or certification.

2 (2) No fee shall exceed fifty dollars (\$50) ***per licensure year.***

3 (3) A license or certificate shall be renewed ***biennially***~~[*annually*]~~ and only upon timely
4 payment of the renewal fee and documented successful completion of continuing
5 education as required by the board.

6 (4) A licensee or certificate holder who fails to renew his or her license or certificate
7 within sixty (60) days after renewal becomes due shall have the license or certificate
8 automatically revoked without further notice or hearing. Any person whose license
9 or certificate is automatically revoked as provided in this subsection may have the
10 license or certificate reinstated by the board in its discretion upon payment of all
11 past-due renewal fees and a reinstatement fee.

12 (5) Subsections (3) and (4) of this section shall not apply if the board has granted the
13 license or certificate holder a special license or certificate status under ***subsections***
14 ***(10) and (11) of Section 45 of this Act***~~[KRS 310.041(9) or (10)]~~.

15 ➔Section 47. KRS 311.410 is amended to read as follows:

16 (1) There is hereby created in the government of the Commonwealth a State Board of
17 Podiatry which shall consist of five (5) members, each appointed by the Governor.
18 ***Subject to Section 16 of this Act,*** four (4) members shall be appointed from lists of
19 three (3) names for each position submitted by the Kentucky Podiatry Association.
20 One (1) member shall be a citizen at large who is not associated with or financially
21 interested in the practice or business regulated.~~[Any vacancy shall be filled for the~~
22 ~~unexpired term by the Governor, as provided in the original appointment.]~~

23 (2) ~~[A person]~~To be eligible for appointment as a podiatrist member of the board, ***a***
24 ***person*** shall be at least twenty-one (21) years of age, of good moral character, a
25 resident of this state, and a licensed practicing podiatrist in this state for at least five
26 (5) consecutive years next preceding the date of his ***or her*** appointment. No
27 member of the board shall be a stockholder, officer, or member of the faculty or

1 board of trustees of any school, college, or institution of podiatry or chiropody.

2 (3) ~~{The terms of office of each member shall be four (4) years, or until his successor~~
3 ~~shall be appointed and qualified.~~

4 ~~(4) The board shall elect one (1) of its members as president and another of its~~
5 ~~members as secretary. The secretary may, subject to approval by the board, employ~~
6 ~~and fix the compensation of all personnel required for the administration of KRS~~
7 ~~311.390 to 311.510.}~~The board may make all necessary rules and administrative
8 regulations, not inconsistent with KRS 311.390 to 311.510,~~{as may be necessary}~~
9 to implement and carry out the provisions and purposes of KRS 311.390 to
10 311.510.

11 ~~{(5) The board shall hold meetings at least twice a year and as frequently as it deems~~
12 ~~necessary at such times and places as the board may designate. A majority of the~~
13 ~~members shall constitute a quorum.}~~

14 ~~(4)~~~~{(6)}~~ The board may sue and be sued in its own name.

15 ~~{(7) Members of the board shall be immune from suit in any civil or criminal action~~
16 ~~which is based upon any official act or acts performed by them in good faith as~~
17 ~~members of the board.}~~

18 ➔Section 48. KRS 311.420 is amended to read as follows:

19 (1) The board shall conduct examinations at least twice a year at~~{such}~~ times and
20 places~~{as}~~ the board deems convenient for applicants for licenses to practice
21 podiatry in this state, and shall admit to examination any applicant who:

22 (a) Is at least eighteen (18) years of age;

23 (b) Is a citizen of the United States and a resident of the State of Kentucky;

24 (c) Is of good moral character and temperate habits; and

25 (d) Has completed a course in and graduated from a school or college of podiatry
26 approved by the board.

27 (2) The board shall prescribe the time, place, method, manner, scope, and content of

1 examinations **to practice podiatry consistent with**~~[as relates to]~~ KRS 311.380(2);
 2 and the board may accept certified, successful National Board of Podiatry
 3 examinations in lieu of its written examination.

4 (3) Applicants for examination shall present their credentials to the board by mail upon
 5 forms furnished by the board, and shall receive due notice of the place and date of
 6 the examination. Each application shall contain proof of the qualifications required
 7 of the applicant, shall be verified by the applicant under oath, and shall be
 8 accompanied by an examination fee set by the board.

9 (4) The board shall issue a license to any person who complies with the provisions of
 10 KRS 311.380 to 311.510 and who satisfactorily passes the examination.

11 ~~(5) The members of the board shall receive no compensation for their services, but shall
 12 be paid their traveling and other necessary expenses while employed upon the
 13 business of the board.~~

14 ~~(6)~~ The board may, in good faith, adopt rules and **promulgate administrative**
 15 regulations to license and control those persons who may become formally
 16 educated, or by years of employment by a licensed podiatrist, as a podiatric
 17 assistant.

18 ~~(6)~~~~(7)~~ The board may utilize **any available**~~[such]~~ materials, services, or facilities
 19 **from**~~[as may be made available to it by]~~ other state agencies or may contract
 20 therefor, to **the**~~[such]~~ extent as the board~~[in its discretion,]~~ may determine.

21 ➔Section 49. KRS 311.450 is amended to read as follows:

22 (1) Every license issued for the practice of podiatry **shall be for two (2) years and** shall
 23 expire on June 30 following the **expiration** date~~[of issuance]~~ unless sooner revoked
 24 and canceled.

25 (2) On or before June 1 of each year, the board shall send notices to all licensed
 26 podiatrists in this state **who are in the second year of their license**, at their last
 27 known addresses, advising them that the **term of their license is about to expire**

1 ~~and that the~~^[annual] license renewal fee is due on July 1 of ~~that~~^[each] year. Every
 2 registered podiatrist shall renew his ***or her*** license on or before July 1 of ***the***
 3 ***podiatrist's renewal***^[each] year by the payment to the board of ~~a~~^[an annual] license
 4 renewal fee which shall be a reasonable fee set by ***administrative*** regulation of the
 5 board and upon submission of a statement of compliance with the continuing
 6 education ***administrative*** regulations of the board. If ~~this~~^[such] renewal fee is not
 7 paid or ~~the~~^[such] statement of compliance is not submitted on or before July 1 ***of***
 8 ***the renewal year***, the board shall notify the delinquent licensee by mail at ***the***
 9 ***licensee's***^[his] last known address that ~~the~~^[such] fee and statement are past due and
 10 that a delinquent penalty fee is assessed, in addition to the renewal fee and that the
 11 renewal fee and penalty ~~shall~~^[must] be paid and the statement of compliance
 12 submitted on or before January 1. If ~~the~~^[such] fees, penalties, and statement are not
 13 submitted by January 1, ~~it shall be the duty of~~ the board ~~shall~~^[to] suspend or
 14 revoke the license for nonpayment of the ~~annual~~ renewal and delinquent fees or
 15 for failure to submit the statement of compliance for the current ***licensing***
 16 ***cycle***^[year].

17 (3) All fees collected under ~~the provisions of~~ KRS 311.380 to 311.510, or the rules
 18 and ***administrative*** regulations ***promulgated under those sections***^{[adopted pursuant}
 19 ~~thereto]~~, shall be paid into the State Treasury, and credited to a trust and agency
 20 fund to be used in defraying the costs and expenses in the administration of KRS
 21 311.380 to 311.510 including, but not limited to, ~~salaries and~~ necessary travel
 22 expenses. No part of this fund shall revert to the general funds of this
 23 Commonwealth.

24 ➔Section 50. KRS 311.530 is amended to read as follows:

25 (1) There is hereby created in state government ~~an independent board to be known as~~
 26 the State Board of Medical Licensure, which shall exercise all medical and
 27 osteopathic licensure functions ***previously***^[heretofore] exercised by the State Board

1 of Health. The offices of the board shall be maintained at ~~a~~^a~~[such]~~ place~~[-as is]~~
2 designated by the board.

3 (2) The board shall consist of fifteen (15) members, including the commissioner of
4 public health, the dean of the University of Kentucky College of Medicine, the vice
5 dean for clinical affairs of the University of Louisville School of Medicine, the dean
6 of the University of Pikeville School of Osteopathic Medicine, and eleven (11)
7 members appointed by the Governor.

8 (3) **Subject to Section 16 of this Act,** of the Governor's appointees:

9 (a) One (1) member shall be a licensed osteopathic physician and shall be
10 appointed from a list of three (3) names submitted by the Kentucky
11 Osteopathic Medical Association;

12 (b) **Six (6)**~~[Seven (7)]~~ members shall be licensed medical physicians and shall be
13 appointed from a list of three (3) names submitted for each position by the
14 Kentucky Medical Association; and

15 (c) Three (3) members shall be citizens at large who are representatives of any
16 recognized consumer advocacy groups with an interest in the delivery of
17 health care and are not associated with or financially interested in the practice
18 or business regulated.

19 ➔Section 51. KRS 311.535 is amended to read as follows:

20 **(1)** The appointed members of the State Board of Medical Licensure shall hold office
21 for terms of **three (3)**~~[four (4)]~~ years~~[-and until their successors are appointed and~~
22 ~~qualify]~~. The commissioner of public health and the deans of the medical schools
23 shall hold office only while holding their respective titles. The terms of all
24 appointed members of the board shall expire on August 31 of the last year of their
25 respective terms.

26 **(2) Any member of the board may administer oaths in matters pertaining to official**
27 **duties.**

1 ➔Section 52. KRS 311.545 is amended to read as follows:

2 The State Board of Medical Licensure may utilize any~~[such]~~ materials, services, or
 3 facilities from~~[as may be made available to it by]~~ other state agencies or may contract
 4 therefor~~[, to such extent or degree as the board, in its discretion, may determine]~~. It shall
 5 keep accurate records of its activities, reporting annually to the Governor and the
 6 Legislative Research Commission.

7 ➔Section 53. KRS 311.550 is amended to read as follows:

8 As used in KRS 311.530 to 311.620 and KRS 311.990(4) to (6):

- 9 (1) "Board" means the State Board of Medical Licensure;
- 10 (2) "President" means the president of the State Board of Medical Licensure;
- 11 (3) "Secretary" means the secretary of the State Board of Medical Licensure;
- 12 (4) "Executive director" means the executive director of the~~[State Board of]~~ Medical
 13 Licensure Authority or any assistant executive director of the Medical Licensing
 14 Authority~~[directors appointed by the board]~~;
- 15 (5) "General counsel" means the general counsel of the State Board of Medical
 16 Licensure or any assistant general counsel~~[appointed by the board]~~;
- 17 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
 18 this state;
- 19 (7) "Limited license" means a license to practice medicine or osteopathy in a specific
 20 institution or locale to the extent indicated in the license;
- 21 (8) "Temporary permit" means a permit issued to a person who has applied for a regular
 22 license, and who appears from verifiable information in the application to the
 23 executive director to be qualified and eligible therefor;
- 24 (9) "Emergency permit" means a permit issued to a physician currently licensed in
 25 another state, authorizing the physician to practice in this state for the duration of a
 26 specific medical emergency, not to exceed thirty (30) days;
- 27 (10) Except as provided in subsection (11) of this section, the "practice of medicine or

1 osteopathy" means the diagnosis, treatment, or correction of any and all human
2 conditions, ailments, diseases, injuries, or infirmities by any and all means,
3 methods, devices, or instrumentalities;

4 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
5 Science, the domestic administration of family remedies, the rendering of first aid
6 or medical assistance in an emergency in the absence of a person licensed to
7 practice medicine or osteopathy under ~~the provisions of~~ this chapter, the use of
8 automatic external defibrillators in accordance with ~~the provisions of~~ KRS
9 311.665 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice
10 of a midlevel health care practitioner as defined in KRS 216.900, the practice of
11 dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
12 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
13 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
14 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS
15 311.690, the performance of duties for which they have been trained by paramedics
16 licensed under KRS Chapter 311A, first responders, or emergency medical
17 technicians certified under Chapter 311A, the practice of pharmacy by persons
18 licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or
19 proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments,
20 apparatus, or mechanisms that are intended, advertised, or represented as being for
21 the treatment, correction, cure, or relief of any human ailment, disease, injury,
22 infirmity, or condition, in regular mercantile establishments, or the practice of
23 midwifery by women. KRS 311.530 to 311.620 shall not be construed as repealing
24 the authority conferred on the Cabinet for Health and Family Services by KRS
25 Chapter 211 to provide for the instruction, examination, licensing, and registration
26 of all midwives through county health officers;

27 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;

- 1 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
2 physician;
- 3 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
4 this chapter;
- 5 (15) "Complaint" means a formal administrative pleading that sets forth charges against
6 a physician and commences a formal disciplinary proceeding;
- 7 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those
8 crimes which have dishonesty as a fundamental and necessary element, including
9 but not limited to crimes involving theft, embezzlement, false swearing, perjury,
10 fraud, or misrepresentation;
- 11 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to
12 deliver health care. It includes the use of electronic media for diagnosis,
13 consultation, treatment, transfer of medical data, and medical education;
- 14 (18) "Order" means a direction of the board or its panels made or entered in writing that
15 determines some point or directs some step in the proceeding and is not included in
16 the final order;
- 17 (19) "Agreed order" means a written document that includes but is not limited to
18 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,
19 a complaint, or a show cause order issued informally without expectation of further
20 formal proceedings in accordance with KRS 311.591(6);
- 21 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or
22 more disciplinary sanctions authorized by this chapter;
- 23 (21) "Letter of agreement" means a written document that informally resolves a
24 grievance, a complaint, or a show cause order and is confidential in accordance with
25 KRS 311.619;
- 26 (22) "Letter of concern" means an advisory letter to notify a physician that, although
27 there is insufficient evidence to support disciplinary action, the board believes the

- 1 physician should modify or eliminate certain practices and that the continuation of
2 those practices may result in action against the physician's license;
- 3 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the
4 licensee has violated a term or condition of probation and that fixes a date and time
5 for a revocation hearing;
- 6 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter
7 13B to determine whether the licensee has violated a term or condition of probation;
- 8 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a
9 medically diagnosable disease characterized by chronic, habitual, or periodic
10 consumption of alcoholic beverages resulting in the interference with the
11 individual's social or economic functions in the community or the loss of powers of
12 self-control regarding the use of alcoholic beverages;
- 13 (26) "Addicted to a controlled substance" means an individual who is suffering from a
14 medically diagnosable disease characterized by chronic, habitual, or periodic use of
15 any narcotic drug or controlled substance resulting in the interference with the
16 individual's social or economic functions in the community or the loss of powers of
17 self-control regarding the use of any narcotic drug or controlled substance;
- 18 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the
19 active practice of medicine within this Commonwealth who has admitted to
20 violating any provision of KRS 311.595 that permits the licensee to continue the
21 practice of medicine until the board issues a final order on the registration or
22 reregistration of the licensee;
- 23 (28) "Fellowship training license" means a license to practice medicine or osteopathy in
24 a fellowship training program as specified by the license; and
- 25 (29) "Special faculty license" means a license to practice medicine that is limited to the
26 extent that this practice is incidental to a necessary part of the practitioner's
27 academic appointment at an accredited medical school program or osteopathic

1 school program and any affiliated institution for which the medical school or
2 osteopathic school has assumed direct responsibility.

3 ➔Section 54. KRS 311.555 is amended to read as follows:

4 It is the declared policy of the General Assembly of Kentucky that the practice of
5 medicine and osteopathy should be regulated and controlled as provided in KRS 311.530
6 to 311.620 in order to prevent empiricism and to protect the health and safety of the
7 public. Further, the General Assembly of Kentucky has created the board, as defined in
8 KRS 311.530~~[, to function as an independent board]~~, the majority of whose members are
9 licensed physicians, with the intent that such a peer group is best qualified to regulate,
10 control, and otherwise discipline the licensees who practice medicine and osteopathy
11 within the Commonwealth of Kentucky. In furtherance of this intent, the judiciary of the
12 Commonwealth of Kentucky, who may be caused to review the actions of the board, shall
13 not interfere or enjoin the board's actions until all administrative remedies are exhausted,
14 and modify, remand, or otherwise disturb those actions only in the event that the action of
15 the board:

- 16 (1) Constitutes a clear abuse of its discretion;
- 17 (2) Is clearly beyond its legislative delegated authority; or
- 18 (3) Violated the procedure for disciplinary action as described in KRS 311.591.

19 ➔Section 55. KRS 311.565 is amended to read as follows:

20 (1) The board may:

- 21 (a) Exercise all the administrative functions of the state in the prevention of
22 empiricism and in the regulation of the practice of medicine and osteopathy,
23 which shall include but not be limited to promulgation of reasonable
24 administrative regulations enabling the board to regulate the conduct of its
25 licensees;
- 26 (b) Promulgate reasonable administrative regulations establishing moral, physical,
27 intellectual, educational, scientific, technical, and professional qualifications

- 1 of applicants for licenses and permits that may be issued by the board;
- 2 (c) Issue, deny, suspend, limit, restrict, and revoke any licenses or permits that
3 may be issued by the board, and to reprimand or to place licensees on
4 probation, in compliance with~~the provisions of~~ KRS 311.530 to 311.620;
- 5 (d) **Be assisted by**~~Appoint~~ an executive director and assistant executive
6 directors~~and fix their compensation~~. The executive director shall oversee
7 the work of the board, shall be authorized to discharge the duties of the
8 secretary, as provided by KRS 311.530 to 311.620, and shall carry out the
9 duties of the executive director as set forth elsewhere in this chapter;
- 10 (e) **Utilize the services of**~~Appoint~~ a general counsel and assistant general
11 counsel~~and fix their compensation~~;
- 12 (f) **Use**~~Appoint~~ investigatory personnel~~and fix their compensation~~;
- 13 (g) Appoint one (1) or more hearing officers, who need not be members of the
14 board~~, and fix their compensation~~. Every hearing officer shall be vested with
15 the full and complete power and authority of the board to schedule and
16 conduct hearings on behalf of and in the name of the board on all matters
17 referred for hearing by the board or secretary thereof, including, among other
18 things, proceedings for placing licensees on probation and for limitation,
19 suspension, and revocation of licenses. All administrative hearings conducted
20 by the board, a member of the board, or a hearing officer appointed by the
21 board, shall be conducted in accordance with KRS Chapter 13B. No hearing
22 officer shall be empowered to place any licensee on probation or to issue,
23 refuse, suspend, limit, or revoke any license;
- 24 (h) Appoint committees of licensees, who need not be board members, to review
25 issues of public or medical interest before the board and to make
26 recommendations to the board on the issues;
- 27 (i) Promulgate administrative regulations to promote the efficient and fair

- 1 conduct of disciplinary proceedings;
- 2 (j) Promulgate a code of conduct governing the practice of medicine and
3 osteopathy, which shall be based upon generally recognized principles of
4 professional ethical conduct;
- 5 (k) Utilize the services and facilities of professional organizations, and procure
6 and receive the assistance and recommendations of professional organizations
7 in administering KRS 311.530 to 311.620;
- 8 (l) Make its personnel and facilities available to other governmental entities
9 under mutually agreeable terms and conditions;
- 10 (m) Issue regular licenses without further testing by endorsement from another
11 state having qualifications and standards at least as high as those of this state
12 or by endorsement from the National Board of Medical Examiners, the
13 National Board of Examiners for Osteopathic Physicians and Surgeons, the
14 National Joint Committee of Preregistration Physician Training Programs, or
15 their~~any~~ approved successors~~thereof~~;
- 16 (n) Issue and renew regular licenses to practice medicine or osteopathy in
17 accordance with KRS 311.530 to 311.620 and any reasonable administrative
18 regulations of the board;
- 19 (o) Issue and renew, or refuse to issue or renew, or cancel and terminate limited
20 licenses pursuant to administrative regulations promulgated by the board;
21 provided however, no person who held a limited license for institutional
22 practice or general practice as of September 1, 1972, shall be denied the
23 renewal of that limited license for nondisciplinary reasons;
- 24 (p) Appoint examiners, who need not be members of the board, and employ or
25 contract with the Federation of State Medical Boards of the United States,
26 Inc., or the National Board of Medical Examiners or other organizations,
27 agencies, or individuals to prepare examination questions and grade

- 1 examination papers;
- 2 (q) Determine the schools, colleges, universities, institutions, and training
3 acceptable in connection with licensure under KRS 311.530 to 311.620;
- 4 (r) Prescribe the time, place, method, manner, scope, and content of
5 examinations;
- 6 (s) Prescribe all forms which it considers appropriate, and require the submission
7 of photographs, fingerprints, and personal history data;
- 8 (t) Require a criminal background investigation of all persons applying for
9 licensure at the time of initial application, and at other times at the request of
10 the board for good cause shown, by means of a fingerprint check by the
11 Department of Kentucky State Police and Federal Bureau of Investigation;
- 12 (u) Prescribe and collect reasonable fees and charges for examinations,
13 directories, and the issuance and renewal of licenses and permits; and
- 14 (v) Impose fines of not greater than five thousand dollars (\$5,000) per violation
15 and require the licensee to reimburse the board for the costs of the
16 administrative proceedings including consultant fees, upon a finding pursuant
17 to disciplinary proceedings that the licensee has violated ~~any provision of~~
18 KRS 311.595 to 311.597 or duly promulgated disciplinary administrative
19 regulation of the board.
- 20 (2) The board shall develop specific guidelines to follow upon receipt of an allegation
21 of sexual misconduct by a physician licensed by the board. The guidelines shall
22 include investigation, inquiry, and hearing procedures which ensure that the process
23 does not revictimize the alleged victim or cause harm if a physician is falsely
24 accused.
- 25 (3) The board, the hearing officer, and investigators used~~hired~~ by the board shall
26 receive training on the dynamics of sexual misconduct of professionals, including
27 the nature of this abuse of authority, characteristics of the offender, the impact on

1 the victim, the possibility and the impact of false accusations, investigative
2 procedure in sex offense cases, and effective intervention with victims and
3 offenders.

4 ➔Section 56. KRS 311.844 is amended to read as follows:

- 5 (1) To be licensed by the board as a physician assistant for two (2) years, an applicant
6 shall:
- 7 (a) Submit a completed application form with the required fee;
 - 8 (b) Be of good character and reputation;
 - 9 (c) Be a graduate of an approved program; and
 - 10 (d) Have passed an examination approved by the board within three (3) attempts.
- 11 (2) A physician assistant who is authorized to practice in another state and who is in
12 good standing may apply for licensure by endorsement from the state of his or her
13 credentialing if that state has standards substantially equivalent to those of this
14 Commonwealth.
- 15 (3) A physician assistant's license shall be renewed biennially upon fulfillment of the
16 following requirements:
- 17 (a) The holder shall be of good character and reputation;
 - 18 (b) The holder shall provide evidence of completion during the previous two (2)
19 years of a minimum of one hundred (100) hours of continuing education
20 approved by the American Medical Association, the American Osteopathic
21 Association, the American Academy of Family Physicians, the American
22 Academy of Physician Assistants, or by another entity approved by the board;
 - 23 (c) The holder shall provide evidence of completion of a continuing education
24 course on the human immunodeficiency virus and acquired immunodeficiency
25 syndrome;
 - 26 (d) As a part of the continuing education requirements that the board adopts to
27 ensure continuing competency of present and future licensees the board shall

1 ensure that physician's assistants shall demonstrate completion of a one-time
2 training course of one and one-half (1.5) hours of training covering the
3 prevention and recognition of pediatric abusive head trauma, as defined in
4 KRS 620.020. The one and one-half (1.5) hours of continuing education
5 required under this section shall be included in the current number of required
6 continuing education hours; and

7 (e) The holder shall provide proof of current certification with the National
8 Commission on Certification of Physician Assistants.

9 ➔Section 57. KRS 311.886 is amended to read as follows:

10 (1) The board shall provide for the biennial~~annual~~ renewal of a surgical assistant
11 certificate.

12 (2) At least thirty (30) days before the expiration of a person's certificate, the board
13 shall send written notice of the impending certificate expiration to the person at the
14 certificate holder's last known address according to the records of the board.

15 (3) If the person's certificate has been expired for ninety (90) days or less, the person
16 may renew the certificate by paying the board one and one-half (1-1/2) times the
17 required renewal fee. The person shall not engage in activities that require a
18 certificate until the certificate has been renewed under this section.

19 (4) If the person's certificate has been expired for longer than ninety (90) days but less
20 than one (1) year, the person may renew the certificate by paying the board two (2)
21 times the required renewal fee. The person shall not engage in activities that require
22 a certificate until the certificate has been renewed under this section.

23 (5) If the person's certificate has been expired for one (1) year or longer, the person may
24 not renew the certificate. The person may obtain a new certificate by complying
25 with the requirements and procedures for obtaining an original certificate.

26 (6) If the person was certified as a surgical assistant in this state, moved to another
27 state, and is currently licensed or certified as a surgical assistant and has been in

1 practice as a surgical assistant in the other state for the two (2) years preceding
2 application, the person may renew an expired surgical assistant certificate without
3 reexamination. The person shall pay the board a fee that is equal to two (2) times
4 the required renewal fee for the license. The person shall not engage in activities
5 that require a certificate until the certificate has been renewed under this section.

6 ➔Section 58. KRS 311.901 is amended to read as follows:

7 (1) The board shall promulgate administrative regulations in accordance with KRS
8 Chapter 13A relating to the licensure and regulation of athletic trainers. The
9 administrative regulations shall include but shall not be limited to the establishment
10 of fees and continuing education requirements. The board shall require, as a part of
11 any continuing educational requirement, that persons licensed as athletic trainers
12 complete an educational course on the transmission, control, treatment, and
13 prevention of the human immunodeficiency virus and acquired immunodeficiency
14 syndrome. The course on the human immunodeficiency virus shall be approved by
15 the Cabinet for Health and Family Services.

16 (2) There is hereby created the Kentucky Athletic Trainers Advisory Council,
17 composed of nine (9) members~~[appointed by the Governor]~~. The council shall
18 review and make recommendations to the board regarding all matters relating to
19 athletic trainers that come before the board, including but not limited to:

- 20 (a) Applications for athletic training licensure;
- 21 (b) Licensure renewal requirements;
- 22 (c) Approval of supervising physicians;
- 23 (d) Disciplinary investigations or action, when specifically requested by one (1) of
24 the board's panels established under KRS 311.591; and
- 25 (e) Promulgation of administrative regulations.

26 (3) ~~[Except for initial appointments,]~~Members of the council shall be appointed by the
27 board for four (4) year terms and shall consist of:

- 1 (a) Five (5) practicing licensed athletic trainers who shall each be selected by the
2 board from a list of three (3) licensed athletic trainers submitted by the
3 Kentucky Athletic Trainers Society, Inc. for each vacancy;
- 4 (b) Two (2) supervising physicians;
- 5 (c) One (1) member of the board; and
- 6 (d) One (1) citizen at large.
- 7 (4) The chair of the council shall be elected by a majority vote of the council members
8 and shall preside over meetings. The meetings shall be held quarterly. Additional
9 meetings may be held on the call of the chair or upon the written request of four (4)
10 council members.
- 11 (5) Initial appointments shall be for staggered terms. Three (3) members shall serve a
12 four (4) year term, two (2) members shall serve a three (3) year term, two (2)
13 members shall serve a two (2) year term, and two (2) members shall serve a one (1)
14 year term.
- 15 (6) Members of the council shall not be compensated for their service but shall receive
16 reimbursement for expenditures relating to attendance at committee meetings,
17 consistent with state policies for the reimbursement of travel expenses for state
18 employees.
- 19 (7) A council member may be removed by the board for good cause or if he or she
20 misses two (2) consecutive council meetings without good cause.
- 21 (8) Upon the death, resignation, or removal of any member, the vacancy for the
22 unexpired term shall be filled by the board in the same manner as the original
23 appointment.
- 24 (9) The quorum required for any meeting of the council shall be five (5) members. No
25 action by the council or its members shall have any effect unless a quorum of the
26 council is present at the meeting where the action is taken.
- 27 (10) The board shall not be required to implement or adopt the recommendations of the

1 council.

2 ➔Section 59. KRS 311B.030 is amended to read as follows:

3 (1) The Kentucky Board for Medical Imaging and Radiation Therapy is hereby created
4 to promote, preserve, and protect the public health, safety, and welfare of the
5 citizens of the Commonwealth of Kentucky by regulating and licensing individuals
6 who use ionizing or nonionizing radiation as advanced imaging professionals,
7 medical imaging technologists, radiographers, radiation therapists, nuclear medicine
8 technologists, limited X-ray machine operators, or any combination of professions
9 licensed under this chapter. The board shall consist of nine (9) members appointed
10 by the Governor, with the following qualifications:

11 (a) Two (2) members shall be licensed radiographers whose primary work
12 responsibilities are related to general diagnostic radiography;

13 (b) Two (2) members shall be licensed radiographers with a post-primary
14 certification and whose primary work responsibilities are related to that post-
15 primary certification;

16 (c) One (1) member shall be a licensed nuclear medicine technologist;

17 (d) One (1) member shall be a licensed radiation therapist;

18 (e) One (1) member shall be a licensed limited X-ray machine operator;

19 (f) One (1) member shall be a licensed medical imaging technologist or therapist
20 who serves as an educator in an accredited program or as an administrator in a
21 medical imaging or radiation therapy department; and

22 (g) One (1) member shall be an individual at-large from the general public with
23 no family or business relation to health care but with an interest in the rights
24 of consumers of health services.

25 (2) All board members, except the at-large member, shall have at least five (5) years of
26 experience in their respective areas of certification or licensure and shall maintain
27 active registry or certification and Kentucky licensure in medical imaging or

1 radiation therapy during the term as a board member. Each board member shall be a
2 resident of Kentucky or actively employed in medical imaging or radiation therapy
3 in Kentucky, and shall be in good standing with the board.

4 (3) (a) By May 1 of years in which terms expire, nominations of individuals for
5 appointment to the board shall be submitted to the Governor and may be made
6 by citizens of the Commonwealth of Kentucky through the Kentucky Society
7 of Radiologic Technologists, the Kentucky Society of Nuclear Medicine
8 Technologists, the board, or other professional imaging or radiation therapy
9 organizations that are recognized by the board.

10 (b) No two (2) board members shall be residents of the same county.

11 (c) A minimum of two (2) names per appointment shall be submitted to the
12 Governor.

13 (4) The Governor shall make each appointment by September 1 for terms beginning
14 November 1 of that same year~~]. The initial terms of appointment shall be staggered~~
15 ~~with five (5) members appointed for four (4) years and four (4) members appointed~~
16 ~~for two (2) years. Thereafter, members shall be appointed to the board for terms of~~
17 ~~four (4) years, expiring on October 31 of the fourth year. A board member may~~
18 ~~serve two (2) consecutive appointments. After a second consecutive appointment,~~
19 ~~that individual may not be reappointed until at least one (1) full year has passed].~~

20 ➔Section 60. KRS 311B.040 is amended to read as follows:

21 (1)~~]. The board shall meet at least two (2) times annually and may meet at other times as~~
22 ~~needed. Special meetings shall be called by the chair, or by written petition of three~~
23 ~~(3) board members to the chair of the board.~~

24 (2)~~]. At the first meeting each year, the board shall elect by majority a chair to preside at~~
25 ~~the meetings for a one (1) year term. A vice chair shall be elected by the board to~~
26 ~~preside over board meetings in the chair's absence.~~

27 (3)~~]. The board chair shall establish an agenda to conduct business for each meeting. The~~

1 agenda shall be distributed to board members at least two (2) weeks prior to the
2 scheduled meeting. Specific items for consideration shall be submitted at least thirty
3 (30) days prior to the next board meeting.

4 ~~[(4) A majority of the board members shall constitute a quorum for the transaction of
5 necessary business.]~~

6 (2)~~[(5)]~~ Vacancies shall be filled in the manner of the original appointment for the
7 length of the unexpired portion of the term only. Appointment to a vacancy for
8 more than two (2) years shall constitute a full term of appointment.

9 ~~[(6) Upon recommendation by a majority of the board members and after notice and a
10 hearing, the Governor may remove any member for failure to maintain the
11 qualifications as a board member, incompetence, neglect of duty, or malfeasance in
12 office. Any board member removed under this subsection shall be entitled to appeal
13 the removal in the Franklin Circuit Court.~~

14 ~~(7) There shall be no liability on the part of, and no action for damages against, any
15 current or former board member, representative, agent, or employee of the board,
16 when the person is acting with ordinary care, is functioning within the scope of
17 board duties, is acting without malice, and has the reasonable belief that the actions
18 taken by him or her are warranted by law.~~

19 ~~(8) Each member of the board shall receive, in addition to travel, hotel, and other
20 necessary expenses, a reasonable amount as determined by the board through the
21 promulgation of administrative regulations for each day the member is engaged in
22 the discharge of official duties at scheduled or called meetings of the board.]~~

23 ➔Section 61. KRS 311B.050 is amended to read as follows:

24 The board shall:

- 25 (1) Administer and enforce this chapter. The board alone shall have this authority;
26 (2) Promulgate administrative regulations to administer and enforce this chapter;
27 (3) Issue and renew **biennial**~~the~~ licenses ~~to~~~~of~~ duly qualified applicants, following

1 procedures established by the board through the promulgation of administrative
2 regulations;

3 (4) Determine and enforce continuing education requirements and establish guidelines
4 for approval of continuing education;

5 (5) Approve accredited educational programs of imaging or radiation therapy and
6 monitor compliance with the educational standards established by the individual
7 disciplines, as recognized by the board;

8 (6) Designate funds for scholarships, program development, or continued education;

9 (7) Investigate suspected or alleged violations of this chapter, conduct hearings and
10 record minutes, resolve the allegations, and, if appropriate, impose sanctions or
11 penalties; and

12 (8) Submit an annual report to the Governor and the Legislative Research Commission
13 that provides information concerning the board's work regarding licensure of
14 professionals under this chapter and that lists all hearings conducted by the board
15 and the decisions rendered.

16 ➔Section 62. KRS 311B.070 is amended to read as follows:

17 (1) The administrative coordinator~~[executive director]~~ shall have demonstrated
18 administrative experience relative to budget, management, organizational abilities,
19 and professional communication. The administrative coordinator~~[executive
20 director]~~ shall:

21 (a) Be a licensed medical imaging technologist or radiation therapist;

22 (b) Have a minimum of a bachelor's degree; and

23 (c) Meet the qualifications of a board member as required under KRS
24 311B.030(2).

25 (2) The administrative coordinator~~[executive director]~~ shall implement and oversee
26 the licensure process of advanced imaging professionals, medical imaging
27 technologists, radiographers, radiation therapists, nuclear medicine technologists,

1 and limited X-ray machine operators as defined by the board. The administrative
 2 coordinator~~[executive director]~~ shall, at a minimum:

- 3 (a) Receive and evaluate applications for licenses;
- 4 (b) Document continuing education by licensees;
- 5 (c) Report suspected allegations of violations of this chapter to the board;
- 6 (d) Serve as corresponding secretary for the board;
- 7 (e) Supervise and evaluate administrative assistants and other office staff
 8 assigned to~~[hired or contracted by]~~ the board;
- 9 (f) Assist the board chair in coordinating regular and special meetings and
 10 agendas;
- 11 (g) Maintain records of the actions of the board;
- 12 (h) Obtain an annual audit of the funds received and disbursed;
- 13 (i) Prepare and submit reports as needed;
- 14 (j) Serve as liaison between educational programs and the board; and
- 15 (k) Serve as liaison between the board and:
 - 16 1. State and national professional and accrediting organizations; and
 - 17 2. Other Kentucky boards and agencies.

18 (3) The administrative coordinator~~[executive director]~~ and other persons designated by
 19 the board shall be bonded by the state in an amount as determined by the board to
 20 be approved by the State Treasurer for the faithful performance of related duties.

21 ➔Section 63. KRS 311B.130 is amended to read as follows:

22 (1) On behalf of the board, the administrative coordinator~~[executive director]~~ shall
 23 receive and account for all moneys collected pursuant to~~[the provisions of]~~ this
 24 chapter, or the administrative regulations promulgated pursuant to this chapter, and
 25 shall deposit all such moneys into the State Treasury, to be credited to a trust and
 26 agency fund which is hereby created for the purpose of defraying the costs and
 27 expenses of the administration of this chapter in the manner provided for other

1 similar licensure agencies and boards of the Commonwealth.

2 (2) These moneys shall be used for the reimbursement of board members for actual and
3 necessary expenses incurred in the performance of their official duties~~[, the~~
4 ~~compensation of all of the employees of the board,]~~ and payment of all other
5 operational expenses incurred in fulfilling the board's duties as described in this
6 chapter and administrative regulation, and are hereby appropriated for those
7 purposes.

8 (3) No part of this fund shall revert to the general fund of the Commonwealth.

9 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
10 fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year
11 to be used for the purposes set forth in this chapter.

12 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.

13 ➔Section 64. KRS 311B.170 is amended to read as follows:

14 (1) The board shall notify any licensee of alleged offenses. The notice shall include
15 sufficient detail to reasonably apprise the person of the allegations, the nature of the
16 offense charged, or both.

17 (2) The board shall furnish the licensee with written notice of the date, time, and place
18 of a hearing.

19 (3) A licensee who fails to respond to a notice of a hearing or fails to attend the hearing
20 shall have the license revoked immediately.

21 (4) The board shall notify any employer or employers and any appropriate credentialing
22 organization if a license is suspended or revoked.

23 (5) A licensee may request a conference and appeal the board's action.

24 (6) All actions and proceedings under this section shall be conducted in accordance
25 with **Section 15 of this Act and** KRS Chapter 13B.

26 ➔Section 65. KRS 312.019 is amended to read as follows:

27 (1) The board shall administer the provisions of this chapter and the administrative

- 1 regulations promulgated by the board relating to the practice of chiropractic.
- 2 (2) The board shall pass upon the qualifications of applicants for a license, certification,
3 or registration to practice chiropractic. It shall examine, license, certify, register, and
4 renew the license, certification, or registration of duly qualified applicants.
- 5 (3) The board may deny, revoke, limit, impose probationary conditions, refuse to
6 renew, or suspend any license, certification, or registration issued by it.
- 7 (4) The board shall adopt a seal which shall be affixed to all licenses, certifications, and
8 registrations issued by the board and to any~~[such]~~ other documents as the board
9 deems necessary.
- 10 (5) The board shall regulate the practice of chiropractic by persons licensed or certified
11 by it and shall enforce the provisions of this chapter and the administrative
12 regulations of the board. The board may investigate violations and cause the
13 prosecution of persons violating the provisions of this chapter or the administrative
14 regulations promulgated by the board.
- 15 (6) The board may~~[employ such personnel and]~~ incur any necessary~~[such]~~ expenses~~[~~
16 ~~as may be necessary]~~ for the performance of its duties and the enforcement of this
17 chapter.
- 18 (7) The board may prescribe and collect reasonable fees for the issuance and renewal of
19 licenses, certifications, and registrations and the administration of examinations as
20 provided in KRS 312.095 and 312.175.
- 21 (8) The board may inspect at all reasonable times any chiropractic office or place where
22 chiropractic services are performed and inspect chiropractic records, a copy of
23 which may be obtained by the board, and question all persons.
- 24 (9) The board may promulgate~~[and from time to time amend]~~ administrative
25 regulations, consistent with~~[the provisions of]~~ this chapter and in accordance with~~[~~
26 ~~the provisions of]~~ KRS Chapter 13A, governing the practice of chiropractic and the
27 diagnosis and treatment of patients, the enforcement of this chapter and the proper

- 1 performance of its duties, including but not limited to:
- 2 (a) A code of ethical conduct governing the practice of chiropractic;
- 3 (b) Requirements, standards, and examinations to determine the moral, physical,
4 intellectual, educational, scientific, technical, and professional qualifications
5 of applicants for licenses and certifications;
- 6 (c) Matters pertaining to the content and conduct of examinations;
- 7 (d) Matters pertaining to the operation and registration of chiropractic clinics;
- 8 (e) Matters pertaining to the practice and certification of chiropractic specialties
9 by licensed doctors of chiropractic;
- 10 (f) The type, character, and location of postgraduate study to be done by any
11 licensee in order to comply with the provisions of KRS 312.175;
- 12 (g) Regulation of forms of advertising or solicitation that are false, misleading, or
13 deceptive or otherwise in violation of this chapter. The board may require a
14 seventy-two (72) hour rescission period for consumers responding to certain
15 forms of solicitation or advertising proposing or offering a series or course of
16 treatments. The board may require that advertisements or solicitations stating
17 coverage available from third-party payors include a conspicuous notice that
18 persons may be required to submit to an independent evaluation which may
19 result in a determination that the all or part of the services are unreasonable or
20 unnecessary;
- 21 (h) Establishing a recommended course of pre-chiropractic education to be
22 completed prior to entry into chiropractic college and the establishment of a
23 preceptorship program for students enrolled in accredited chiropractic colleges
24 that conform to KRS 312.085 to meet the standards of accreditation of the
25 Council on Chiropractic Education.
- 26 (i) Registration and regulation of chiropractic management consultants operating
27 in Kentucky. The board may impose biennial~~annual~~ registration fees not to

1 exceed two hundred dollars (\$200) ***per year of licensure***; and
 2 (j) Establishing minimum standards for recordkeeping in chiropractic offices, the
 3 issuance of itemized statements, and requiring that any record or report
 4 include the name of the treating chiropractor.

5 (10) The board shall develop specific guidelines to follow upon receipt of an allegation
 6 of sexual misconduct by a chiropractor licensed by the board. The guidelines shall
 7 include investigation, inquiry, and hearing procedures which ensure the process
 8 does not revictimize the alleged victim or cause harm if a chiropractor is falsely
 9 accused.

10 (11) The board, the hearing officer, and investigators~~[hired by the board]~~ shall receive
 11 training on the dynamics of sexual misconduct of professionals, including the nature
 12 of this abuse of authority, the characteristics of the offender, the impact on the
 13 victim, the possibility and the impact of false accusations, investigative procedure
 14 in sex offense cases, and effective intervention with victims and offenders.

15 ➔Section 66. KRS 312.145 is amended to read as follows:

16 (1) Any license issued by the board shall be numbered. The license shall be open to
 17 public inspection, and in all actions or proceedings in any court, a transcript, or any
 18 part ***of a transcript***~~[thereof]~~, certified under the seal of the board to be a true copy,
 19 shall be entitled to admission in evidence.

20 (2) The board may at any time inquire into the identity of any person claiming to hold a
 21 license to practice chiropractic in the state, and after due service of a notice in
 22 writing, require ***the person***~~[him]~~ to prove to the satisfaction of the board that he ***or***
 23 ***she*** is the person authorized to practice under the license by virtue of which ***the***
 24 ***person***~~[he]~~ claims the privilege to practice in this state. When the board finds that a
 25 person claiming to be the holder of a license to practice in this state is not in fact the
 26 person to whom the license was issued, it shall reduce its findings to writing and
 27 file them in its office, and ***these***~~[such]~~ findings shall be prima facie evidence that

1 the claimant does not hold a license to practice in this state.

2 (3) Ownership or operation of a chiropractic facility within this state constitutes the
3 practice of chiropractic requiring licensure. A chiropractic facility using an assumed
4 name shall include the name of the owner or operator, and either the word
5 "chiropractic" or "chiropractors."

6 (4) ~~[By application and renewal,]~~ Every chiropractor ***shall***~~[must]~~ annually provide the
7 board with the name and address of each facility where the chiropractor practices.
8 The chiropractor shall notify the board within ten (10) days of any change of
9 address or change in practice location. All correspondence from the board shall be
10 sent to the most recent address of record.

11 ➔Section 67. KRS 312.175 is amended to read as follows:

12 (1) Each person licensed to practice chiropractic in this state shall, on or before the first
13 day of March ***of the person's renewal year, biennially***~~[annually]~~ renew his ***or her***
14 license and pay ***the board*** a renewal fee of not more than one hundred dollars
15 (\$100) ***per year*** for each inactive licensee and not more than five hundred dollars
16 (\$500) ***per year*** for each active licensee~~[each year to the board]~~. In addition to the
17 payment of the renewal fee, the active licensee applying for a license renewal shall
18 furnish to the board satisfactory evidence that ***the licensee***~~[he]~~ has attended an
19 educational program in ***both years***~~[the year]~~ preceding each application for renewal.
20 Satisfactory evidence of attendance of postgraduate study at an institution approved
21 by the board shall be considered equivalent. ~~[Provided, however, that]~~ Licenses may
22 be renewed by the board, at its discretion, and the applicant may be excused from
23 paying the renewal fee or attending the annual educational program, or both, in
24 instances where the applicant submits an affidavit to the board evidencing that ***the***
25 ***applicant***~~[he]~~, for good cause assigned, suffered a hardship which prevented the
26 applicant from renewing the license or attending the educational program at the
27 proper time.

- 1 (2) The board shall send a written notice to every person holding a valid license to
 2 practice chiropractic within this state at least forty-five (45) days prior to the first
 3 day of March in that person's renewal~~each~~ year, directed to the last known
 4 address of the licensee, and shall enclose with the notice proper blank forms for
 5 application for~~annual~~ license renewal. The board shall, within thirty (30)~~forty-~~
 6 ~~five (45)~~ days, notify every person failing to renew a~~his~~ license after it is due that
 7 the person~~he~~ is delinquent and is subject to a late penalty of three hundred dollars
 8 (\$300). If the licensee fails to renew the~~his~~ license within forty-five (45) days after
 9 the mailing of the delinquent notice then the~~his~~ license shall be revoked for
 10 nonrenewal. Any licensee whose license has been revoked for failure to renew~~his~~
 11 ~~license~~ may have the~~his~~ license restored upon:
- 12 (a) ~~the~~ Payment of a restoration fee not to exceed five hundred dollars (\$500)
 13 for each full or partial delinquent year;
- 14 (b) Payment of a~~for any part thereof in addition to the~~ renewal fee of not more
 15 than five hundred dollars (\$500);
- 16 (c) ~~and upon~~ Presentation of satisfactory evidence of postgraduate study of a
 17 standard approved by the state board; or
- 18 (d) ~~upon a~~ Showing that the licensee~~he~~ is an exception as authorized
 19 under~~provided for in~~ subsection (1) of this section.
- 20 (3) Any licensee whose license has been revoked for less than four (4) years, may not
 21 apply for a license pursuant to KRS 312.085. The licensee may only apply for
 22 restoration pursuant to subsection (2) of this section.
- 23 (4) Any licensee whose license has been revoked for more than four (4) years may
 24 apply for a license by examination, as long as the licensee pays a restoration fee not
 25 to exceed five hundred dollars (\$500) for each full or partial delinquent year~~, or~~
 26 ~~any part thereof,~~ in addition to the renewal fee of not less than five hundred dollars
 27 (\$500) and not more than three thousand dollars (\$3,000).

1 ➔Section 68. KRS 313.020 is amended to read as follows:

- 2 (1) The Kentucky Board of Dentistry shall consist of ten (10) members, each appointed
 3 by the Governor~~[to a four (4) year term]~~. **Subject to Section 16 of this Act,**
 4 **appointments may be made as follows:**
- 5 **(a)** Seven (7) members of the board shall be licensed dentists appointed from a
 6 list of three (3) names recommended for each board position by the resident
 7 licensed dentists of Kentucky at an annual election at a time selected by the
 8 Kentucky Board of Dentistry;~~[-]~~
- 9 **(b)** Two (2) members of the board shall be dental hygienists licensed to practice
 10 dental hygiene in the Commonwealth. Each appointment to the board of a
 11 licensed dental hygienist shall be made from a list of three (3) names
 12 recommended for this position by the resident licensed dental hygienists of
 13 Kentucky at an annual election at a time selected by the board;~~[-]~~
- 14 **(c)** One (1) member shall be a citizen at large who is not associated with or
 15 financially interested in the practice or business regulated;~~[-]~~
- 16 **(d)** One (1) nonvoting ex officio representative from each the University of
 17 Kentucky and the University of Louisville shall represent the dental schools'
 18 interests, **rotating on a yearly basis;**~~[-]~~
- 19 **(e)** One (1) nonvoting ex officio representative from a hygiene program not
 20 associated with the University of Kentucky or the University of Louisville,
 21 **rotating on a yearly basis,** shall represent the dental hygiene programs'
 22 interests; **and**~~[-]~~
- 23 **(f)** ~~[The hygiene school seats shall rotate on a yearly basis.]~~ One (1) nonvoting ex
 24 officio representative from the Department for Public Health shall represent
 25 the department's interests.
- 26 (2) Individuals seeking board appointment, other than the citizen member, shall have
 27 been an actual resident and licensed practicing dentist or dental hygienist of the

1 Commonwealth for not less than five (5) years immediately preceding his or her
2 appointment to the board, be in good standing with the board, and shall not have
3 been disciplined by the board in the past eight (8) years. A voting member shall not
4 receive compensation from or have a financial interest in any dental college or
5 dental department of any institution of learning, dental supply business, or any
6 entity over which the board has regulatory authority or sets standards for. For this
7 subsection alone, a private admonishment shall not count as discipline.

8 (3) ~~[No board member shall serve more than two (2) consecutive terms.]~~ A member
9 appointed to a partial term vacancy exceeding two (2) years shall be deemed to have
10 served one (1) full term. A former member may be reappointed following an
11 absence of one (1) term.

12 (4) The board shall annually:

13 (a) Meet at least four (4) times a year;

14 (b) At the first meeting of the board after July 1, elect officers of the board by
15 majority vote of the members present; and

16 (c) Set a schedule of at least four (4) regular meetings for the next twelve (12)
17 month period.

18 (5) ~~[A majority of the voting members of the board shall constitute a quorum for the
19 transaction of business.]~~

20 (6) ~~(a) A member of the board who misses three (3) regular meetings in one (1) year
21 shall be deemed to have resigned from the board, and his or her position shall
22 be deemed vacant.~~

23 ~~(b) The failure of a board member to attend a special or emergency meeting shall
24 not result in any penalty.~~

25 ~~(c) The year specified in paragraph (a) of this subsection shall begin with the first
26 meeting missed and end three hundred sixty five (365) days later or with the
27 third meeting missed, whichever occurs earlier.~~

1 ~~(d) The Governor shall appoint a person of the same class to fill the vacancy~~
 2 ~~within ninety (90) days.~~

3 ~~(e) A person removed under this subsection shall not be reappointed to the board~~
 4 ~~for four (4) years.~~

5 ~~(7) Each voting member of the board shall receive any necessary expenses incurred in~~
 6 ~~attending its meetings. Each voting member shall receive as compensation two~~
 7 ~~hundred dollars (\$200) for each day actually engaged in the duties of his or her~~
 8 ~~office.~~

9 ~~(8)~~ Annual reports and recommendations from the board shall be sent by
 10 ~~February~~ September 1 each year to the Governor and the Legislative Research
 11 ~~General Assembly~~ Commission.

12 ➔ Section 69. KRS 313.021 is amended to read as follows:

13 (1) The board shall:

14 (a) Exercise all of the administrative functions of the Commonwealth in the
 15 regulation of the profession of dentistry, including but not limited to dentists,
 16 dental hygienists, dental assistants, and dental laboratories;

17 (b) Subject to the provisions of this chapter, create levels of licensure or
 18 registration as appropriate for individuals providing services under this
 19 chapter. These shall consist of:

- 20 1. Dentist;
- 21 2. Dental hygienist; and
- 22 3. Dental assistant;

23 (c) The board shall promulgate administrative regulations in accordance with
 24 KRS Chapter 13A for any license or registration the board may create. The
 25 administrative regulations shall, at a minimum, address:

- 26 1. Requirements for students, if appropriate;
- 27 2. Requirements for education;

- 1 3. Eligibility for licensure or registration; and
- 2 4. Renewal requirements;
- 3 (d) Oversee the operations and establish the organizational structure of the Office
- 4 of the Kentucky Board of Dentistry, which is created and shall be attached to
- 5 the board for administrative purposes. The office shall be headed by the
- 6 *administrative coordinator*~~[executive director appointed under paragraph (e)~~
- 7 ~~of this subsection]~~ and shall be responsible for:
- 8 1. ~~[Personnel and]~~Budget matters affecting the board;
- 9 2. Fiscal activities of the board, including grant writing and disbursement
- 10 of funds;
- 11 3. Information technology, including the design and maintenance of
- 12 databases;
- 13 4. Licensure of dentists and dental hygienists;
- 14 5. Registration of dental assistants;
- 15 6. Investigation of complaints; and
- 16 7. Other responsibilities which may be assigned to the *administrative*
- 17 *coordinator*~~[executive director]~~ by the board;
- 18 (e) *Utilize the administrative coordinator to*~~[Employ an executive director and~~
- 19 ~~fix his or her compensation. The executive director shall serve at the pleasure~~
- 20 ~~of the board,]~~ administer the day-to-day operations of the Office of the
- 21 Kentucky Board of Dentistry, and supervise all directives of the board. The
- 22 *administrative coordinator*~~[executive director]~~ shall possess a baccalaureate
- 23 degree and shall have no less than five (5) years of experience in public
- 24 administration;
- 25 (f)~~[Employ or contract with an attorney licensed to practice law in Kentucky and~~
- 26 ~~fix his or her compensation. The attorney shall serve at the pleasure of the~~
- 27 ~~board and have primary assignment to the board;~~

- 1 ~~(g)~~ Employ or contract with personnel sufficient to carry out the statutory
 2 responsibilities of the board;
- 3 ~~(h)~~ Establish committees and subcommittees and ***their***~~[the]~~ membership~~[~~
 4 thereof]. Members of committees and subcommittees ***may***~~[shall not need to]~~
 5 be members of the ***public or the*** board;
- 6 ~~(g)~~~~(i)~~ Provide for affiliation with the American Association of Dental Boards;
- 7 ~~(h)~~~~(j)~~ Select the subject matter and standards of proficiency for examinations
 8 related to issuance of licenses or registrations issued under this chapter or
 9 administrative regulations promulgated hereunder; and
- 10 ~~(i)~~~~(k)~~ Have the authority to issue advisory opinions and declaratory rulings
 11 related to this chapter and the administrative regulations promulgated
 12 thereunder as established by administrative regulation.
- 13 (2) The board may utilize materials, services, or facilities ***from***~~[as may be made~~
 14 available to it by] other state agencies or may contract for materials, services, or
 15 facilities.
- 16 (3) The board shall develop a proposed biennial budget for all administrative and
 17 operational functions and duties.
- 18 ➔Section 70. KRS 313.090 is amended to read as follows:
- 19 (1) In accordance with~~[the provisions of]~~ KRS Chapter 13B, all discipline for which
 20 the board is authorized to conduct investigations, hold hearings, and impose
 21 punishments is delegated to ***the administrative coordinator***~~[the executive director,~~
 22 board attorney,] and hearing panel as provided in this section.
- 23 (2) Any person may make a complaint to the ***administrative coordinator***~~[executive~~
 24 director] that a dentist, dental hygienist, dental assistant, or other person licensed or
 25 registered by the board has violated~~[a provision of]~~ this chapter, an administrative
 26 regulation promulgated pursuant to this chapter, a practice standard, or an order of
 27 the board.

- 1 (3) Each complaint shall:
- 2 (a) Be in writing;
- 3 (b) Identify specifically the person or organization against whom the complaint is
- 4 made;
- 5 (c) Set forth the facts relating to the violation alleged and any other supporting
- 6 information which may have a bearing on the matter;
- 7 (d) Contain the name, address, telephone number, facsimile number, and e-mail
- 8 address, if available, of the complainant; and
- 9 (e) Be signed by the complainant as the truth of the statements contained in the
- 10 complaint by the complainant.
- 11 (4) A complaint which is unsigned shall not be acted upon by the administrative
- 12 coordinator~~[executive director]~~ unless the complaint involves a violation of
- 13 standards set forth by the Centers for Disease Control or alleged mental or physical
- 14 impairment as provided for in KRS 313.130. A complaint which is not signed in the
- 15 manner specified in subsection (3) of this section shall be returned to the
- 16 complainant for completion.
- 17 (5) The administrative coordinator~~[executive director]~~ of the board may, on behalf of
- 18 the board, based on knowledge available to the Office of the Board, make a
- 19 complaint against any person or organization regulated by the board in the same
- 20 manner as provided in subsection (3) of this section.
- 21 (6) Upon receipt of a properly completed complaint, the administrative
- 22 coordinator~~[executive director]~~ shall assign the complaint to~~[a staff investigator~~
- 23 ~~who shall investigate the complaint and shall make findings of fact and~~
- 24 ~~recommendations to the executive director who shall then convene a meeting of]~~ the
- 25 Law Enforcement Committee.
- 26 (7) The Law Enforcement Committee~~[staff investigator]~~ shall notify the person or
- 27 organization against whom the complaint has been filed and shall notify the

- 1 employer of the dentist, dental hygienist, or dental assistant of the complaint.
- 2 (8) The notification shall name the person or organization complained against, the
3 complainant, the violations alleged, and the facts presented in the complaint and
4 shall notify the person or organization complained against and the employer of:
- 5 (a) The fact that the complaint shall be answered, the steps for answering the
6 complaint, and the action to be taken if the complaint is not answered;
- 7 (b) The timeframe and steps in the proceedings of a complaint;
- 8 (c) The rights of the parties, including the right to counsel; and
- 9 (d) The right to testify at any hearing.
- 10 (9) Upon the failure of a licensee or certificate holder to respond to a written accusation
11 or to request a hearing within twenty (20) days after the sending of the accusation,
12 the accused shall be considered to have admitted the truth of the facts and the
13 circumstances in the allegation and appropriate discipline may be imposed.
- 14 (10) After reviewing the complaint and results of any investigation conducted on behalf
15 of the board, the Law Enforcement Committee shall consider whether the
16 accusation is sufficient to remand the matter for a hearing as provided in this section
17 and KRS Chapter 13B. A majority vote of the members of the Law Enforcement
18 Committee shall be necessary for action to either remand the matter for hearing or
19 dismiss the complaint without a hearing.
- 20 (11) If the Law Enforcement Committee dismisses the complaint, all parties notified
21 previously shall be notified of the action. If the Law Enforcement Committee
22 remands the matter for a hearing, all parties notified previously shall be notified of
23 the action.
- 24 (12) Each proceeding to consider the imposition of a penalty which the board is
25 authorized to impose pursuant to this chapter shall be conducted in accordance with
26 KRS Chapter 13B.
- 27 (13) A hearing panel for purposes of making a decision in any disciplinary matter shall

1 consist of a quorum of the remaining seven (7) members of the board who are not
2 on the Law Enforcement Committee and the hearing officer.

3 (14) The board may issue subpoenas to compel the attendance of witnesses and the
4 production of documents in the conduct of an investigation. The subpoenas may be
5 enforced by any Circuit Court for contempt. Any order or subpoena of the court
6 requiring the attendance and testimony of witnesses and the production of
7 documentary evidence may be enforced and shall be valid anywhere in this state.

8 (15) At all hearings the board attorney or, on request of the board, the Attorney General
9 of this state or one (1) of the assistant attorneys general designated, shall appear and
10 represent the board.

11 (16) The dentist, dental hygienist, or dental assistant who is the defendant in a hearing
12 shall be a party to the action and may appear and testify in the matter at any
13 deposition or hearing on the matter and may propose conclusions of law, findings of
14 fact, and penalties to the hearing panel.

15 (17) To make a finding or impose discipline, a majority of the members of the hearing
16 panel who are not the hearing officer shall agree on the finding or discipline.

17 (18) The final order in any disciplinary proceeding shall be prepared by the hearing
18 officer and sent to all parties in the manner prescribed by law.

19 (19) Any person or entity aggrieved by a final order of the board may appeal the final
20 order to the Circuit Court of the county in which the person or entity resides in
21 accordance with KRS Chapter 13B.

22 (20) Upon final disposition of a complaint which results in disciplinary action, the final
23 order shall be published on the Web site of the board, placed in the record of the
24 licensed or registered individual, and reported to the National Practitioner Database.

25 ➔Section 71. KRS 314.027 is amended to read as follows:

26 (1) Funding for the Kentucky nursing incentive scholarship fund shall be supplied
27 partly by funds received from penalties and fines, to include, but not be limited to,

1 certificate of need penalties assessed on primary care centers, hospitals, nursing
 2 facilities, and skilled and intermediate care nursing homes under~~the provisions of~~
 3 KRS 216.560 and 216B.131(2).

4 (2) Additional funding shall be provided by an assessment of five dollars (\$5) ***per year***
 5 to be added to each nurse licensure renewal application fee payable to the board,
 6 proceeds of which shall be annually allocated to the Kentucky nursing incentive
 7 scholarship fund.

8 (3) The board may cancel any contract between it and any applicant or recipient upon
 9 failure by the applicant or recipient to meet requirements of KRS 314.025 to
 10 314.027 or board administrative regulations. Failure to complete the terms of the
 11 contract shall subject the applicant to legal action for the recovery of all assistance
 12 provided, together with attorney fees and interest at a compound rate of eight
 13 percent (8%) from the date of disbursement from the Kentucky nursing incentive
 14 scholarship fund.

15 ➔Section 72. KRS 314.071 is amended to read as follows:

16 (1) The license of every person issued under~~the provisions of~~ this chapter shall be
 17 renewed for a period of time as determined by the board by administrative
 18 regulation promulgated pursuant to KRS Chapter 13A, except ***that an initial license***
 19 ***or a renewal license shall be valid for at least two (2) years***~~as hereinafter~~
 20 ~~provided~~. The applicant shall fill in the application form truthfully and accurately
 21 and return it to the board with the renewal fee prescribed by the board in ***an***
 22 ***administrative***~~a~~ regulation before the expiration date of ***the applicant's***~~his~~
 23 current license. The board shall prescribe by ***administrative*** regulation the
 24 beginning and ending of the licensure period.

25 (2) Any licensee who allows his ***or her*** license to lapse by failing to renew the license
 26 as provided above may be reinstated by the board on payment of current fee and by
 27 meeting the ***administrative*** regulations of the board.

1 (3) Notice that the license ~~shall~~~~must~~ be renewed shall be sent to the address of record
2 pursuant to KRS 314.107 of each licensee **at least thirty (30) days** before the
3 expiration date of the license.

4 (4) Any person practicing nursing during the time the license has lapsed shall be
5 considered an illegal practitioner and shall be subject to the penalties provided for
6 violations~~[of the provisions]~~ of this chapter.

7 ➔Section 73. KRS 314.111 is amended to read as follows:

8 (1) An institution desiring to conduct a school of nursing shall apply to the board and
9 submit evidence that it is prepared to carry out the minimum approved basic
10 curriculum in nursing and that it is prepared to fulfill other requirements of
11 standards which are established by KRS 314.011 to 314.161 and KRS 314.991 and
12 the administrative regulations promulgated by the board. No person shall operate a
13 nursing education program or school of nursing without complying with~~[the~~
14 ~~provisions of]~~ this section.

15 (2) A survey of the institution and its proposed education program shall be made by the
16 executive director~~[or an authorized employee of the board]~~ who shall submit a
17 written report of the survey to the board. If in the opinion of the board the
18 requirements for an approved nursing education program or school of nursing are
19 met it shall approve the school.

20 (3) The board shall, by administrative regulations promulgated pursuant to KRS
21 Chapter 13A, set standards for the establishment and outcomes of nursing education
22 programs that prepare advanced practice registered nurses, including clinical
23 learning experiences, and shall approve ~~any~~~~such~~ **any** programs that meet the standards.

24 (4) If the board determines that any approved school of nursing is not maintaining the
25 standards required by the statutes and the administrative regulations of the board,
26 notice **of this determination**~~[thereof]~~ in writing specifying their deficiencies shall
27 be immediately given to the school. A school which fails to correct these conditions

1 to the satisfaction of the board shall be subject to an administrative hearing to
2 determine whether the school shall be closed. The hearing shall be conducted in
3 accordance with KRS Chapter 13B.

4 ➔Section 74. KRS 314.121 is amended to read as follows:

- 5 (1) The Governor shall appoint a Board of Nursing consisting of sixteen (16) members:
- 6 (a) Nine (9) members shall be registered nurses licensed to practice in the
7 Commonwealth, with the Governor ensuring that the appointees represent
8 different specialties from a broad cross-section of the nursing profession after
9 soliciting and receiving nominations from recognized specialty state
10 component societies;
- 11 (b) Three (3) members shall be practical nurses licensed to practice in the
12 Commonwealth;
- 13 (c) One (1) member shall be a nurse service administrator who is a registered
14 nurse licensed to practice in the Commonwealth;
- 15 (d) One (1) member shall be engaged in practical nurse education who is a
16 registered nurse licensed to practice in the Commonwealth; and
- 17 (e) Two (2) members shall be citizens at large, who are not associated with or
18 financially interested in the practice or business regulated.
- 19 (2) **Subject to Section 16 of this Act, the Governor may appoint members of the**
20 **board.**~~Each appointment shall be for a term of four (4) years expiring on June~~
21 ~~30 of the fourth year. The cycle for appointments and expiration of terms shall~~
22 ~~be as follows:~~
- 23 ~~(a) The first year of the four (4) year cycle, the terms for three (3) registered~~
24 ~~nurses and one (1) licensed practical nurse shall expire;~~
- 25 ~~(b) The second year of the four (4) year cycle, the terms for three (3) registered~~
26 ~~nurses and one (1) citizen at large shall expire;~~
- 27 ~~(c) The third year of the four (4) year cycle, the terms for two (2) registered~~

1 nurses, one (1) licensed practical nurse, and the one (1) member engaged in
2 practical nurse education who is a registered nurse shall expire; and

3 ~~(d) The fourth year of the four (4) year cycle, the terms for two (2) registered~~
4 ~~nurses, one (1) licensed practical nurse, and one (1) citizen at large shall~~
5 ~~expire.]~~

6 (3) (a) By March 1, the Kentucky Nurses Association shall submit to the Governor a
7 list of members qualified for appointment as R.N. members, in number not
8 less than twice the number of appointments to be made, from which list the
9 Governor shall make each appointment or appointments necessary by July 1.

10 (b) By March 1, Kentucky Licensed Practical Nurses Organization Incorporated
11 shall submit to the Governor a list of names qualified for appointment as
12 L.P.N. members, in number not less than twice the number of appointments to
13 be made, from which list the Governor shall make each appointment or
14 appointments as necessary by July 1.

15 (c) By March 1 of the year in which the nurse service administrator's term shall
16 expire, the Kentucky Organization of Nurse Executives, an affiliate of the
17 Kentucky Hospital Association, shall submit to the Governor two (2) names of
18 qualified individuals for appointment as the nurse service administrator from
19 which list the Governor shall make an appointment as necessary by July 1.

20 (d) By March 1, LeadingAge~~[the] Kentucky [Association of Nonprofit Homes~~
21 ~~and Services for the Aging, Inc.,]~~ shall submit to the Governor two (2) names
22 of qualified individuals for appointments as its R.N. representative to the
23 board, from which the Governor shall make an appointment by July 1.

24 (e) By March 1 of the year in which the Kentucky Association of Health Care
25 Facilities representative's term shall expire, the Kentucky Association of
26 Health Care Facilities shall submit to the Governor two (2) names of qualified
27 individuals for appointment as its R.N. representative to the board, from

1 which list the Governor shall make an appointment as necessary by July 1.

2 (f) Initially, the Governor shall appoint one (1) member to serve as the registered
3 nurse who is engaged in practical nurse education to serve the term remaining
4 according to the cycle specified in subsection (2) of this section. By ~~August~~
5 ~~1, 1996, Kentucky Licensed Practical Nurses Organization Incorporated shall~~
6 ~~submit to the Governor two (2) names of qualified individuals for the~~
7 ~~appointment, from which list the Governor shall make the appointment by~~
8 ~~September 1, 1996. Thereafter, by~~ March 1 of the year in which the practical
9 nurse educator's term expires, Kentucky Licensed Practical Nurses
10 Organization Incorporated shall submit to the Governor two (2) names of
11 qualified individuals for the appointment, from which list the Governor shall
12 make the appointment by July 1.

13 (g) The Governor shall appoint two (2) members who shall be citizens at large,
14 who are not associated with or financially interested in the practice or business
15 regulated. The Governor shall make the appointments by July 1 of the year in
16 which the citizen members' terms expire.

17 ~~(4) A vacancy on the board shall be filled by the Governor as provided for under~~
18 ~~subsection (1) of this section.~~

19 ~~(5) The Governor may remove any member from the board for neglect of duty,~~
20 ~~incompetence, or unprofessional or dishonorable conduct.~~

21 ~~(6)~~ Each R.N. member of the board shall be a citizen of the United States, a resident of
22 Kentucky, a graduate of an approved school of nursing, and a registered nurse in
23 this state. All shall have had at least five (5) years of experience in nursing, three (3)
24 of which shall immediately precede ~~the~~such appointment. Five (5) members shall
25 be engaged in nursing practice; three (3) shall be engaged in nursing education; one
26 (1) shall be engaged in advanced practice registered nursing; and one (1) shall be in
27 nursing administration.

1 ~~(5)~~~~(7)~~ Each L.P.N. member of the board shall be a citizen of the United States, a
 2 resident of Kentucky, a graduate of an approved school of practical nursing or its
 3 equivalent, licensed as a licensed practical nurse in this state, have at least five (5)
 4 years of experience in nursing, three (3) of which shall immediately precede this
 5 appointment, and be currently engaged in nursing practice.

6 ➔Section 75. KRS 314.131 is amended to read as follows:

7 (1) ~~[The board shall meet at least annually and shall elect from its members a president~~
 8 ~~and any other officers that it deems necessary. Nine members of the board including~~
 9 ~~one (1) officer shall constitute a quorum at any meeting.]~~The board may~~[is~~
 10 ~~authorized to]~~ promulgate administrative regulations to execute and enforce this
 11 chapter, not inconsistent with the law and subject to~~[the provisions of]~~ KRS
 12 Chapter 13A~~[, as may be necessary to enable it to carry into effect the provisions of~~
 13 ~~this chapter]~~.

14 (2) The board shall:

15 (a) Approve programs of nursing and shall monitor compliance with standards for
 16 nurse competency under this chapter;

17 (b) ~~[. It shall]~~Examine, license, and renew the license of duly-qualified
 18 applicants;

19 (c) Determine notice of place and time of licensure examinations;

20 (d) Approve providers of continuing education;

21 (e) Administer continuing education requirements;

22 (f) Issue advisory opinions or declaratory rulings dealing with the practice of
 23 nursing;

24 (g) Register and designate those persons qualified to engage in advanced nursing
 25 practice;

26 (h) ~~[and it shall]~~Conduct administrative hearings in accordance with KRS
 27 Chapter 13B upon charges calling for discipline of a licensee and cause the

- 1 prosecution of all persons violating~~[any provisions of]~~ this chapter; **and**
- 2 **(i)** ~~[It shall]~~Keep a record of all its proceedings and make an annual report to
- 3 the Governor **and the Legislative Research Commission.**
- 4 (3) The board shall develop specific guidelines to follow upon receipt of an allegation
- 5 of sexual misconduct by a nurse licensed by the board. The guidelines shall include
- 6 investigation, inquiry, and hearing procedures which ensure that the process does
- 7 not revictimize the alleged victim or cause harm if a nurse is falsely accused.
- 8 (4) The board and investigators **working for**~~[hired by]~~ the board shall receive training
- 9 on the dynamics of sexual misconduct of professionals, including the nature of this
- 10 abuse of authority, characteristics of the offender, the impact on the victim, the
- 11 possibility and the impact of false accusations, investigative procedure in sex
- 12 offense cases, and effective intervention with victims and offenders.
- 13 ~~(5) [The board shall employ a qualified person to serve as executive director to the~~
- 14 ~~board, and shall fix the compensation and define the duties of the executive~~
- 15 ~~director. It may employ other persons as may be necessary to carry on the work of~~
- 16 ~~the board.~~
- 17 ~~(6)~~ The executive director **of the Nursing Authority** shall have at least the
- 18 qualifications for board members, and a master's degree in nursing or equivalent and
- 19 shall have had at least two (2) years of experience in nursing administration
- 20 immediately preceding the time of appointment.
- 21 ~~[(7) Each member of the board shall receive, in addition to traveling, hotel, and other~~
- 22 ~~necessary expenses, one hundred fifty dollars (\$150) for each day the member is~~
- 23 ~~actually engaged in the discharge of official duties.]~~
- 24 **(6)**~~[(8)]~~ The board may, in its discretion, purchase liability insurance for board and
- 25 staff members against acts performed in good faith discharge of duties.
- 26 **(7)**~~[(9)]~~ The board may, by administrative regulation issued pursuant to~~[the provisions~~
- 27 ~~of]~~ KRS Chapter 13A, determine which disciplinary action records may be

1 expunged. Any records which are expunged shall be exempt from disclosure under
2 the Kentucky Open Records Law, KRS 61.870 to 61.884. The board shall not report
3 its disciplinary actions for any purpose other than statistical.

4 ~~(8)~~~~(10)~~ The board may reimburse any person appointed by direction of the board to
5 any committee, subcommittee, or task force created by the board for his or her
6 travel and subsistence expenses as established through the promulgation of
7 administrative regulations in accordance with KRS Chapter 13A.

8 ➔Section 76. KRS 314.171 is amended to read as follows:

9 (1) The board may establish an alternative to discipline program to promote the early
10 identification, intervention, treatment, and rehabilitation of nurses who may be
11 impaired by reason of alcohol or drug abuse. In addition, the board may include in
12 this program nurses or applicants who have practice competency deficits.

13 (2) The board may enter into a contractual agreement with a nonprofit corporation,
14 nursing professional organization, or similar organization for the purpose of
15 creating, supporting, and maintaining an alternative to discipline program.

16 (3) The board may promulgate administrative regulations pursuant to KRS Chapter
17 13A to effectuate and implement an alternative to discipline program formed
18 pursuant to this section.

19 (4) Beginning January 1, 1997, the board shall collect an assessment of five dollars (\$5)
20 per year to be added to each nurse licensure renewal application fee payable to the
21 board, proceeds from which shall be expended on the operation of an alternative to
22 discipline program formed pursuant to this section.

23 (5) Any administrator, staff member, consultant, agent, volunteer, or employee of the
24 alternative to discipline program acting within the scope of their duties and without
25 actual malice, and all other persons who furnish information to the alternative to
26 discipline program in good faith and without actual malice, shall not be liable for
27 any claim or damages as a result of any statement, decision, opinion, investigation,

- 1 or action taken by the alternative to discipline program or staff.
- 2 (6) All interviews, reports, statements, memoranda, or other documents furnished to or
3 produced by the alternative to discipline program, all communications to or from
4 the alternative to discipline program, and all proceedings, findings, and conclusions
5 of the alternative to discipline program including those relating to intervention,
6 treatment, or rehabilitation, which in any way pertain or refer to a nurse who is or
7 may be impaired, shall be privileged and confidential.
- 8 (7) All records and proceedings of the alternative to discipline program which pertain
9 or refer to a nurse who is or may be impaired shall be privileged and confidential,
10 shall be used by the alternative to discipline program, board members, or board staff
11 only in the exercise of the proper function of the alternative to discipline program,
12 shall not be considered public records, and shall not be subject to court subpoena,
13 discovery, or introduction as evidence in any civil, criminal, or administrative
14 proceedings except as described in subsection (8) of this section.
- 15 (8) The alternative to discipline program may only disclose information relative to an
16 impaired nurse if:
- 17 (a) It is essential to disclose the information to persons or organizations needing
18 the information in order to address the intervention, treatment, or
19 rehabilitation needs of the impaired nurse;
- 20 (b) The release is authorized in writing by the impaired nurse; or
- 21 (c) The alternative to discipline program is required to make a report to the board
22 pursuant to KRS 314.031(4).
- 23 (9) The alternative to discipline program may order an examination or evaluation under
24 KRS 314.085 at any time following initial contact by a potential applicant to the
25 program.
- 26 (10) Notwithstanding any other provision of law to the contrary, the board shall disclose
27 the fact of a nurse's participation in the alternative to discipline program to the

1 public. No information other than the nurse's participation in the alternative to
2 discipline program shall be disclosed.

3 ➔Section 77. KRS 314A.200 is amended to read as follows:

4 (1) There is hereby created a Board of Respiratory Care which shall consist of seven (7)
5 voting members appointed by the Governor.

6 (a) Four (4) members shall be respiratory care practitioners holding a valid
7 mandatory certificate and practicing in Kentucky;

8 (b) Two (2) members shall be pulmonologists who are licensed and practicing
9 physicians in Kentucky; and

10 (c) One (1) member shall be a citizen at large who is not associated with or
11 financially interested in respiratory care.

12 ~~(2) Members shall be appointed to the board for terms of three (3) years, expiring on~~
13 ~~October 30 of the third year. No person shall be appointed to serve more than two~~
14 ~~(2) consecutive terms.~~

15 ~~(3)~~ By May 30 of years in which respiratory care practitioner terms expire, the
16 Kentucky Society for Respiratory Care shall submit to the Governor a list of names
17 of candidates qualified for the appointment of respiratory care practitioner, in
18 numbers not less than twice the numbers of appointments to be made, ~~[, from which]~~
19 The Governor shall make each appointment or appointments by October 31 of that
20 year, subject to Section 16 of this Act. The Governor shall also appoint the
21 pulmonologist and citizen at-large members by October 31 of any year in which a
22 term expires.

23 ~~[(4) A vacancy on the board shall be filled by the Governor as provided under~~
24 ~~subsection (1) of this section. The appointment shall be for the remaining portion of~~
25 ~~the member's term.~~

26 ~~(5) The Governor or board may remove a member from the board for cause or as~~
27 ~~provided under administrative regulations promulgated by the board in accordance~~

1 with KRS Chapter 13A.

2 ~~(6) The board shall reorganize annually and select a chairperson. Four (4) voting~~
3 ~~members of the board shall constitute a quorum to do business. The board shall hold~~
4 ~~at least one (1) regular meeting each year. Additional meetings may be held upon~~
5 ~~the call of the chairperson or at the written request of any two (2) members of the~~
6 ~~board. All meetings of the board shall be open and public to the extent permitted by~~
7 ~~law.]~~

8 ➔Section 78. KRS 314A.215 is amended to read as follows:

9 ~~[(1) The board members shall receive a compensation of fifty dollars (\$50) per day for~~
10 ~~their services, and per diem and traveling expenses to the extent authorized by~~
11 ~~board policy.]~~

12 ~~(2) The board shall employ and, at its pleasure, discharge a secretary and such~~
13 ~~attorneys, inspectors, clerks, and any other employees as shall be deemed necessary,~~
14 ~~and shall outline their duties and fix their compensation. The amount of per diem~~
15 ~~and mileage paid to employees shall be provided by board policy.]~~

16 ~~(3)]All money received by the board shall be deposited in the State Treasury into a~~
17 ~~separate trust fund for the board. The board shall be financed solely and individually from~~
18 ~~income accruing to it from fees, mandatory certificates, and other charges collected by the~~
19 ~~board.]~~

20 ➔Section 79. KRS 315.035 is amended to read as follows:

21 (1) No person shall operate a pharmacy within this Commonwealth, physically or by
22 means of the Internet, facsimile, phone, mail, or any other means, without having
23 first obtained a permit under~~[as provided for in]~~ KRS Chapter 315. An application
24 for a permit to operate a pharmacy shall be made to the board upon forms provided
25 by it and shall contain any~~[such]~~ information~~[as]~~ the board requires, which may
26 include affirmative evidence of ability to comply with any~~[such]~~ reasonable
27 standards and rules and administrative regulations~~[as may be]~~ prescribed by the

- 1 board. Each application shall be accompanied by a reasonable permit fee to be set
2 by administrative regulation promulgated by the board pursuant to KRS Chapter
3 13A, not to exceed two hundred fifty dollars (\$250) per year.
- 4 (2) Upon receipt of an application of a permit to operate a pharmacy, accompanied by
5 the permit fee not to exceed two hundred fifty dollars (\$250) per year, the board
6 shall issue a permit if the pharmacy meets the standards and requirements of KRS
7 Chapter 315 and the rules and administrative regulations of the board. The board
8 shall refuse to renew any permit to operate unless the pharmacy meets the standards
9 and requirements of KRS Chapter 315 and the rules and administrative regulations
10 of the board. The board shall act upon an application for a permit to operate within
11 thirty (30) days after the receipt of the application.~~[thereof; provided, however,~~
12 ~~that]~~ The board may issue a temporary permit to operate in any instance where it
13 considers additional time necessary for investigation and consideration before
14 taking final action upon the application.~~[In such event,]~~ The temporary permit shall
15 be valid for a period of thirty (30) days, unless extended.
- 16 (3) A separate permit to operate shall be required for each pharmacy.
- 17 (4) Each permit to operate a pharmacy, unless sooner suspended or revoked, shall
18 expire on June 30 of the second year following its date of issuance and be
19 renewable biennially~~[annually thereafter]~~ upon proper application accompanied by
20 a~~[such]~~ reasonable renewal fee as~~[may be]~~ set by administrative regulation of the
21 board, not to exceed two hundred fifty dollars (\$250) per year nor to increase more
22 than twenty-five dollars (\$25) per year. An additional fee not to exceed the~~[annual]~~
23 renewal fee may be assessed and set by administrative regulation as a delinquent
24 renewal penalty for failure to renew by June 30 of each year.
- 25 (5) Permits to operate shall be issued only for the premises and persons named in the
26 application and shall not be transferable, except~~[; provided however,]~~ that a buyer
27 may operate the pharmacy under the permit of the seller pending a decision by the

1 board of an application which shall be filed by the buyer with the board at least five
2 (5) days prior to the date of sale.

3 (6) The board may promulgate administrative~~[rules and]~~ regulations to ensure~~[assure]~~
4 that proper equipment and reference material is on hand considering the nature of
5 the pharmaceutical practice conducted at the particular pharmacy and to
6 ensure~~[assure]~~ reasonable health and sanitation standards for areas within
7 pharmacies which are not subject to health and sanitation standards promulgated by
8 the Kentucky Cabinet for Health and Family Services or a local health department.

9 (7) Each pharmacy shall comply with KRS 218A.202.

10 (8) Any pharmacy within the Commonwealth that dispenses more than twenty-five
11 percent (25%) of its total prescription volume as a result of an original prescription
12 order received or solicited by use of the Internet, including but not limited to
13 electronic mail, shall, prior to obtaining a permit, receive and display in every
14 medium in which it advertises itself a seal of approval for the National Association
15 of Boards of Pharmacy certifying that it is a Verified Internet Pharmacy Practice
16 Site (VIPPS) or a seal certifying approval of a substantially similar program
17 approved by the Kentucky Board of Pharmacy. VIPPS, or any other substantially
18 similar program approved by the Kentucky Board of Pharmacy, accreditation shall
19 be maintained and remain current.

20 (9) Any pharmacy within the Commonwealth doing business by use of the Internet
21 shall certify the percentage of its annual business conducted via the Internet and
22 submit such supporting documentation as requested by the board, and in a form or
23 application required by the board, when it applies for permit or renewal.

24 (10) A pharmacist may temporarily operate a pharmacy in an area not designated on the
25 permit as authorized in KRS 315.500.

26 ➔Section 80. KRS 315.036 is amended to read as follows:

27 (1) Except as provided in subsection (4) of this section, each manufacturer of drugs

1 shall be required to register with and obtain a ***biennial*** permit from the board.
 2 ~~This~~~~[Such]~~ permit shall be issued in accordance with policy and procedure
 3 prescribed by ***administrative*** regulations of the board. Each application shall be
 4 accompanied by a reasonable permit fee to be set by administrative regulation of the
 5 board, not to exceed two hundred fifty dollars (\$250) ~~per year~~~~[annually]~~ or increase
 6 more than twenty-five dollars (\$25) per year.

7 (2) Manufacturers shall be required to maintain accurate records of all drugs
 8 manufactured, received, and sold, as established by administrative regulation of the
 9 board. ~~These~~~~[Such]~~ records shall be made available to agents of the board for
 10 inspection at reasonable times. The board may require by ***administrative*** regulation
 11 that manufacturers periodically report to the board all drugs manufactured, received,
 12 and sold.

13 (3) Failure to report to the board or willful submission of inaccurate information shall
 14 be grounds for disciplinary action under the provisions of KRS 315.131.

15 (4) The provisions of subsection (1) of this section do not apply to a pharmacist who, in
 16 the normal course of professional practice, compounds reasonable quantities of
 17 drugs pursuant to or in anticipation of a valid prescription drug order.

18 ➔Section 81. KRS 315.110 is amended to read as follows:

19 (1) Each license to practice pharmacy, unless sooner suspended or revoked, shall expire
 20 on February 28 ***of the second year*** following its date of issuance. Every pharmacist
 21 who desires to continue to practice pharmacy shall pay to the executive director of
 22 the board a reasonable renewal fee to be set by administrative regulation of the
 23 board, but not to exceed one hundred seventy-five dollars (\$175) ***for each***
 24 ***year***~~[annually]~~ or increase more than twenty-five dollars (\$25) per year, and shall
 25 file with the board an application in ~~a~~~~[such]~~ form and containing~~[-such]~~ data
 26 ***required by***~~[as]~~ the board~~[-may require]~~ for ***biennial*** renewal of the license. A
 27 delinquent renewal penalty fee not to exceed the renewal fee may be assessed and

1 set by administrative regulation for each renewal period the licensee fails to renew
2 the license after expiration.

3 (2) Every pharmacist shall keep his *or her* current certificate conspicuously displayed
4 in *the pharmacist's*~~[his]~~ primary place of practice.

5 (3) In addition to a current renewal certificate, each pharmacist shall be issued upon
6 renewal a pocket certificate which shall be in the licensee's possession at all times
7 when the licensee is engaged in the practice of pharmacy and which shall be
8 exhibited by the licensee upon request from any member, inspector, or agent of the
9 board.

10 ➔Section 82. KRS 315.126 is amended to read as follows:

11 (1) The board shall establish a pharmacist recovery network committee to promote the
12 early identification, intervention, treatment, and rehabilitation of pharmacists and
13 pharmacist interns who may be impaired by reason of illness, alcohol or drug abuse,
14 or as a result of any other physical or mental condition.

15 (2) The board may enter into a contractual agreement with a nonprofit corporation,
16 pharmacy professional organization, or similar organization for the purpose of
17 creating, supporting, and maintaining a pharmacist recovery network committee.

18 (3) The board may promulgate administrative regulations pursuant to KRS Chapter
19 13A to effectuate and implement the provisions of this section.

20 (4) ~~[Beginning July 15, 1998,]~~The board shall collect an assessment of ten dollars
21 (\$10) *per year* to be added to each licensure renewal application fee payable to the
22 board. This assessment shall be expended by the board on the operation of the
23 pharmacist recovery network committee.

24 (5) Members of a pharmacist recovery network committee, any administrator, staff
25 member, consultant, agent, volunteer, or employee of the committee acting within
26 the scope of his or her duties and without actual malice and all other persons who
27 furnish information to the committee in good faith and without actual malice shall

1 not be liable for any claim or damages as a result of any statement, decision,
2 opinion, investigation, or action taken by the committee or by any individual
3 member of the committee.

4 (6) All information, interviews, reports, statements, memoranda, or other documents
5 furnished to or produced by the pharmacist recovery network committee, all
6 communications to or from the committee, and all proceedings, findings, and
7 conclusions of the committee, including those relating to intervention, treatment, or
8 rehabilitation, that in any way pertain or refer to a pharmacist or pharmacist intern
9 who is or may be impaired shall be privileged and confidential.

10 (7) All records and proceedings of the committee that pertain or refer to a pharmacist or
11 pharmacist intern who is or may be impaired shall be privileged and confidential,
12 used by the committee and its members only in the exercise of the proper function
13 of the committee, not be considered public records, and not be subject to court
14 subpoena, discovery, or introduction as evidence in any civil, criminal, or
15 administrative proceedings, except as described in subsection (8) of this section.

16 (8) The committee may only disclose the information relative to an impaired
17 pharmacist or pharmacist intern if:

18 (a) It is essential to disclose the information to persons or organizations needing
19 the information in order to address the intervention, treatment, or
20 rehabilitation needs of the impaired pharmacist or pharmacist intern;

21 (b) The release is authorized in writing by the impaired pharmacist or pharmacist
22 intern; or

23 (c) The committee is required to make a report to the board pursuant to KRS
24 315.121.

25 ➔Section 83. KRS 315.138 is amended to read as follows:

26 (1) Every pharmacy technician who wishes to renew his or her registration shall pay to
27 the executive director of the board a biennial~~[an annual]~~ renewal fee of twenty-five

1 dollars (\$25) per year and shall file with the board an application in ~~a~~^a~~[such]~~ form
2 and containing~~[such]~~ information that the board reasonably determines necessary to
3 renew the registration. Each pharmacy technician's registration shall expire on
4 March 31 of the second~~[each]~~ year. A delinquent renewal penalty fee not to exceed
5 twenty-five dollars (\$25) per year may be assessed for each renewal period the
6 registrant fails to remove his or her registration after the expiration of the
7 registration.

8 (2) Every pharmacy technician shall keep his or her current certificate of registration
9 conspicuously displayed in the technician's primary place of employment.

10 (3) In addition to a current certificate of registration, each pharmacy technician shall be
11 issued, upon renewal, a pocket registration card which shall be in the registrant's
12 possession when the registrant is assisting in the practice of pharmacy. The pocket
13 registration card shall be exhibited upon the request of any member, inspector, or
14 agent of the board.

15 ➔Section 84. KRS 315.150 is amended to read as follows:

16 (1) The board shall consist of six (6) members appointed by the Governor. Five (5)
17 members shall be pharmacists licensed in this state. One (1) member shall be a
18 citizen at large, who is not associated with or financially interested in the practice of
19 pharmacy.

20 (2) In any calendar year scheduled to be the last full calendar year of a member's regular
21 term in office, the association shall select and submit to the Governor a list of five
22 (5) pharmacists, each of whom has had at least five (5) years' experience in the
23 practice of pharmacy, is a resident of the state and in good standing with the board.
24 On or before March 1 of the same year, the society, other state pharmacy
25 organizations, or individuals may submit recommendations to the association for its
26 consideration in selecting the list to be submitted. **Subject to Section 16 of this Act,**
27 the Governor shall, before October 1 of the same year, appoint no more than two (2)

1 persons from each list so submitted, to take office on January 1 following. The
 2 citizen member shall be appointed by the Governor. No two (2) pharmacist
 3 members of the board shall be residents of the same county.

4 ~~(3) Beginning January 1, 2005, the term of each board member shall be four (4) years.~~
 5 ~~Each member shall serve until his or her successor is appointed and qualified,~~
 6 ~~unless removed for cause. No member shall be appointed to serve for more than two~~
 7 ~~(2) full terms.~~

8 ~~(4)~~ The Governor shall fill any vacancy of a pharmacist member ~~from the names last~~
 9 ~~submitted~~ within sixty (60) days after the ~~[such a]~~ vacancy occurs. Any member so
 10 appointed shall commence service at the next regularly-scheduled board meeting
 11 and shall serve for the remainder of the term vacated.

12 ~~(4)~~ ~~(5)~~ Each member shall take and subscribe to an oath before a competent officer to
 13 perform the duties of the office faithfully and impartially. The oath shall be
 14 inscribed upon the member's commission.

15 ~~[(6) Four (4) members of the board shall constitute a quorum.]~~

16 ➔Section 85. KRS 315.155 is amended to read as follows:

17 ~~(1) The Governor may remove a member of the board for any of the following reasons:~~
 18 ~~(a) Refusal or inability of a board member to perform his duties as a member of~~
 19 ~~the board in an efficient, responsible and professional manner;~~
 20 ~~(b) Misuse of the office by a member of the board to obtain personal, pecuniary,~~
 21 ~~or material gain or advantage for himself or another;~~
 22 ~~(c) Willful violation of any provision of KRS Chapter 315 or any rule or~~
 23 ~~regulation promulgated thereunder.~~

24 ~~(2)~~ Any person may file a complaint with the executive director of the board against a
 25 board member alleging specific facts which constitute grounds for removal from the
 26 board. The executive director shall transmit a copy of the ~~[any such]~~ complaint to
 27 the Governor, the president of the board, and the accused board member. Upon a

1 written recommendation of the Governor or two-thirds (2/3) of the members of the
2 board, a hearing shall be conducted before an impartial hearing officer pursuant to
3 KRS Chapter 13B.

4 ~~(2)~~~~(3)~~ The hearing officer shall submit a transcript of the hearing to the Governor
5 with a recommendation based on evidence presented in the hearing. The Governor
6 shall review the transcript to determine if the evidence supports the
7 recommendation, and ***the Governor***~~he~~ shall enter a finding in accordance with
8 ***this***~~such~~ determination.

9 ~~(3)~~~~(4)~~ ~~If~~~~In the event~~ a board member is removed, his ***or her*** removal shall be
10 effective as of the date of the Governor's finding and a vacancy shall be deemed to
11 exist. Any board member~~so~~ removed ***under this section*** shall be entitled to
12 appeal the removal in the Franklin Circuit Court.

13 ➔Section 86. KRS 315.160 is amended to read as follows:

14 (1) ~~[The board shall elect annually from its membership a president and such other~~
15 ~~officers as it deems necessary. These officers shall serve for a term of one (1) year~~
16 ~~and perform the duties prescribed by the board. No officer shall serve more than~~
17 ~~two (2) consecutive full terms in each office to which he is elected.~~

18 ~~(2) The board shall employ a pharmacist to serve as a full time employee of the board~~
19 ~~in the position of executive director.]~~The executive director ***of the Pharmacy***
20 ***Authority*** shall be ***a pharmacist and shall be*** responsible for the performance of the
21 administrative functions of the board and ***any***~~such~~ other duties ***to assist***~~as~~ the
22 board ~~may direct. The board may employ, upon recommendation of the executive~~
23 ~~director, such additional assistance as necessary for the proper conduct of board~~
24 ~~business and in accordance with the rules and regulations of the Kentucky~~
25 ~~Personnel Cabinet].~~

26 ~~(2)~~~~(3)~~ The board shall meet at least four (4) times a year to transact business~~, at~~
27 ~~such place as it may determine].~~ The board may also meet at the call of the

1 president or a majority of the board members. Each board member shall be given
2 adequate prior notice of any board meeting.

3 ➔Section 87. KRS 315.193 is amended to read as follows:

4 (1) Members of the board and~~[,]~~ its agents~~[, and employees]~~ shall be immune from suit
5 in any action, civil, or criminal, which is based upon any official act or acts
6 performed by them in good faith.

7 (2) Any pharmacist, whose duty it is to review or evaluate the acts of other pharmacists
8 and who serves on any committee, board, commission~~2~~, or other entity affiliated with
9 a governmental or quasi-governmental agency or with a medical facility, shall not
10 be required to respond in damages for any official action taken by the
11 pharmacist~~[him]~~ in good faith as a member thereof.

12 ➔Section 88. KRS 315.230 is amended to read as follows:

13 (1) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the
14 board is hereby authorized to institute and maintain actions to restrain and enjoin
15 any violation of this chapter, or the rules and administrative regulations of the
16 board.

17 (2) City, county~~2~~, and Commonwealth's attorneys, and the Attorney General, shall within
18 their respective jurisdictions represent the board, its officers, agents, and
19 inspectors~~[,]~~ in the enforcement of the provisions of this chapter, and the rules and
20 administrative regulations of the board~~[, but when the board deems it necessary, it~~
21 ~~may employ at its discretion, special attorneys to assist the board, or its officers,~~
22 ~~agents, or inspectors, and may pay reasonable compensation, fees and other costs~~
23 ~~from any unexpended funds].~~

24 ➔Section 89. KRS 315.300 is amended to read as follows:

25 (1) A pharmacy shall be allowed to place drugs with a home health agency's authorized
26 employees and with a hospice's authorized employees for the betterment of public
27 health. The pharmacy shall remain the legal owner of the drugs.

- 1 (2) A written agreement between the pharmacy and home health agency or hospice
2 shall document the protocol for the handling and storage of the drugs by authorized
3 employees and shall be approved by the pharmacist in charge.
- 4 (3) The pharmacist in charge shall review the protocol to ~~ensure~~^{assure} that safe,
5 secure, and accountable handling of controlled legend drugs is maintained under the
6 protocol before giving approval.
- 7 (4) The pharmacist in charge or a pharmacist designee shall physically inspect and
8 review the drug storage and handling at the home health agency and the hospice not
9 less than annually.
- 10 (5) The home health agency and the hospice protocol shall include but not be limited to
11 the following:
- 12 (a) Safe and secure storage of drugs;
- 13 (b) Access to drugs limited to authorized employees;
- 14 (c) Records of drugs checked out to authorized employees and records of drugs,
15 amounts, and to whom and by whom administered;
- 16 (d) Prompt notification of the pharmacy when a drug is used, including the
17 prescriber, patient, drug, dosage form, directions for use, and other pertinent
18 information;
- 19 (e) Billing information;
- 20 (f) Procedures for handling drugs beyond their expiration date; and
- 21 (g) Inventory control.
- 22 (6) The following legend drugs shall be allowed under these agreements:
- 23 (a) Sterile water for injection or irrigation;
- 24 (b) Sterile saline solution for injection or irrigation;
- 25 (c) Heparin flush solution;
- 26 (d) Diphenhydramine injectable;
- 27 (e) Epinephrine injectable;

- 1 (f) Glucagon;
- 2 (g) Influenza vaccine; and
- 3 (h) Pneumonia vaccine.
- 4 (7) As used in this section:
- 5 (a) "Authorized employee" means any employee of a home health agency or
- 6 hospice who, in the course of the employee's duties, is licensed by the
- 7 employee's appropriate licensing agency to administer legend drugs;
- 8 (b) "Home health agency" means an entity required to be licensed under KRS
- 9 Chapter 216; and
- 10 (c) "Hospice" means an entity authorized to hold itself out to the public as a
- 11 hospice or as a licensed hospice pursuant to KRS Chapter 216.
- 12 (8) The Cabinet for Health and Family Services shall promulgate administrative
- 13 regulations to implement the provisions of this section.
- 14 (9) Nothing in this section shall preclude or prevent a pharmacy from providing
- 15 pharmacy services through an automated pharmacy system to a residential hospice
- 16 facility in accordance with KRS 315.295.
- 17 ➔Section 90. KRS 315.340 is amended to read as follows:
- 18 (1) (a) A person shall not operate an outsourcing facility within this Commonwealth,
- 19 physically or by means of the Internet, facsimile, phone, mail, or any other
- 20 means, without first obtaining a permit from the board.
- 21 (b) An application for a permit to operate an outsourcing facility shall be made to
- 22 the board upon forms provided by the board and shall contain any~~such~~
- 23 information~~as~~ the board requires, which may include affirmative evidence
- 24 of the ability to comply with the requirements of this chapter and the
- 25 administrative regulations promulgated by the board.
- 26 (c) Each application shall be accompanied by a nonrefundable permit fee to be set
- 27 by administrative regulation promulgated by the board, not to exceed five

1 hundred dollars (\$500) *per year*.

2 (2) (a) As a prerequisite to obtaining or renewing a permit from the board, the
3 outsourcing facility shall:

- 4 1. Register as an outsourcing facility with the United States Secretary of
5 Health and Human Services in accordance with 21 U.S.C. sec. 353b; and
- 6 2. Submit a copy of a current inspection report resulting from an inspection
7 conducted by the United States Food and Drug Administration that
8 indicates compliance with the requirements of state and federal law and
9 regulations, including all applicable guidance documents and Current
10 Good Manufacturing Practices published by the United States Food and
11 Drug Administration.

12 (b) 1. The inspection report required pursuant to paragraph (a)2. of this
13 subsection shall be deemed current for the purposes of this section if the
14 inspection was conducted no more than:

- 15 a. One (1) year prior to the date of submission of an application for a
16 permit to the board; or
- 17 b. Two (2) years prior to the date of submission of an application for
18 renewal of a permit to the board.

19 2. If the outsourcing facility has not been inspected by the United States
20 Food and Drug Administration within the period required under
21 subparagraph 1. of this paragraph, the board may:

- 22 a. Accept an inspection report or other documentation from another
23 entity that is satisfactory to the board; or
- 24 b. Cause an inspection to be conducted by its duly authorized agent
25 and charge an inspection fee in an amount sufficient to cover the
26 costs of the inspection.

27 (3) (a) Upon receipt of an application for a permit to operate an outsourcing facility

1 accompanied by the permit fee prescribed by administrative regulation, the
2 board shall:

- 3 1. Issue a permit if the outsourcing facility meets the requirements of this
4 chapter and the administrative regulations promulgated by the board; or
- 5 2. Refuse to issue or renew any permit to operate if the outsourcing facility
6 fails to meet the requirements of this chapter and the administrative
7 regulations promulgated by the board.

8 (b) The board shall act upon an application for a permit to operate within thirty
9 (30) days after the receipt of the application. The board may issue a temporary
10 permit to operate in any instance where it considers additional time necessary
11 for investigation and consideration before taking final action upon the
12 application. The temporary permit shall be valid for a period of thirty (30)
13 days, unless extended.

14 (4) A separate permit to operate shall be required for each outsourcing facility.

15 (5) (a) Each permit to operate an outsourcing facility, unless suspended or revoked,
16 shall expire on June 30 ***of the second year*** following its date of issuance and
17 be renewable ***biennially***~~annually thereafter~~ upon proper application
18 accompanied by the renewal fee as established by administrative regulations
19 promulgated by the board. The renewal fee shall not exceed five hundred
20 dollars (\$500) ***per year***.

21 (b) An additional nonrefundable fee not to exceed the~~annual~~ renewal fee may
22 be assessed and set by administrative regulation as a delinquent renewal
23 penalty for failure to renew by June 30 of each ***renewal*** year.

24 (6) Permits to operate shall be issued only for the premises and persons named in the
25 application and shall not be transferable, except that a buyer may operate the
26 outsourcing facility under the permit of the seller pending a decision by the board
27 on an application, which shall be filed by the buyer with the board at least five (5)

1 days prior to the date of sale.

2 (7) The board may promulgate administrative regulations to ensure:

3 (a) That proper equipment and reference material is on hand considering the
4 nature of the pharmaceutical practice conducted at the particular outsourcing
5 facility; and

6 (b) Health and sanitation standards for areas within outsourcing facilities that
7 adhere to Current Good Manufacturing Practices published by the United
8 States Food and Drug Administration.

9 (8) Each outsourcing facility shall comply with KRS 218A.202.

10 (9) Each outsourcing facility shall compound in compliance with the requirements of
11 state and federal law and regulations, including all applicable guidance documents
12 and Current Good Manufacturing Practices published by the United States Food and
13 Drug Administration.

14 (10) A pharmacist may temporarily operate an outsourcing facility in an area not
15 designated on the permit as authorized in KRS 315.500.

16 ➔Section 91. KRS 315.342 is amended to read as follows:

17 (1) (a) Each out-of-state outsourcing facility that does business physically or by
18 means of the Internet, facsimile, phone, mail, or any other means, inside this
19 Commonwealth, shall hold a current outsourcing facility permit issued by the
20 board.

21 (b) An application for a permit to operate an out-of-state outsourcing facility shall
22 be made to the board upon forms provided by it and shall contain any~~[such]~~
23 information~~[as]~~ the board requires, which may include affirmative evidence
24 of ability to comply with reasonable standards and administrative regulations
25 promulgated~~[as may be prescribed]~~ by the board.

26 (c) Each application shall be accompanied by a permit fee to be set by
27 administrative regulation promulgated by the board. The fee shall not exceed:

- 1 1. Two hundred fifty dollars (\$250) *per year*; or
- 2 2. The current in-state outsourcing facility permit.
- 3 (2) (a) As a prerequisite to obtaining or renewing a permit from the board, the out-of-
- 4 state outsourcing facility shall:
 - 5 1. Register as an outsourcing facility with the United States Secretary of
 - 6 Health and Human Services in accordance with 21 U.S.C. sec. 353b; and
 - 7 2. Submit a copy of a current inspection report resulting from an inspection
 - 8 conducted by the United States Food and Drug Administration that
 - 9 indicates compliance with the requirements of state and federal law and
 - 10 regulations, including all applicable guidance documents and Current
 - 11 Good Manufacturing Practices published by the United States Food and
 - 12 Drug Administration.
- 13 (b) 1. The inspection report required pursuant to paragraph (a)2. of this
- 14 subsection shall be deemed current for the purposes of this section if the
- 15 inspection was conducted no more than:
 - 16 a. One (1) year prior to the date of submission of an application for a
 - 17 permit to the board; or
 - 18 b. Two (2) years prior to the date of submission of an application for
 - 19 renewal of a permit to the board.
- 20 2. If the out-of-state outsourcing facility has not been inspected by the
- 21 United States Food and Drug Administration within the required period
- 22 required under subparagraph 1. of this paragraph, the board may:
 - 23 a. Accept an inspection report or other documentation from another
 - 24 entity that is satisfactory to the board; or
 - 25 b. Cause an inspection to be conducted by its duly authorized agent
 - 26 and may charge an inspection fee in an amount sufficient to cover
 - 27 the costs of the inspection.

- 1 (3) (a) Upon receipt of an application for a permit to operate an out-of-state
2 outsourcing facility, accompanied by the permit fee required by subsection (1)
3 of this section, the board shall:
- 4 1. Issue a permit if the out-of-state outsourcing facility meets the
5 requirements of this chapter and the administrative regulations
6 promulgated by the board; or
 - 7 2. Refuse to renew any permit to operate unless the out-of-state
8 outsourcing facility meets the requirements of this chapter and the
9 administrative regulations promulgated by the board.
- 10 (b) The board shall act upon an application for a permit to operate within thirty
11 (30) days after the receipt of the application~~thereof~~. The board may issue a
12 temporary permit to operate in any instance where it considers additional time
13 necessary for investigation and consideration before taking final action upon
14 the application. The temporary permit shall be valid for a period of thirty (30)
15 days, unless extended.
- 16 (4) A separate permit to operate shall be required for each out-of-state outsourcing
17 facility.
- 18 (5) Each out-of-state outsourcing facility granted an out-of-state outsourcing facility
19 permit by the board shall disclose to the board the location, names, and titles of all
20 its principal corporate officers and all its pharmacists who are dispensing
21 prescription drugs to entities within the Commonwealth. A report containing this
22 information shall be made to the board on an annual basis and within thirty (30)
23 days after any change of office, corporate officer, or pharmacist.
- 24 (6) (a) An out-of-state outsourcing facility granted an out-of-state outsourcing facility
25 permit shall comply with all requests for information within three (3) business
26 days of a written request by the board or its agents.
- 27 (b) An out-of-state outsourcing facility shall maintain at all times a valid

1 unexpired permit, license, or registration to conduct the outsourcing facility in
2 compliance with the laws of the jurisdiction in which it is a resident.

3 (c) As a prerequisite to seeking a permit from the board, the out-of-state
4 outsourcing facility shall submit a copy of the most recent inspection report
5 resulting from an inspection conducted by the regulatory or licensing agency
6 of the jurisdiction in which it is located. Thereafter, the out-of-state
7 outsourcing facility granted a permit shall submit to the board a copy of any
8 subsequent inspection report of the outsourcing facility conducted by the
9 regulatory or licensing body of the jurisdiction in which it is located.

10 (7) Each out-of-state outsourcing facility granted an out-of-state outsourcing facility
11 permit by the board shall maintain records of any controlled substances or
12 dangerous drugs.

13 (8) Each out-of-state outsourcing facility shall, during its regular hours of operation, but
14 not less than five (5) days per week and for a minimum of forty (40) hours per
15 week, provide a toll-free telephone service directly to the pharmacist in charge of
16 the out-of-state outsourcing facility for the purpose of facilitating communication. A
17 toll-free number shall be placed on a label affixed to each container of drugs
18 dispensed to an entity within the Commonwealth.

19 (9) An out-of-state outsourcing facility shall comply with KRS 218A.202.

20 (10) An out-of-state outsourcing facility doing business within the Commonwealth of
21 Kentucky shall use the address on file with the board as the return address on the
22 labels of any package shipped into or within the Commonwealth. The return address
23 shall be placed on the package in a clear and prominent manner.

24 (11) (a) A permit to operate an out-of-state outsourcing facility, unless suspended or
25 revoked, shall expire on June 30 ***of the second year*** following its date of
26 issuance and be renewable ***biennially***~~annually thereafter~~ upon proper
27 application accompanied by the nonrefundable renewal fee established by

1 subsection (1) of this section.

2 (b) An additional nonrefundable fee not to exceed ***fifty percent (50%) of the***
3 ~~annual~~ renewal fee may be assessed and set by administrative regulation as a
4 delinquent renewal penalty for failure to renew by June 30 of each ***renewal***
5 year.

6 (12) Permits to operate shall be issued only for the premises and persons named in the
7 application and shall not be transferable, except that a buyer may operate the out-of-
8 state outsourcing facility under the permit of the seller pending a decision by the
9 board on an application which shall be filed by the buyer with the board at least five
10 (5) days prior to the date of sale.

11 (13) The board may promulgate administrative regulations to ensure that proper
12 equipment and reference material is on hand considering the nature of the
13 pharmaceutical practice conducted at the particular out-of-state outsourcing facility.

14 (14) Each out-of-state outsourcing facility shall compound in compliance with the
15 requirements of state and federal law and regulations, to include all applicable
16 guidance documents and Current Good Manufacturing Practices published by the
17 United States Food and Drug Administration.

18 ➔Section 92. KRS 315.350 is amended to read as follows:

19 (1) A medical gas wholesaler, whether located within the Commonwealth or operating
20 within the Commonwealth from a location outside the Commonwealth, shall be
21 licensed by the board. Each ***biennial*** license ***or biennial renewal*** application shall
22 be accompanied by a fee which shall:

23 (a) Be prescribed by administrative regulation promulgated by the board in an
24 amount not to exceed two hundred fifty dollars (\$250) ***per year***; and

25 (b) Not be increased by more than twenty-five dollars (\$25) per year.

26 (2) A medical gas wholesaler shall be required to maintain accurate records of all drugs
27 handled. Records shall be made available to agents of the board for inspection upon

1 request.

2 (3) Failure to report to the board or willful submission of inaccurate information shall
3 be grounds for disciplinary action under KRS 315.121.

4 (4) The board shall promulgate administrative regulations to specify the criteria for
5 licensure and discipline of a medical gas wholesaler.

6 ➔Section 93. KRS 315.402 is amended to read as follows:

7 (1) A wholesale distributor shall be licensed by the board under this section prior to
8 engaging in the wholesale distribution of prescription drugs in the Commonwealth.
9 Each ***biennial*** license ***or biennial renewal*** application shall be accompanied by a
10 reasonable fee prescribed by administrative regulation not to exceed two hundred
11 fifty dollars (\$250) ***per year***~~[annually]~~ or increase more than twenty-five dollars
12 (\$25) per year.

13 (2) A wholesale distributor shall be required to maintain accurate records of all drugs
14 handled in accordance with KRS 315.400 to 315.412, and records shall be made
15 available to agents of the board for inspection upon request.

16 (3) Licensing requirements that exceed the requirements of federal law shall not apply
17 to a manufacturer distributing its own FDA-approved drugs or co-licensed products,
18 unless there is reasonable cause to believe that the manufacturer presents a special
19 risk of distributing counterfeit prescription drugs in the Commonwealth.

20 (4) Failure to report to the board or willful submission of inaccurate information shall
21 be grounds for disciplinary action under the provisions of KRS 315.131.

22 (5) The board shall promulgate an administrative regulation pursuant to KRS Chapter
23 13A to specify the criteria for licensure in conformity with the guidelines for state
24 licensure of a wholesale prescription drug distributor issued by the FDA.

25 (6) Pursuant to KRS 61.878, information provided by an applicant under this section
26 and any related administrative regulation shall not be disclosed to any person or
27 entity other than the board.

1 ➔Section 94. KRS 315.4102 is amended to read as follows:

- 2 (1) Each facility of a third-party logistics provider located within Kentucky shall be
3 licensed by the board prior to shipping a prescription drug:
- 4 (a) Within the borders of Kentucky; or
5 (b) To a location outside the borders of Kentucky.
- 6 (2) Licenses issued under subsection (1) of this section shall be renewed
7 biennially~~annually~~ upon:
- 8 (a) Completion of an application; and
9 (b) Payment of a renewal fee as established by administrative regulations
10 promulgated by the board.
- 11 (3) A third-party logistics provider located in another state seeking to ship a
12 prescription drug into Kentucky shall provide documentation upon request by the~~fe~~
13 ~~by the~~ board or its staff that the third-party logistics provider is licensed as a third-
14 party logistics provider by:
- 15 (a) The state from which the third-party logistics provider ships, if that state
16 licenses third-party logistics providers; or
17 (b) The United States Food and Drug Administration.
- 18 (4) A third-party logistics provider license shall be valid only for the name, ownership,
19 and location listed on the license. Changes of name, ownership, or location shall
20 require a new third-party logistics provider license.
- 21 (5) Changes in information required for licensure shall be reported to the board, in
22 writing, within ten (10) days of the change.
- 23 (6) A third-party logistics provider shall not operate from a place of residence.
- 24 (7) A third-party logistics provider facility shall be located apart and separate from any
25 retail pharmacy licensed by the board.
- 26 (8) A third-party logistics provider shall publicly display all licenses and have the most
27 recent state and federal inspection reports readily available.

1 ➔Section 95. KRS 316.125 is amended to read as follows:

- 2 (1) No person shall operate a full-service funeral establishment, a visitation and
3 ceremonial funeral service establishment, or an embalming service establishment in
4 the Commonwealth of Kentucky without first obtaining the applicable
5 establishment license issued by the board.
- 6 (2) The board shall issue the appropriate establishment license to an applicant who:
- 7 (a) Has paid to the board an establishment license fee, not to exceed two hundred
8 dollars (\$200) *per year of licensure*, as set out in administrative regulations
9 promulgated by the board; and
- 10 (b) Has filed with the board a sworn statement that sets out the following:
- 11 1. Name of the funeral establishment;
- 12 2. Address of the funeral establishment;
- 13 3. Type of funeral establishment;
- 14 4. Owners of the funeral establishment, indicating which owners are
15 licensed by the board; and
- 16 5. Name and address of the Kentucky-licensed embalmer or the Kentucky-
17 licensed funeral director who will supervise the funeral establishment
18 pursuant to subsection (4) of this section.
- 19 (3) Each funeral establishment shall be licensed separately from any other funeral
20 establishment.
- 21 (4) Each funeral establishment, when in use, shall be under the supervision of a
22 Kentucky-licensed embalmer or a Kentucky-licensed funeral director.
- 23 (5) A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not
24 supervise more than one (1) funeral establishment at the same time.
- 25 (6) The funeral establishment shall display in a public place in the establishment its
26 establishment license and the license of the embalmer or funeral director who
27 supervises the establishment pursuant to subsection (4) of this section.

1 ➔Section 96. KRS 316.130 is amended to read as follows:

- 2 (1) ~~A~~~~No~~ license granted under this chapter shall be issued or renewed for a period ***of***
3 ***two (2) years***~~[exceeding one (1) year]~~. Every license and renewal shall expire on
4 July 31 ***of the second year*** following the date of its issuance unless sooner revoked,
5 surrendered, or canceled.
- 6 (2) A person may renew an embalmer's license or a funeral director's license by paying
7 to the board a renewal fee, not to exceed one hundred dollars (\$100) ***per year***, as set
8 out in administrative regulations promulgated by the board.
- 9 (3) Except for the first licensure renewal following the issuance of an original license
10 by the board, as a prerequisite for license renewal, every Kentucky-licensed
11 embalmer and every Kentucky-licensed funeral director shall attend a minimum of
12 twelve (12) hours every two (2) years in a continuing education program or
13 programs approved by the board. Of these twelve (12) hours, ***the board may require***
14 ***that up to***~~[a minimum of]~~ six (6) hours shall be attained from programs attended in
15 a live, interactive, in-person format. Upon application to the board, the board may
16 exempt a licensee from the continuing education requirements of this section if the
17 applicant demonstrates that meeting the continuing education requirements of this
18 section would work an undue hardship because of disability, illness, or other clearly
19 mitigating circumstances, or if the applicant is seventy (70) years of age or older
20 and is not actively involved in embalming or funeral directing. The board may use a
21 portion of the ~~[annual]~~ license renewal fees for the purpose of contracting with
22 accredited educational institutions, professional organizations, or other qualified
23 persons to provide educational programs that meet this continuing education
24 requirement.
- 25 (4) A licensed funeral establishment may renew its license by paying to the board a
26 renewal fee equal to the establishment license fee.
- 27 (5) Any renewal not received by the board prior to July 31 ***of the license expiration***

1 ~~*year shall*~~~~[will]~~ be assessed a late fee, not to exceed the amount of the renewal fee,
2 as set out in administrative regulations promulgated by the board.

3 (6) A license granted under this chapter shall not be transferable.

4 ➔Section 97. KRS 316.140 is amended to read as follows:

5 (1) A person holding an embalmer's or a funeral director's license issued in another
6 state or federal district may obtain a Kentucky embalmer's or a Kentucky funeral
7 director's license if the board finds that the person, before or after obtaining a
8 license in another state or federal district, has met the same or similar requirements
9 for a license as set out in KRS 316.030 and pays to the board a fee equal to the
10 license renewal fee.

11 (2) A person holding an embalmer's or a funeral director's license issued in another
12 state or federal district may obtain a courtesy card if the following conditions are
13 met:

14 (a) The person is licensed as an embalmer or a funeral director in another state or
15 federal district;

16 (b) The other state or federal district issues courtesy cards or similar permits to
17 embalmers or funeral directors licensed in Kentucky;

18 (c) The person completes an application for a courtesy card on a form provided
19 by the board; and

20 (d) The person pays a fee that shall not exceed the amount of the fee an embalmer
21 or a funeral director licensed under this chapter is required to pay for license
22 renewal.

23 (3) The board may issue a courtesy card to a licensed funeral director or licensed
24 embalmer upon application and payment by the funeral director or embalmer of a
25 fee prescribed by the board in administrative regulations promulgated under KRS
26 Chapter 13A. The application ~~*may*~~~~[shall]~~ be approved by the board~~[, at its~~
27 ~~*discretion*~~]. The requirement in KRS 316.030 that all Kentucky-licensed embalmers

1 or funeral directors who practice in Kentucky shall practice from a funeral
2 establishment that is licensed to operate under ~~the provisions of~~ this chapter shall
3 not apply to the holder of a courtesy card. The board shall promulgate
4 administrative regulations necessary to administer and enforce this section.

5 (4) A ***biennial*** courtesy card issued under this chapter shall expire on July 31 of ***the***
6 ***second***~~each~~ year.

7 (5) The holder of a courtesy card issued under this chapter may undertake the following
8 acts of funeral directing:

9 (a) Remove and transport unembalmed and embalmed dead human bodies to and
10 from Kentucky to the state or states where the courtesy card holder is licensed
11 as a funeral director;

12 (b) Prepare and complete sections of death certificates and other disposition
13 permits needed for the disposition of deceased human remains, without the
14 assistance of, or being under the supervision of, an embalmer or funeral
15 director licensed under this chapter; and

16 (c) Only a licensed funeral director who has been issued a courtesy card under
17 this subsection may supervise and conduct funeral ceremonies in Kentucky
18 without the assistance of a Kentucky funeral director.

19 (6) A courtesy card holder pursuant to this chapter shall comply with all the laws of
20 Kentucky when engaged in any acts of funeral directing in this state. The board may
21 revoke or suspend the courtesy card, or subject the courtesy card holder to discipline
22 in accordance with the laws applicable to funeral directors and embalmers licensed
23 under this chapter. Any disciplinary measures taken by the board against a courtesy
24 card holder shall be reported by the board to the state board or agency that issued
25 the courtesy card holder's funeral director or embalmer's license or certification.

26 (7) The holder of a courtesy card issued under this chapter shall not engage in the
27 following acts:

- 1 (a) Transfer the courtesy card to another individual;
- 2 (b) Own or operate a funeral home, crematory, or office that provides or offers to
- 3 sell or arrange funeral or disposition services in Kentucky; and
- 4 (c) Except as provided in subsection (5) of this section, perform any of the acts
- 5 related to the practice of funeral directing in Kentucky, including:
- 6 1. Arranging for a funeral or disposition service with members of the
- 7 public;
- 8 2. Being employed by, or contracted to perform funeral or embalming
- 9 services in Kentucky by, a funeral home licensed under this chapter;
- 10 3. Advertising funeral or disposition services;
- 11 4. Executing contracts for funeral or disposition services in Kentucky;
- 12 5. Preparing or embalming deceased human remains in Kentucky; or
- 13 6. Exhuming or disinterring human remains in Kentucky.

14 ➔Section 98. KRS 316.170 is amended to read as follows:

- 15 (1) The board shall consist of five (5) members who shall be residents of the
- 16 Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed
- 17 embalmers and Kentucky-licensed funeral directors actively practicing embalming
- 18 and funeral directing in a Kentucky funeral establishment and shall have a
- 19 minimum of ten (10) years' consecutive experience in the practice of embalming
- 20 and funeral directing in Kentucky immediately preceding their appointment. One (1)
- 21 member shall be a citizen at large who is not associated with or financially
- 22 interested in the practice or business regulated.
- 23 (2) The Governor shall make all appointments to the board. **Subject to Section 16 of**
- 24 **this Act,** the four (4) embalmer and funeral director members shall be appointed
- 25 from a list of three (3) names submitted by the Funeral Directors Association of
- 26 Kentucky and from a list of three (3) names submitted by the Kentucky Association
- 27 of Morticians, Inc., for each position to be filled.

- 1 ~~[(3) The term of each member shall be four (4) years. Each member shall serve until a~~
2 ~~successor is appointed and qualified.~~
- 3 ~~(4) Vacancies on the board shall be filled in the same manner for the unexpired terms.~~
- 4 ~~(5) (a) Until January 1, 2015, each board member shall receive one hundred dollars~~
5 ~~(\$100); and~~
- 6 ~~(b) On January 1, 2015, and thereafter, each board member shall receive~~
7 ~~compensation as set forth in administrative regulation, not to exceed two~~
8 ~~hundred dollars (\$200);~~
9 ~~— for each day of service actually given in carrying out the board's duties and shall be~~
10 ~~reimbursed for necessary traveling expenses and other necessary expenses incurred~~
11 ~~in attending board meetings and carrying out the board's duties.~~
- 12 ~~(6) The board shall elect annually a president from its members.~~
- 13 ~~(7) The board shall meet as often as necessary to discharge its duties, but not less than~~
14 ~~once a year.~~
- 15 ~~(8) Three (3) members shall constitute a quorum.]~~
- 16 ➔Section 99. KRS 316.210 is amended to read as follows:
- 17 (1) The board shall administer and enforce the provisions of this chapter and may
18 promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
19 and enforce~~[the provisions of]~~ this chapter.
- 20 (2) The board shall keep records and minutes necessary to carry out~~[the provisions of]~~
21 this chapter.
- 22 (3) The board may administer oaths and may issue subpoenas to compel the attendance
23 of witnesses and the production of documents.
- 24 (4) The board may seek injunctive relief in Franklin Circuit Court to restrain or enjoin a
25 violation of this chapter.
- 26 ~~[(5) The board may employ persons as necessary to carry out the requirements of this~~
27 ~~chapter.]~~

1 ➔Section 100. KRS 316.260 is amended to read as follows:

2 There shall be appointed by the board an agent whose title shall be "inspector of the
3 Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky."~~[-The~~
4 ~~inspector shall receive such compensation as the board may determine.]~~ The inspector
5 shall hold office during the pleasure of the board, which shall determine ***the***
6 ***inspector's***~~[what his] duties~~~~[-shall be]~~. The inspector may enter the office, premises,
7 establishment, or place of business of any funeral director or embalmer in the
8 Commonwealth of Kentucky or any office, premises, establishment, or place where the
9 practice of funeral directing or embalming is carried on, or where the practice is
10 advertised as being carried on, for the purpose of inspecting the office, premises, or
11 establishment for violations of this chapter and for the purpose of inspecting the license
12 and registration of any funeral director, embalmer, licensee, or resident apprentice
13 operating ***in the office, premises, or establishment***~~[therein]~~.

14 ➔Section 101. KRS 317.410 is amended to read as follows:

15 As used in this chapter, unless the context requires otherwise:

- 16 (1) A "barber" is any person who engages in the practice of "barbering" for the public
17 generally or for consideration;
- 18 (2) "Barbering" is the practice upon the human neck and head, principally of shaving or
19 trimming the beard or cutting the hair, but includes also:
- 20 (a) Giving facial and scalp massage or treatments with oils, creams, lotions, or
21 other preparations, either by hand or any contrivance;
- 22 (b) Singeing, shampooing, pressing, arranging, dressing, or dyeing the hair or
23 applying hair tonics; and
- 24 (c) Applying to the neck or head cosmetics, lotions, powders, oils, clays, or other
25 preparations;
- 26 (3) "Barber pole" means a cylinder or pole with alternating stripes of any combination,
27 including but not limited to red and white, or red, white, and blue, which run

1 diagonally along the length of the pole;

2 (4) "Barber school" or "school of barbering" means an operation, place, or
3 establishment of whatsoever kind or form in or through which persons are trained or
4 taught the practice of barbering;

5 (5) "Barber shop" is any establishment of whatsoever kind in which the practice of
6 barbering is conducted for the general public or for consideration;

7 (6) "Board" means the Kentucky Board of Barbering;

8 (7) "Independent contract owner" means any barber licensed under this chapter who
9 leases or rents space in a barber shop; and

10 (8) "Lapse fees" means the ~~annual~~ renewal license fee which would have been paid
11 for the period during which a license has lapsed.

12 ➔Section 102. KRS 317.430 is amended to read as follows:

13 (1) There is hereby created an ~~independent~~ agency of the state government to be
14 known as the Kentucky Board of Barbering, which shall have complete supervision
15 over the administration of ~~the provisions of~~ this chapter relating to barbers,
16 barbering, barber shops, independent contract owners, barber schools, and the
17 teaching of barbering.

18 (2) The Kentucky Board of Barbering, also ~~hereinafter~~ referred to as the barber board
19 or board ***in this chapter***, shall be composed of five (5) members appointed by the
20 Governor. Four (4) members shall be barbers holding a valid license and practicing
21 in Kentucky. One (1) member shall be a citizen at large who is not associated with
22 or financially interested in barbering. At all times in the filling of vacancies of
23 membership on the barber board, this balance of representation shall be maintained.

24 ~~(3) The two (2) members appointed to fill the terms beginning on February 1, 2008,~~
25 ~~shall serve until February 1, 2011, and the three (3) members appointed to fill the~~
26 ~~terms beginning on February 1, 2007, shall serve until February 1, 2010. All~~
27 ~~subsequent appointments shall be for a term of three (3) years, with terms ending on~~

1 February 1.

2 ~~(4) The Governor shall not remove any member of the barber board except for cause.~~

3 ~~(5) The barber board shall elect from its members one (1) to serve as chairman, one (1)~~
4 ~~to serve as vice chairman, and a third to serve as secretary.~~

5 ~~(6) Three (3) members shall constitute a quorum for the transaction of business.~~

6 ~~(7)~~ In addition to the other qualifications specified in this section, barber members of
7 the barber board shall be at least twenty-three (23) years of age, citizens of the
8 United States, residents of Kentucky, and shall~~[must]~~ have engaged in the practice
9 of barbering in this state for a period of at least five (5) years.

10 ~~(4)~~~~(8)~~ No member of the barber board shall be financially interested in, or have any
11 financial connection with, any barber or cosmetology school, wholesale cosmetic or
12 barber supply or equipment business, nor shall any member of the barber board
13 teach barbering, cosmetology, or manicuring for monetary considerations.

14 ~~[(9) Each member of the barber board shall receive a compensation of one hundred~~
15 ~~dollars (\$100) per day for each day of attendance at a meeting of the board, and~~
16 ~~shall be reimbursed for necessary traveling expenses.~~

17 ~~(10) The board shall hold its meetings within the state and when deemed necessary by~~
18 ~~the board to discharge its duties.]~~

19 ➔Section 103. KRS 317.450 is amended to read as follows:

20 (1) (a) The board shall issue a probationary license to practice barbering to any
21 person who:

- 22 1. Is at least seventeen and one-half (17-1/2) years of age;
- 23 2. Is of good moral character and temperate habit;
- 24 3. Possesses a high school diploma, a High School Equivalency Diploma,
25 or a transcript from an issuing institution that is recognized by the
26 educational authority in the state from which the diploma, certificate, or
27 transcript is issued;

- 1 4. Has graduated from a licensed school of barbering;
- 2 5. Has satisfactorily passed the probationary examination prescribed by the
- 3 barber board, which shall include a practical assessment of the
- 4 applicant's skills, including but not limited to a haircut and a chemical
- 5 application; and
- 6 6. Has paid a fee not to exceed fifty dollars (\$50).
- 7 (b) A barber shall serve a probationary period of six (6) months of continuous
- 8 service from the effective date of the license issued pursuant to paragraph (a)
- 9 of this subsection.
- 10 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,
- 11 the board may, during the probationary period, require a licensee to retake any
- 12 part or all of the written or practical examination, or both.
- 13 (d) At the end of the probationary period, the board shall issue a license to
- 14 practice barbering to a probationary licensee who has:
- 15 1. Satisfactorily passed the barber examination prescribed by the board by
- 16 administrative regulations promulgated in accordance with KRS Chapter
- 17 13A; and
- 18 2. Complied with all other requirements of this subsection.
- 19 (e) The board may issue a barber license by endorsement to a resident of another
- 20 state, district, or territory within the United States of America upon payment
- 21 of a fee not to exceed two hundred fifty dollars (\$250) and upon submission of
- 22 satisfactory evidence that the requirements for licensure in the other state are
- 23 substantially equivalent to the requirements of this state at the time of
- 24 application. In the absence of the required equivalency, an applicant from
- 25 another state, district, or territory within the United States of America, shall
- 26 show proof of three (3) years or more experience immediately before making
- 27 application and be currently licensed and in good standing with the state,

1 district, or territory in which he or she is licensed. The board may also require
2 an applicant under this section to pass a written and practical examination to
3 establish equivalency.

4 (2) The board shall:

5 (a) Issue a license to operate a barber shop to any barber licensed under the
6 provisions of this chapter upon application and payment of a fee not to exceed
7 fifty dollars (\$50) *per year*;

8 (b) Refuse to issue the license upon a failure of the licensed barber to comply
9 with ~~the provisions of~~ this chapter or the administrative regulations
10 promulgated by the board;

11 (c) Allow the licensed owner of a barber shop, which is licensed under this
12 chapter, to rent or lease space in his or her barber shop to an independent
13 contract owner; and

14 (d) Allow an unlicensed owner of a barber shop, which is licensed under this
15 chapter and managed by a barber licensed under this chapter, to rent or lease
16 space in his or her barber shop to an independent contract owner.

17 (3) The board shall issue a license to operate a school of barbering to any person, firm,
18 or corporation who or which:

19 (a) Applies for a license upon forms furnished by the board;

20 (b) Has the equipment and facilities ~~that may be~~ required by administrative
21 regulations promulgated by the board;

22 (c) Has furnished adequate evidence to the board that:

23 1. There is an intent to establish a bona fide school for the education and
24 training of competent barbers; and

25 2. A sufficient number of teachers licensed by the board will be employed
26 to conduct the school, including at least one (1) teacher with a minimum
27 of twelve (12) months' experience teaching in a barber school that

- 1 includes administrative experience; and
- 2 (d) Pays a fee not to exceed one hundred fifty dollars (\$150) per year.
- 3 (4) The board shall issue a license to teach barbering to any person who:
- 4 (a) Is of good moral character and temperate habit;
- 5 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 6 (c) Has been a licensed and practicing barber for at least eighteen (18) months;
- 7 (d) Has satisfactorily passed the examination prescribed by the board by
- 8 promulgation of administrative regulations; and
- 9 (e) Has paid a fee not to exceed one hundred dollars (\$100) per year.
- 10 (5) The board shall issue a license to any barber who holds an independent contract
- 11 owner's license who:
- 12 (a) Is of good moral character and temperate habit;
- 13 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 14 (c) Is a licensed and practicing barber under this chapter; and
- 15 (d) Has paid a fee not to exceed fifty dollars (\$50) per year.
- 16 (6) Applications for examination required in this section shall be accompanied by an
- 17 examination fee as follows:
- 18 (a) Barber -- not to exceed three hundred dollars (\$300); and
- 19 (b) Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- 20 (7) (a) ~~{On and after July 1, 2016, }~~A biennial license issued or renewed pursuant to
- 21 this section shall expire on the first day of July of the second year~~[next]~~
- 22 following the date of its issuance. A license shall be renewed on June 1
- 23 through July 1 of each renewal year.
- 24 (b) Any license shall automatically be renewed by the board:
- 25 1. Upon receipt of the application for renewal or duplicate renewal
- 26 application form and the required~~[annual]~~ renewal license fee submitted
- 27 either in person or via written or electronic means; and

1 2. If the applicant for renewal is otherwise in compliance with the
2 provisions of this chapter and the administrative regulations of the
3 board.

4 (8) The ~~annual~~ renewal license fee for each type of license renewal shall be as follows
5 *for each year of renewal:*

- 6 (a) Barber -- not to exceed fifty dollars (\$50);
- 7 (b) Teacher of barbering -- not to exceed fifty dollars (\$50);
- 8 (c) Barber shop -- not to exceed fifty dollars (\$50);
- 9 (d) Barber school -- not to exceed one hundred fifty dollars (\$150); and
- 10 (e) Independent contract owner -- not to exceed fifty dollars (\$50).

11 (9) (a) The fee per year for the renewal of an expired license, if the period of
12 expiration does not exceed five (5) years, shall be as follows:

- 13 1. Barber -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- 14 2. Barber shop -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- 15 3. Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- 16 4. Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus
17 lapse fees; and
- 18 5. Independent contract owner - - not to exceed twenty-five dollars (\$25)
19 plus lapse fees.

20 (b) An applicant who fails to renew a license within five (5) years of its expiration
21 shall comply with the requirements for relicensure established by the board
22 through promulgation of administrative regulations in accordance with KRS
23 Chapter 13A.

24 ➔Section 104. KRS 317.470 is amended to read as follows:

25 ~~{(1) The barber board may employ such personnel as may be reasonably necessary to~~
26 ~~carry out the provisions of this chapter, whose compensation shall be established by~~
27 ~~the Personnel Cabinet. The board shall by appropriate order employ an~~

1 administrator who shall be charged with responsibility of administering the
 2 provisions of this chapter, and the policies of the board relating to barbering. The
 3 administrator may receive a salary of \$12,000 per annum, or such compensation as
 4 may be established by classification of the position by the Personnel Cabinet.

5 (2) ~~The barber board shall prescribe the duties of such personnel employed by it.~~

6 (3) ~~]~~The barber board shall publish and distribute **updated** copies of its rules and
 7 **administrative** regulations~~[and revisions thereof]~~ to all persons licensed by it and to~~[~~
 8 ~~such]~~ other **required or authorized** persons, places, or agencies~~[as may be required by~~
 9 ~~law or deemed by it reasonably necessary in the administration of the provisions of this~~
 10 ~~chapter]~~, but **these**~~[such]~~ publications shall be clearly stamped, marked, or printed
 11 "informational copy."

12 ➔Section 105. KRS 317.530 is amended to read as follows:

13 (1) All fees and charges collected by the barber board shall be paid into the State
 14 Treasury and credited to a separate revolving or trust and agency account
 15 established for the purpose of administering~~[the provisions of]~~ this chapter as it
 16 relates to the barber board. The cost and expenses of administering~~[the provisions~~
 17 ~~of]~~ this chapter including compensation to members of the board and its officers~~[~~
 18 ~~and employees]~~ shall be paid out of the State Treasury upon warrants of the
 19 secretary of the Finance and Administration Cabinet according to law provided that
 20 the total expense of administering these provisions shall not exceed the fees and
 21 other charges collected by the board and available in the revolving or trust and
 22 agency fund account of the Kentucky Board of Barbering.

23 (2) All fees and charges collected by the board shall be available for the administration
 24 of~~[the provisions of]~~ this chapter as it relates to the board, and for no other purpose.

25 ➔Section 106. KRS 317A.030 is amended to read as follows:

26 (1) There is created an~~[independent]~~ agency of the state government to be known as
 27 the Kentucky Board of Hairdressers and Cosmetologists, which shall have complete

1 supervision over the administration of ~~the provisions of~~ this chapter relating to
2 cosmetology, cosmetologists, schools of cosmetology, students enrolled in
3 cosmetology, apprentice cosmetologists, nail technicians, teachers of cosmetology,
4 cosmetology salons, and nail salons.

5 (2) The cosmetologist board shall be composed of five (5) members appointed by the
6 Governor as follows:

7 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to
8 their appointment and shall reside in Kentucky:

9 1. Two (2) of whom shall be cosmetology salon owners;

10 2. One (1) of whom shall be a cosmetology teacher in public education and
11 shall not own any interest in a cosmetology salon; and

12 3. One (1) of whom shall be an owner of or one who shall have a financial
13 interest in a licensed cosmetology school and shall be a member of a
14 nationally recognized association of hairdressers and cosmetologists;

15 (b) One (1) member shall be a citizen at large who is not associated with or
16 financially interested in the practices or businesses regulated; and

17 (c) None of whom nor the administrator shall be financially interested in, or have
18 any financial connection with, wholesale cosmetic supply or equipment
19 businesses.

20 At all times in the filling of vacancies of membership on the board, this balance of
21 representation shall be maintained.

22 ~~[(3) Appointments shall be for a term of two (2) years, ending on February 1.~~

23 ~~(4) The Governor shall not remove any member of the board except for cause.~~

24 ~~(5) The board shall elect from its members a chair, a vice chair, and a secretary.~~

25 ~~(6) Three (3) members shall constitute a quorum for the transaction of any board~~
26 ~~business.~~

27 ~~(7) Each member of the board shall receive one hundred dollars (\$100) per day for each~~

1 ~~day of attendance at board meetings, and shall be reimbursed for necessary traveling~~
 2 ~~expenses and necessary expenses incurred in the performance of duties pertaining to~~
 3 ~~official business of the board.~~

4 ~~(8) The board shall hold meetings at the place in the state and at the times deemed~~
 5 ~~necessary by the board to discharge its duties.]~~

6 ➔Section 107. KRS 317A.040 is amended to read as follows:

7 (1) The cosmetologist board may utilize~~employ~~ inspectors ~~and such other personnel~~
 8 ~~as may be reasonably necessary] to carry out[the provisions of] this chapter[, whose~~
 9 ~~compensations shall be established within budgetary limits by the Personnel~~
 10 ~~Cabinet].~~

11 ~~(2) The cosmetologist board shall by appropriate order employ an administrator who~~
 12 ~~shall be charged with the responsibility of administering the provisions of this~~
 13 ~~chapter, and the policies and administrative regulations of the board relating to~~
 14 ~~hairdressing and cosmetology.~~

15 ~~(3) No person shall serve[be employed] as an administrator unless the person is a~~
 16 ~~licensed cosmetologist.~~

17 ~~(3)[(4) The administrator may receive a salary of \$7,500 per annum, or such~~
 18 ~~compensation as may be established by classification of the position by the~~
 19 ~~Personnel Cabinet.~~

20 ~~(5) The cosmetologist board shall publish or electronically provide updated copies of~~
 21 ~~its administrative regulations[and revisions thereof] to all persons licensed by it and~~
 22 ~~to any[such] other required or authorized persons, places, or agencies[as may be~~
 23 ~~required by law or deemed by it reasonably necessary to the administration of the~~
 24 ~~provisions of this chapter], but these[such] publications shall be clearly marked,~~
 25 ~~stamped, or printed "Informational Copy."~~

26 ➔Section 108. KRS 317A.050 is amended to read as follows:

27 (1) The cosmetologist board shall issue an apprentice cosmetologist license to any

1 person who:

2 (a) Is of good moral character and temperate habit;

3 (b) Is at least sixteen (16) years of age;

4 (c) Has a high school diploma, a High School Equivalency Diploma, or the
5 results from the Test for Adult Basic Education indicating a score equivalent
6 to the twelfth grade of high school;

7 (d) Has official certification from the state board or agency that certifies
8 cosmetology schools that the applicant has graduated from a licensed school
9 of cosmetology requiring:

10 1. One thousand eight hundred (1,800) hours within ten (10) years of
11 submitting an application for licensure for applicants enrolled prior to
12 June 29, 2017, in a school of cosmetology licensed in Kentucky;

13 2. One thousand five hundred (1,500) hours within ten (10) years of
14 submitting an application for licensure for applicants enrolling on or
15 after June 29, 2017, in a school of cosmetology licensed in Kentucky; or

16 3. One thousand five hundred (1,500) hours within ten (10) years of
17 submitting an application for licensure for applicants who graduated
18 from a school of cosmetology licensed in a jurisdiction outside of the
19 Commonwealth;

20 (e) Has passed an examination prescribed by the board to determine fitness to
21 practice as an apprentice cosmetologist; and

22 (f) Has paid a fee of twenty-five dollars (\$25) *per year*.

23 (2) The cosmetologist board shall issue a cosmetologist license to any person who:

24 (a) Has a high school diploma, a High School Equivalency Diploma, or the
25 results from the Test for Adult Basic Education indicating a score equivalent
26 to the twelfth grade of high school;

27 (b) Has practiced as a licensed cosmetology apprentice for at least six (6) months

- 1 under the immediate supervision of a licensed cosmetologist;
- 2 (c) Has satisfactorily passed an examination prescribed by the board to determine
3 fitness to practice cosmetology; and
- 4 (d) Has paid a fee of twenty-five dollars (\$25) *per year*.
- 5 (3) The cosmetologist board shall issue a license to act as a nail technician to any
6 person who:
- 7 (a) Is of good moral character and temperate habit;
- 8 (b) Has official certification from the state board or agency that certifies
9 cosmetology schools that the applicant has completed satisfactorily a nail
10 technician course of study of six hundred (600) hours in a licensed school of
11 cosmetology within ten (10) years of submitting an application for licensure;
- 12 (c) Has satisfactorily passed an examination prescribed by the board to determine
13 fitness to practice as a nail technician;
- 14 (d) Has a high school diploma, a High School Equivalency Diploma, or the
15 results from the Test for Adult Basic Education indicating a score equivalent
16 to the twelfth grade of high school; and
- 17 (e) Has paid a fee of twenty-five dollars (\$25) *per year*.
- 18 (4) (a) The cosmetologist board shall issue a license to operate a beauty salon to any
19 licensed cosmetologist upon receipt of the completed application,
20 accompanied by a fee of thirty-five dollars (\$35) *per year*. The board may
21 refuse to issue a license if the applicant fails to comply with the provisions of
22 this chapter or the administrative regulations promulgated by the board. If an
23 owner is not a licensed cosmetologist, he or she shall have a licensed
24 cosmetologist manage the beauty salon at all times. A new license shall be
25 purchased if the salon's owner, manager, or location changes.
- 26 (b) The cosmetologist board shall issue a license to operate a nail salon to any
27 licensed nail technician upon receipt of the completed application and

1 payment of a fee of thirty-five dollars (\$35) *per year*. The board may refuse to
2 issue a license if the applicant fails to comply with the provisions of this
3 chapter or administrative regulations promulgated by the board pursuant to
4 this chapter. An owner who is not a licensed nail technician shall have a
5 licensed nail technician or cosmetologist as manager of the nail salon at all
6 times. If the owner, manager, or location of a nail salon changes, a new license
7 shall be purchased.

8 (c) Any person who leases or rents space in a beauty salon or nail salon shall be
9 considered an independent owner and shall meet the qualifications for the
10 respective salon owner as set out in paragraphs (a) and (b) of this subsection.

11 (5) The cosmetologist board shall issue an apprentice license to teach cosmetology to
12 any person who:

13 (a) Has paid a fee of thirty-five dollars (\$35) *per year*;

14 (b) Has a high school diploma, a High School Equivalency Diploma, or the
15 results from the Test for Adult Basic Education indicating a score equivalent
16 to the twelfth grade of high school and one (1) year experience as a licensed
17 cosmetologist; and

18 (c) Has submitted an application that has been signed by the owners of the school
19 in which the applicant will study. The course of instruction shall be for a
20 period of one thousand (1,000) hours and not less than six (6) months at one
21 (1) school providing this instruction. The school owner shall verify to the
22 board the completion of one thousand (1,000) hours. For out-of-state
23 verification, an applicant shall provide official certification from the board or
24 agency that certifies schools in that other state of licensure verifying the
25 applicant has completed a course of instruction consisting of at least one
26 thousand (1,000) hours and not less than six (6) months at one (1) school
27 providing the instruction.

- 1 (6) The cosmetologist board shall issue a license to teach cosmetology to any person
2 who:
- 3 (a) Is of good moral character and temperate habit;
- 4 (b) Has a high school diploma, a High School Equivalency Diploma, or the
5 results from the Test for Adult Basic Education indicating a score equivalent
6 to the twelfth grade of high school;
- 7 (c) Has held an apprentice instructor license for at least six (6) months;
- 8 (d) Has satisfactorily passed the examination for the teaching of cosmetology as
9 prescribed by the board; and
- 10 (e) Has paid a fee of fifty dollars (\$50) per year.
- 11 (7) The cosmetologist board may issue a license to operate a school of cosmetology to
12 any person who:
- 13 (a) Has complied with the administrative regulations promulgated by the board
14 including but not limited to administrative regulations governing the necessary
15 equipment, supplies, and facilities;
- 16 (b) Has furnished proof to the board that the school of cosmetology is needed,
17 that the applicant~~he or she~~ is otherwise qualified to operate a school of
18 cosmetology, and that he or she intends to establish a bona fide school for the
19 education and training of competent cosmetologists and that the applicant
20 shall~~he or she will~~ employ a sufficient number of licensed instructors of
21 cosmetology to conduct the school;
- 22 (c) Has as manager at all times a person who is:
- 23 1. Licensed as an instructor;
- 24 2. Charged with the responsibility of ensuring that all applicable statutes
25 and administrative regulations are complied with; and
- 26 3. Responsible for having a sufficient number of licensed instructors of
27 cosmetology to conduct the school.

- 1 The designated manager shall be approved by the board before a license may
2 be issued;
- 3 (d) Complies with the administrative regulations promulgated by the board
4 including but not limited to those regarding courses, curriculum, and hours of
5 instruction;
- 6 (e) Otherwise complies with this chapter;
- 7 (f) Has paid a fee of one thousand five hundred dollars (\$1,500) per year;
- 8 (g) Has been a resident of Kentucky for five (5) years, if the applicant is an
9 individual. If the applicant is a firm or corporation, it shall be a Kentucky
10 corporation or licensed or qualified to do business in Kentucky and shall have
11 been in existence for a period of at least five (5) years;
- 12 (h) Any student enrolling in the school shall pay a fee of fifteen dollars (\$15) to
13 the board before enrollment in the school shall be allowed; and
- 14 (i) The transfer of any license to operate a school of cosmetology shall require the
15 board's approval and shall become effective upon filing a new application
16 with the board and paying a fee of one thousand five hundred dollars (\$1,500).
- 17 (8) (a) Licenses and permits issued by the board shall be for a term of two (2)
18 years, and each license and permit renewal shall be for a term of two (2)
19 years.
- 20 **(b)** Licenses and permits issued by the board may be renewed upon receipt,
21 beginning July 1 through July 31 of each renewal year. The application for
22 renewal shall be completed in full and accompanied by the appropriate
23 renewal fee required by subsection (9) of this section. Applications for
24 renewal shall comply with~~the provisions of~~ this chapter and the
25 administrative regulations promulgated by the board. Any license application
26 received or postmarked after July 31 of the renewal year shall be considered
27 expired, and the appropriate restoration fee required by subsection (11) of this

1 section shall apply.

2 (9) The ~~biennial~~~~annual~~ renewal license or permit fee for each type of license or
3 permit renewal shall be as follows for each year of licensure:

- 4 (a) Apprentice cosmetologist -- \$20;
- 5 (b) Cosmetologist -- \$20;
- 6 (c) Nail technician -- \$20;
- 7 (d) Beauty salon -- \$25;
- 8 (e) Nail salon -- \$25;
- 9 (f) Apprentice instructor of cosmetology -- \$25;
- 10 (g) Instructor of cosmetology -- \$35;
- 11 (h) Cosmetology school -- \$150;
- 12 (i) Threading permit -- \$20; and
- 13 (j) Threading facility permit -- \$25.

14 (10) Applications for examinations required by this section shall be accompanied by an
15 examination fee as follows:

- 16 (a) Apprentice cosmetologist -- \$75;
- 17 (b) Cosmetologist -- \$75;
- 18 (c) Nail technician -- \$75;
- 19 (d) Instructor of cosmetology -- \$100;
- 20 (e) Cosmetologist out-of-state -- \$120; and
- 21 (f) Instructor out-of-state -- \$200.

22 (11) The fee for the restoration of an expired license where the period of expiration does
23 not exceed five (5) years from date of expiration, shall be as follows:

- 24 (a) Apprentice cosmetologist -- \$75;
- 25 (b) Cosmetologist -- \$75;
- 26 (c) Nail technician -- \$75;
- 27 (d) Beauty salon -- \$75;

- 1 (e) Nail salon -- \$75;
- 2 (f) Cosmetology school -- \$750;
- 3 (g) Instructor -- \$100; and
- 4 (h) Apprentice instructor -- \$75.
- 5 (12) The requirements for a new license for any person whose license has expired for a
- 6 period exceeding five (5) years shall be as follows:
- 7 (a) Cosmetologists shall retake and pass the practical examination only;
- 8 (b) Apprentice cosmetologists shall complete four hundred fifty (450) additional
- 9 hours training in a licensed school of cosmetology and pass all the prescribed
- 10 examinations;
- 11 (c) Instructors of cosmetology shall retake and pass both the practical and theory
- 12 examination;
- 13 (d) Nail technicians shall retake and pass the practical and theory examination;
- 14 and
- 15 (e) The appropriate restoration fee as set forth in subsection (11) of this section
- 16 shall be required.
- 17 (13) Guest artists or demonstrators appearing and demonstrating before persons other
- 18 than licensed hairdressers, cosmetologists, and nail technicians shall pay a fee of
- 19 fifty dollars (\$50) for a permit that shall be in effect for ten (10) days. Guest artists
- 20 performing before a nonprofit, recognized professional hairdressers, cosmetologists,
- 21 cosmetology school, or nail technicians group shall apply for a permit, but shall not
- 22 be required to pay the fee.
- 23 (14) The board shall issue a *biennial* permit for threading and may promulgate
- 24 administrative regulations that set out requirements for the practice of threading
- 25 upon payment of a fee of twenty dollars (\$20) *per year*. Threading shall be
- 26 conducted in a licensed beauty salon or facility permitted to engage in threading,
- 27 and the board may promulgate administrative regulations for facilities and the

1 required sanitation standards.

2 (15) The fee for certification shall be twenty dollars (\$20).

3 (16) The fee for a duplicate license shall be twenty-five dollars (\$25).

4 ➔Section 109. KRS 317A.062 is amended to read as follows:

5 (1) Notwithstanding the provisions of this chapter to the contrary, the cosmetology
6 board shall promulgate administrative regulations establishing a reasonable
7 schedule of fees and charges for examinations, for the issuance of **biennial** licenses,
8 and for the renewal of **biennial** licenses issued under this chapter. All ~~such~~ fees,
9 charges, and other moneys collected by the board~~;~~ shall be paid into the State
10 Treasury and credited to a trust and agency fund established under KRS 317A.080.
11 The fees shall be established pursuant to subsections (2) to (7) of this section.

12 (2) The following licensing fees may be assessed by the cosmetology board and shall
13 not exceed the following amounts ***per year of licensure***:

- 14 (a) Apprentice cosmetologist\$25.00
- 15 (b) Cosmetologist\$25.00
- 16 (c) Nail technician.....\$25.00
- 17 (d) Beauty salon operator\$35.00
- 18 (e) Nail salon operator.....\$35.00
- 19 (f) Apprentice cosmetology instructor\$35.00
- 20 (g) Cosmetology instructor.....\$50.00
- 21 (h) School of cosmetology.....\$1,500.00
- 22 (i) Student.....\$15.00
- 23 (j) School of cosmetology, transfer of ownership\$1,500.00
- 24 (k) School of cosmetology, manager
25 change.....\$250.00

26 (3) The board shall assess the following licensing renewal fees that shall not exceed the
27 following ***per year of licensure***:

- 1 (a) Apprentice cosmetologist\$20.00
- 2 (b) Cosmetologist\$20.00
- 3 (c) Nail technician license\$20.00
- 4 (d) Beauty salon license.....\$25.00
- 5 (e) Nail salon license\$25.00
- 6 (f) Apprentice instructor of cosmetology.....\$25.00
- 7 (g) Instructor of cosmetology\$35.00
- 8 (h) Cosmetology school.....\$150.00

9 (4) The cosmetology board shall assess fees for the taking of an examination that shall
 10 not exceed the following:

- 11 (a) Apprentice cosmetologist\$75.00
- 12 (b) Cosmetologist\$75.00
- 13 (c) Nail technician\$75.00
- 14 (d) Instructor of cosmetology\$100.00
- 15 (e) Cosmetologist out-of-state.....\$120.00
- 16 (f) Instructor out-of-state\$200.00

17 (5) The fee for retaking an examination or any portion of an examination that an
 18 applicant has not successfully completed shall not exceed the following:

- 19 (a) Apprentice cosmetologist\$32.00
- 20 (b) Cosmetologist\$32.00
- 21 (c) Nail technician\$32.00
- 22 (d) Instructor of cosmetology\$50.00
- 23 (e) Cosmetologist out-of-state.....\$60.00
- 24 (f) Instructor out-of-state\$100.00

25 (6) The fees for the restoration of an expired license where the period of expiration
 26 does not exceed five (5) years from date of expiration shall not exceed the
 27 following:

- 1 (a) Apprentice cosmetologist\$75.00
- 2 (b) Cosmetologist\$75.00
- 3 (c) Nail technician\$75.00
- 4 (d) Beauty salon.....\$75.00
- 5 (e) Nail salon.....\$75.00
- 6 (f) Cosmetology school.....\$750.00
- 7 (g) Instructor.....\$100.00
- 8 (h) Apprentice instructor\$75.00

9 (7) The following miscellaneous fees may be assessed and shall not exceed the
 10 following:

- 11 (a) Guest artists\$50.00
- 12 (b) Certification fee\$20.00
- 13 (c) Duplicate license.....\$25.00
- 14 (d) Where an endorsement application is required by the
 15 board.....\$100.00

16 ➔Section 110. KRS 317A.080 is amended to read as follows:

17 (1) All fees and charges collected by the cosmetologist board shall be paid into the
 18 State Treasury and credited to a separate revolving or trust and agency fund account
 19 established for the purpose of administering~~[the provisions of]~~ this chapter as it
 20 relates to the cosmetologist board. The cost and expenses of administering~~[the~~
 21 ~~provisions of]~~ this chapter including compensation to members of the board and its
 22 officers~~[and employees]~~ shall be paid out of the State Treasury upon warrants of
 23 the secretary of the Finance and Administration Cabinet according to law provided
 24 that the total expense of administering these provisions shall not exceed the fees and
 25 other charges collected by the board and available in the revolving or trust and
 26 agency fund account of that board;

27 (2) All fees and charges collected by the board shall be available for the administration

1 of ~~the provisions of~~ this chapter as it relates to the board, and for no other purpose.

2 ➔Section 111. KRS 317B.020 is amended to read as follows:

3 (1) The board shall administer and enforce this chapter and shall evaluate the
4 qualifications of applicants for licensure and the issuance of licenses.

5 ~~(2) The board may employ inspectors, staff, and other personnel as reasonably
6 necessary to carry out this chapter. The compensation shall be established by the
7 board.~~

8 ~~(3)~~ The board may promulgate administrative regulations, including but not limited to
9 administrative regulations that:

- 10 (a) Protect the health and safety of the public;
- 11 (b) Protect the public against incompetent or unethical practice,
12 misrepresentation, deceit, or fraud in the practice of esthetics or teaching of
13 esthetic practices;
- 14 (c) Set standards for the operation of the schools and salons;
- 15 (d) Protect the students;
- 16 (e) Establish the quality of equipment, supplies, materials, records, and
17 furnishings required in esthetic salons or classrooms;
- 18 (f) Establish course work and conduct of school owners, instructors, estheticians,
19 esthetic salons, and cosmetology schools conducting classes in esthetic
20 practices;
- 21 (g) Set the requirements for the proper education and training of students;
- 22 (h) Establish the qualifications of instructors of esthetic practices;
- 23 (i) Set standards for the hours and courses of instruction in esthetic practices;
- 24 (j) Establish the examinations of applicants for licenses;
- 25 (k) Establish a code of ethics for persons licensed by the board; and
- 26 (l) Establish fees required pursuant to this chapter.

27 ~~(3)~~~~(4)~~ Administrative regulations pertaining to health and sanitation shall be

1 approved by the Cabinet for Health and Family Services before becoming effective.

2 ➔Section 112. KRS 317B.025 is amended to read as follows:

- 3 (1) The board shall issue an esthetician license to any person who:
- 4 (a) Is of good moral character and temperate habit;
- 5 (b) Is at least eighteen (18) years of age;
- 6 (c) Has a high school diploma, a High School Equivalency Diploma, or the
- 7 results from the Test for Adult Basic Education indicating a score equivalent
- 8 to the twelfth grade of high school;
- 9 (d) Has satisfactorily completed one thousand (1,000) hours of instruction in a
- 10 licensed school approved by the board;
- 11 (e) Has received a satisfactory grade on an examination prescribed by the board to
- 12 determine fitness to practice as an esthetician; and
- 13 (f) Has paid a fee of at least seventy-five dollars (\$75) per licensure year to be
- 14 adjusted as needed in administrative regulations promulgated by the board.
- 15 (2) The board may issue a license to a cosmetologist who seeks dual licensure as an
- 16 esthetician by offering a dual cosmetologist and esthetician license to individuals
- 17 who meet licensure criteria for a cosmetologist as in KRS Chapter 317A and
- 18 licensure criteria for an esthetician as in this chapter. The fee for the dual license for
- 19 license renewal shall be determined by the board as promulgated in administrative
- 20 regulations. Nothing in this chapter shall prohibit separate licensure of
- 21 cosmetologists and estheticians.
- 22 (3) The board shall issue licenses as follows:
- 23 (a) A license to operate an esthetic salon shall be issued to any licensed
- 24 esthetician upon receipt of:
- 25 1. The completed application; and
- 26 2. A fee of at least one hundred twenty-five dollars (\$125) per licensure
- 27 year to be adjusted as needed in administrative regulations promulgated

- 1 by the board.
- 2 (b) If an owner is not a licensed esthetician, the owner shall have a licensed
3 esthetician manage the esthetic salon at all times. A new license shall be
4 purchased if the salon's owner, manager, or location changes.
- 5 (c) Licensed esthetic salons shall have the furnishings and salon equipment
6 required pursuant to administrative regulations adopted by the board.
- 7 (d) Any licensed esthetician who leases or rents space or pays a fee to do business
8 in a beauty salon or esthetic salon shall be considered an independent owner
9 and shall meet the qualifications for the respective salon owner as set out in
10 paragraphs (a), (b), and (c) of this subsection.
- 11 (e) The board may refuse to issue a license if the applicant fails to comply with
12 this chapter or the administrative regulations promulgated by the board.
- 13 (4) The board shall issue a license to teach esthetic practices to any person who:
- 14 (a) Is of good moral character and temperate habit;
- 15 (b) Is at least eighteen (18) years of age;
- 16 (c) Has a high school diploma, a High School Equivalency Diploma, or the
17 results from the Test for Adult Basic Education indicating a score equivalent
18 to the twelfth grade of high school;
- 19 (d) Holds a current cosmetologist and instructor's license;
- 20 (e) Has completed fifty (50) hours in esthetics training within the last two (2)
21 years;
- 22 (f) Has received a satisfactory grade on the examination for the teaching of
23 esthetics as prescribed by the board; and
- 24 (g) Has paid a fee promulgated by the board in administrative regulations.
- 25 (5) The board may issue a license to teach esthetic practices to an individual with two
26 (2) or more years' experience in teaching esthetic practices in another jurisdiction
27 who meets the requirements of paragraphs (a), (b), and (c) of subsection (3) of this

1 section.

2 (6) Courses in esthetic practices may be taught at any licensed cosmetology school that
3 complies with the administrative regulations promulgated by the board under this
4 chapter.

5 (7) Applications for esthetician examinations required by this section shall be
6 accompanied by an examination fee of at least one hundred twenty-five dollars
7 (\$125) to be adjusted as needed in administrative regulations promulgated by the
8 board.

9 ➔Section 113. KRS 317B.030 is amended to read as follows:

10 (1) All applications for license renewal shall comply with this chapter and the
11 administrative regulations promulgated by the board.

12 (2) *An initial license or renewal license granted under this chapter shall be for a*
13 *term of two (2) years.* Any license application postmarked after July 31 *of the*
14 *renewal year* shall be considered expired. The board shall promulgate through
15 administrative regulations the appropriate restoration fee based on length of time a
16 license has been expired for a period up to five (5) years. After five (5) years,
17 restoration fees shall be required in addition to an examination, additional course
18 work, or both.

19 ➔Section 114. KRS 319.020 is amended to read as follows:

20 (1) The board shall consist of nine (9) members appointed by the Governor. Six (6)
21 members shall be licensed psychologists. Two (2) members shall be credentialed by
22 the board as certified psychologists, licensed psychological practitioners, or licensed
23 psychological associates. One (1) member shall be a citizen at large who is not
24 associated with or financially interested in the practice or business regulated.

25 (2) Licensed psychologist members shall be appointed by the Governor from a group
26 consisting of the three (3) nominees receiving the most votes for each position to be
27 filled, the nominees to be selected by all licensed psychologists credentialed under

1 this chapter from a list of eligible candidates prepared by the Kentucky
2 Psychological Association. Candidates shall be solicited from all licensed
3 psychologists credentialed according to the provisions of this chapter and each
4 nominee shall be a licensed psychologist credentialed according to the provisions of
5 this chapter. Each licensed psychologist member shall be a resident of this state and
6 shall have engaged in the practice or teaching of psychology as a licensed
7 psychologist for at least three (3) years in this state.

8 (3) Certified psychologist, licensed psychological practitioner, or licensed
9 psychological associate members shall be appointed by the Governor from a group
10 consisting of the three (3) nominees receiving the most votes for each position to be
11 filled, the nominees to be selected by all certified psychologists, licensed
12 psychological practitioners, and licensed psychological associates credentialed
13 under this chapter from a list of eligible candidates prepared by the Kentucky
14 Psychological Association. Candidates shall be solicited from all certified
15 psychologists, licensed psychological practitioners, and licensed psychological
16 associates credentialed under~~[according to the provisions of]~~ this chapter. Each
17 nominee shall be a resident of this state, licensed according to~~[the provisions of]~~
18 this chapter, and shall have engaged in the practice or teaching of psychology as a
19 certified psychologist, licensed psychological practitioner, or licensed psychological
20 associate for at least three (3) years in this state.

21 ~~[(4) The term of each board member shall be four (4) years and until a successor is~~
22 ~~appointed and qualified. No member shall serve more than two (2) consecutive full~~
23 ~~terms. The Governor shall fill any vacancy occurring in the board in the manner~~
24 ~~prescribed in subsection (2) of this section. Upon recommendation by a majority of~~
25 ~~the board members and after notice and a hearing, the Governor shall remove any~~
26 ~~member for incompetence, neglect of duty, or malfeasance in office.~~

27 ~~(5) Five (5) members of the board shall constitute a quorum. Each member shall~~

1 ~~receive one hundred dollars (\$100) per day for attending each meeting and shall~~
 2 ~~receive his necessary expenses incurred in the performance of the duties required by~~
 3 ~~this chapter. Annually the board shall elect one (1) of its licensed members as~~
 4 ~~chairperson for a term of one (1) year. No person shall serve more than two (2)~~
 5 ~~consecutive full terms as chairperson. The board shall meet at least twice annually~~
 6 ~~and at other times as it determines necessary. Special meetings may be called by the~~
 7 ~~chairperson and shall be called upon the written request of two (2) members.]~~

8 ➔Section 115. KRS 319.030 is amended to read as follows:

9 (1) On September 1~~[June 30]~~ of each year the board shall submit to the Governor and
 10 the Legislative Research Commission a written report including the names of all
 11 persons to whom licenses have been granted as provided in this chapter and any
 12 cases heard and decisions rendered.

13 (2) The board may locate its principal office, meet, or conduct any of its business at any
 14 place in this state.

15 (3) The board shall keep a record of its proceedings and a register of licensed and
 16 certified psychologists, licensed psychological practitioners, and licensed
 17 psychological associates. The books and records of the board shall be prima facie
 18 evidence of the matters they contain~~[therein contained]~~.

19 ➔Section 116. KRS 319A.070 is amended to read as follows:

20 (1) The board shall administer and enforce~~[the provisions of]~~ this chapter and shall
 21 evaluate~~[have the responsibility of evaluating]~~ the qualifications of applicants for
 22 licensure.

23 (2) The board may issue subpoenas, examine witnesses, administer oaths, and
 24 investigate allegations of practices violating the provisions of this chapter.

25 (3) The board may:

26 (a) Promulgate administrative regulations, pursuant to KRS Chapter 13A, relating
 27 to professional conduct to carry out the provisions of this chapter, including

- 1 but not limited to administrative regulations relating to professional licensure
2 and holding a license to practice occupational therapy or assist in the practice
3 of occupational therapy in the Commonwealth;
- 4 (b) Conduct administrative hearings in accordance with KRS Chapter 13B;
- 5 (c) Evaluate the qualifications and authorize the issuance of licenses to qualified
6 occupational therapists and occupational therapy assistants;
- 7 (d) Issue and renew ***biennial*** licenses based on evidence of initial and continued
8 competence of persons subject to this chapter;
- 9 (e) Suspend or revoke licenses;
- 10 (f) Require the continuing professional education of persons subject to this
11 chapter;
- 12 (g) Keep a record of its proceedings and a register of all persons licensed as
13 occupational therapists or occupational therapy assistants. The register shall
14 show the name of every licensee, the licensee's last known place of business
15 and last known place of residence, and the date and number of the license of
16 each licensed occupational therapist or occupational therapy assistant. The
17 board shall, during the month of January of every year, compile and make
18 available a list of licensed occupational therapists and occupational therapy
19 assistants authorized to practice in the Commonwealth. Any citizen of the
20 Commonwealth may obtain a copy of the list upon application to the board
21 and payment of an amount to be fixed by the board, which shall not exceed its
22 cost;
- 23 (h) Make an annual report to the Governor and the ***Legislative Research***
24 ***Commission that***~~[General Assembly which]~~ shall contain an account of duties
25 performed, actions taken, and appropriate recommendations;
- 26 (i) Institute and maintain actions to restrain or enjoin any violation of this chapter
27 and administrative regulations notwithstanding the existence or pursuit of

- 1 other civil or criminal penalties;
- 2 (j) Approve an examination for occupational therapists and occupational therapy
3 assistants and establish standards for acceptable performance;
- 4 (k) Seek an injunction in Franklin Circuit Court against any individual who
5 practices occupational therapy in the Commonwealth without a license; and
- 6 (l) Promulgate administrative regulations to define appropriate supervision of
7 assistants, aides, and unlicensed personnel that are delivering occupational
8 therapy services.

9 ➔Section 117. KRS 319A.160 is amended to read as follows:

- 10 (1) ***Biennial*** licenses issued under this chapter shall be subject to ***biennial***~~annual~~
11 renewal and shall expire unless renewed upon the payment of a renewal fee in the
12 manner prescribed ***through administrative regulations promulgated*** by~~the rules~~
13 ~~of~~ the board.
- 14 (2) The board may set a required number of continuing education units for license
15 renewal.
- 16 (3) At least thirty (30) days before the renewal date, the board shall mail an application
17 for renewal to every person to whom a license was issued during the current
18 licensure period.
- 19 (4) A sixty (60) day grace period shall be allowed during which time licenses may be
20 renewed on payment of a late renewal fee as set forth in administrative regulations
21 promulgated by the board.
- 22 (5) The board may provide for the late renewal of a license upon the payment of a late
23 fee in accordance with its rules, but no~~such~~ renewal of a license may be granted
24 more than five (5) years after its expiration.
- 25 (6) Licenses not renewed in a timely manner or by the end of the grace period shall be
26 considered expired. Expired licenses may be restored in accordance with the
27 requirements set forth by the board in administrative regulation. A person who fails

1 to restore his or her license within five (5) years after its expiration may not restore
2 it, and it shall not be restored, reissued, or reinstated after that date~~[thereafter]~~. The
3 person may apply for and obtain a new license if current requirements of this
4 chapter are met.

5 (7) Any person practicing occupational therapy after the license has expired shall be
6 considered an illegal practitioner and shall be subject to the penalties provided for
7 violations of the provisions of this chapter.

8 (8) A suspended license is subject to expiration and may be restored as provided in this
9 section, but restoration shall not entitle the licensee, while the license remains
10 suspended and until it is reinstated, to engage in the licensed activity, or in any other
11 conduct or activity in violation of the order or judgment by which the license was
12 suspended.

13 (9) A license revoked on disciplinary grounds is subject to expiration and may not be
14 renewed. If the license is subsequently reinstated, the licensee, as a condition of
15 reinstatement shall pay a reinstatement fee, the renewal fee, and any late fee that
16 may be applicable.

17 (10) Upon petition to the board, licensees may be granted inactive license status for a
18 period of time not to exceed three (3) years. Licensees shall not practice
19 occupational therapy or assist in the practice of occupational therapy while under
20 inactive status. Inactive licensees may apply for an active license after paying a fee
21 provided for by administrative regulation of the board.

22 (11) Each occupational therapist and occupational therapy assistant licensed under this
23 chapter shall notify the board in writing of any change in the person's name, home
24 or office address, or employment within thirty (30) days after the change has taken
25 place.

26 ➔Section 118. KRS 319A.170 is amended to read as follows:

27 Fees shall be collected and determined by the board for the following:

- 1 (1) Initial license fee (nonrefundable) per licensure year:
- 2 (a) Registered occupational therapist, not to exceed fifty dollars (\$50);
- 3 (b) Certified occupational therapy assistant, not to exceed thirty-five dollars
- 4 (\$35); and
- 5 (c) Certification for use of deep physical agent modalities, not to exceed twenty-
- 6 five dollars (\$25);
- 7 (2) Renewal of license fees, not to exceed fifty dollars (\$50) per licensure year; and
- 8 (3) Late renewal fees, not to exceed seventy-five dollars (\$75).

9 ➔Section 119. KRS 319B.020 is amended to read as follows:

10 The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The

11 board shall consist of five (5) members who shall be appointed by the Governor.

12 (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic,

13 or pedorthic professional services and is not affiliated with and does not have more

14 than five percent (5%) financial interest in any one (1) health care profession or

15 business.

16 (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or

17 licensed pedorthists. These members may be licensed in more than one (1)

18 discipline and at least one (1) board member shall be a licensed pedorthist.

19 Membership of the board shall reasonably reflect representation from the

20 geographic areas in the Commonwealth.

21 ~~{(3) Each member of the board shall serve a term of three (3) years, except that of the~~

22 ~~initial appointments to the board, two (2) members shall be appointed for two (2)~~

23 ~~years, two (2) members shall be appointed for three (3) years, and one (1) member~~

24 ~~shall be appointed for one (1) year. No member of the board shall serve more than~~

25 ~~the greater of eight (8) consecutive years or two (2) full terms. The Governor may~~

26 ~~remove any member of the board for misconduct, incompetence, or neglect of duty.~~

27 ~~(4) The board shall meet at least annually and may meet at other times if necessary to~~

1 complete required business. A quorum of the board shall consist of a majority of
 2 board members currently appointed. The board shall annually elect a chairperson
 3 and vice chairperson who shall be licensed under this chapter.

4 ~~(5) There shall be no liability on the part of, and no action for damages against, any~~
 5 ~~current or former board member, representative, agent, or employee of the board,~~
 6 ~~when the person is acting with ordinary care, is functioning within the scope of~~
 7 ~~board duties, is acting without malice, and has the reasonable belief that the actions~~
 8 ~~taken by him or her are warranted by law.~~

9 ~~(6) Members of the board shall receive a per diem reimbursement of reasonable~~
 10 ~~expenses incurred as determined by the board in consultation with the Department~~
 11 ~~of Professional Licensing for each day actually engaged in the duties of the office.]~~

12 ➔Section 120. KRS 319B.040 is amended to read as follows:

13 The board may:

14 ~~(1) Employ needed personnel and contract with the Department of Professional~~
 15 ~~Licensing within the Public Protection Cabinet for the provision of administrative~~
 16 ~~services;~~

17 ~~(2) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,~~
 18 ~~and investigate allegations of practices violating the provisions of this chapter;~~

19 ~~(2)(3) Seek injunctive relief in the Circuit Court of the county where the violation~~
 20 ~~occurred to stop the unlawful practice of prosthetics, orthotics, and pedorthics by~~
 21 ~~unlicensed persons;~~

22 ~~(3)(4) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes~~
 23 ~~necessary to carry out the functions of this chapter;~~

24 ~~(4)(5) Suspend or revoke licenses, impose supervisory or probationary conditions~~
 25 ~~upon licensees, impose administrative disciplinary fines, issue written reprimands~~
 26 ~~or admonishments, or impose any combination of these penalties;~~

27 ~~(5)(6) Grant retired or inactive licensure status under conditions set forth by the~~

1 board by the promulgation of administrative regulations; and
 2 ~~(6)~~~~(7)~~ Issue advisory private letter rulings ***at the request of***~~to~~ any affected licensee ~~who makes such a request~~ regarding any matters within the board's primary
 3 jurisdiction. Any private letter ruling shall affect only the person making the inquiry
 4 and shall have no precedential value for any other inquiry or future contested case
 5 that might come before the board. Any dispute regarding a private letter ruling
 6 may~~, if the board chooses to do so,~~ be resolved pursuant to KRS Chapter 13B.

8 ➔Section 121. KRS 319B.120 is amended to read as follows:

- 9 (1) Every license issued ***or renewed*** under this chapter shall ***be a two (2) year license***
 10 ***and shall*** expire on June 30 ***of the last year***~~following the date of issuance~~ unless
 11 sooner revoked and canceled.
- 12 (2) On or before June 1 of each ***renewal*** year, the board shall send notices to all
 13 ***affected*** licensees, at their last known addresses, advising them that the
 14 ***biennial***~~annual~~ renewal fee is due on July 1 of ***that***~~each~~ year. Every licensee
 15 shall renew his or her license on or before July 1 of each ***renewal*** year by the
 16 payment to the board of ***a biennial***~~an annual~~ renewal fee which shall be a
 17 reasonable fee set by administrative regulation of the board and upon submission of
 18 a statement of compliance with the continuing education regulations of the board. If
 19 this renewal fee is not paid or the statement of compliance is not submitted on or
 20 before July 1 ***of the renewal year***, the board shall notify the delinquent licensee by
 21 mail at his or her last known address that the fee and statement are past due and that
 22 a delinquent penalty fee is assessed, in addition to the renewal fee, and that the
 23 renewal fee and penalty ***shall***~~must~~ be paid and the statement of compliance
 24 submitted on or before ***the next*** January 1. If these fees, penalties, and statement are
 25 not submitted by ***the next*** January 1,~~it shall be the duty of~~ the board ***shall***~~to~~
 26 suspend or revoke the license for nonpayment of the ~~annual~~ renewal and
 27 delinquent fees or for failure to submit the statement of compliance for ***each***

1 affected~~[the current]~~ year.

2 (3) All fees collected under~~[the provisions of]~~ this chapter, or the administrative
3 regulations adopted pursuant to this chapter, shall be paid into the State Treasury,
4 and credited to a trust and agency fund to be used in defraying the costs and
5 expenses in the administration of this chapter, including but not limited to~~[salaries~~
6 ~~and]~~ necessary travel expenses.

7 ➔Section 122. KRS 319C.030 is amended to read as follows:

8 (1)~~[(a)]~~ There is hereby created the Kentucky Applied Behavior Analysis Licensing
9 Board. The board shall consist of seven (7) members appointed by the Governor.

10 (2)~~[(b)]~~ ~~[The initial]~~Board members shall be appointed as follows:

11 ~~[1. Four (4) members shall be credentialed behavior analysts nominated by a~~
12 ~~credentialed behavior analyst practicing in the state;~~

13 ~~2. One (1) member shall be a psychologist licensed in the state, the majority of~~
14 ~~whose practice is related to the treatment of behavior disorders, including but~~
15 ~~not limited to autism spectrum disorders. The psychologist member shall be~~
16 ~~nominated by a credentialed behavior analyst practicing in the state; and~~

17 ~~3. Two (2) members shall be the parent of a child diagnosed with and treated for~~
18 ~~a behavior disorder, including but not limited to an autism spectrum disorder,~~
19 ~~selected from the state at large.~~

20 ~~(e) Subsequent board members shall be appointed by the Governor as follows:]~~

21 (a)~~[1.]~~ Four (4) members shall be licensed behavior analysts nominated by a
22 licensed behavior analyst practicing in the state;

23 (b)~~[2.]~~ One (1) member shall be a psychologist licensed in the state, the
24 majority of whose practice is related to the treatment of behavior disorders,
25 including but not limited to autism spectrum disorders. The psychologist
26 member shall be nominated by a licensed behavior analyst practicing in the
27 state; and

1 ~~(c)~~^[3-] Two (2) members shall be the parent of a child diagnosed with and
2 treated for a behavior` disorder, including but not limited to an autism
3 spectrum disorder, selected from the state at large.

4 ~~[(2) The terms of the board members shall be as follows:~~

5 ~~(a) The initial board members shall be appointed as determined by the Governor~~
6 ~~for the following terms:~~

7 1. ~~Two (2) behavior analysts shall serve for one (1) year;~~

8 2. ~~Two (2) behavior analysts shall serve for three (3) years;~~

9 3. ~~A psychologist shall serve for two (2) years;~~

10 4. ~~One (1) parent shall serve for one (1) year; and~~

11 5. ~~One (1) parent shall serve for two (2) years;~~

12 ~~(b) The terms of subsequent board members shall be for three (3) years; and~~

13 ~~(c) A vacancy of any board member shall be filled in the manner of the original~~
14 ~~appointment for the unexpired portion of the term only or as provided by KRS~~
15 ~~12.070. The Governor, after notice and opportunity for a hearing, may remove~~
16 ~~any member of the board for malfeasance, neglect of duty, incompetency, or~~
17 ~~revocation or suspension of a license.~~

18 ~~(3) Members of the board shall not receive a salary but shall be allowed the usual~~
19 ~~mileage, subsistence, and per diem as provided for members of state boards,~~
20 ~~commissions, and committees. No member shall serve more than two (2)~~
21 ~~consecutive terms.~~

22 ~~(4) The board may request the removal of a board member by the Governor.~~

23 ~~(5) The board shall annually elect a chair, vice chair, and secretary.~~

24 ~~(6) There shall be no liability on the part of, and no action for damages against, any~~
25 ~~current or former board member, representative, agent, or employee of the board,~~
26 ~~when the person is functioning within the scope of board duties, acting without~~
27 ~~malice and with the reasonable belief that the actions taken by him or her are~~

1 ~~warranted by law.]~~

2 ➔Section 123. KRS 319C.040 is amended to read as follows:

3 (1)~~[The board shall meet at least twice annually and may meet at such other times as~~
4 ~~necessary to complete the business required. A majority of the members of the~~
5 ~~board shall constitute a quorum for the transaction of business.~~

6 (2)~~] The board may[employ an executive secretary and such clerical or other assistants~~
7 ~~as are necessary for the performance of its work and may] make expenditures of its~~
8 funds for any purpose which in the opinion of the board is necessary for proper
9 performance of its duties~~[, including compensation of the executive secretary and~~
10 ~~the premium on his or her bond].~~

11 (2)~~[(3)] [The executive secretary or any other person so designated by the board shall~~
12 ~~give bond to the state in such sum as determined by the board, to be approved by the~~
13 ~~State Treasurer for the faithful performance of his or her duties.]The executive~~
14 secretary shall receive and account for all moneys derived under this chapter and
15 shall pay these~~[such]~~ moneys to the State Treasurer who shall maintain them in the
16 manner provided for other~~[such]~~ agencies and boards of the Commonwealth.

17 ➔Section 124. KRS 319C.060 is amended to read as follows:

18 (1) The board shall~~[have the right to]~~ regulate the practice of applied behavior analysis
19 in the state including behavior analysts, assistant behavior analysts, and temporary
20 licensees, including licensure, limitations of activities, supervision, and educational
21 qualifications and continuing education requirements for behavior analysts, assistant
22 behavior analysts, temporary licensees, and supervisees. The board shall administer
23 and enforce~~[the provisions of]~~ this chapter and shall evaluate~~[have the~~
24 ~~responsibility of evaluating]~~ the qualifications of applicants for licensure. **Each**
25 **initial license and renewal license issued by the board shall be for a term of two**
26 **(2) years.**

27 (2) The board shall promulgate administrative regulations in accordance with KRS

1 Chapter 13A relating to the licensure and regulation of behavior analysts, assistant
2 behavior analysts, and temporary licensees including:

- 3 (a) Establishing standards for *biennial* licensure, temporary licensure, limitations
4 of activities, supervision, and compliance with the educational qualifications
5 as required by KRS 319C.080 for behavior analysts, assistant behavior
6 analysts, and temporary licensees;
- 7 (b) Establishing the number of persons a licensed behavior analyst may supervise
8 at one (1) time, including temporary licensees and supervisees;
- 9 (c) Adopting a code of ethical standards and standards of practice for all licensed
10 behavior analysts, assistant behavior analysts, and temporary licensees;
- 11 (d) Establishing a measure of continued competency as a condition of license
12 renewal and standards for suspension, revocation, or refusal to issue or renew
13 a license of a behavior analyst, assistant behavior analyst, or temporary
14 licensee;
- 15 (e) Governing the physical and mental examination of behavior analysts, assistant
16 behavior analysts, and temporary licensees who may be impaired by reason of
17 a mental, physical, or other condition that impedes their ability to practice
18 competently. For purposes of enforcing this section, the board ~~may~~^{shall have}
19 ~~the power to~~ order an immediate temporary suspension in accordance with
20 KRS 13B.125 if there is a reasonable cause to believe that a behavior analyst,
21 assistant behavior analyst, temporary licensee, or applicant may be impaired
22 by reason of a mental, physical, or other condition that impedes his or her
23 ability to practice competently; and
- 24 (f) Establishing reasonable fees for the licensure and license renewal of behavior
25 analysts, assistant behavior analysts, and temporary licensees.

26 ➔Section 125. KRS 319C.130 is amended to read as follows:

- 27 (1) All fees received by the board and collected under KRS 319C.060 and 319C.090,

1 the administrative regulations promulgated in accordance with KRS 319C.080, and
2 all penalties assessed in accordance with KRS 319C.110 or 319C.990 shall be
3 deposited in the State Treasury and credited to a trust and agency fund to be used by
4 the board in defraying the costs and expenses of the board's administration of this
5 chapter. Notwithstanding KRS 45.229, no part of this fund shall revert to the
6 general fund of the Commonwealth.

7 (2) The board may ~~employ personnel and may~~ purchase any~~[such]~~ materials and
8 supplies as it may deem necessary for the proper discharge of its duties.

9 ➔Section 126. KRS 320.230 is amended to read as follows:

10 (1) The Kentucky Board of Optometric Examiners shall consist of five (5) members
11 appointed by the Governor. Subject to Section 16 of this Act, four (4) members
12 shall be Kentucky licensed practicing optometrists who are licensed at the fullest
13 scope of practice in Kentucky and whose licenses are in good standing. These four
14 (4) members shall be ~~and who are~~ appointed by the Governor from a list
15 containing three (3) names for each appointment recommended by the Kentucky
16 Optometric Association. One (1) member shall be a citizen at large who is not
17 associated with or financially interested in the practice or business regulated~~. The~~
18 ~~members shall serve for a term of four (4) years and until their successors are~~
19 ~~appointed and qualified. They shall receive per diem compensation to be~~
20 ~~determined by administrative regulations promulgated by the board, not to exceed~~
21 ~~one hundred twenty five dollars (\$125) per day for attending board meetings.~~
22 ~~Members shall be reimbursed for actual expenses incurred in the performance of~~
23 ~~their duties under this chapter].~~

24 (2) Each optometrist member shall be a Kentucky licensed practicing optometrist in
25 good standing for not less than five (5) years immediately preceding his or her
26 appointment to the board. The member shall not be in any way connected with or
27 interested in any optometric school, college, or institution of learning or optometric

1 supply business.

2 ~~[(3) Any vacancy occurring on the board as the result of a member not completing the~~
3 ~~term for which he or she was appointed shall be filled, for the unexpired term, in the~~
4 ~~same manner as is provided in subsection (1) of this section for the appointment of~~
5 ~~members.~~

6 ~~(4) A majority of the members of the board shall constitute a quorum for the transaction~~
7 ~~of business.]~~

8 ➔ Section 127. KRS 320.240 is amended to read as follows:

9 (1) ~~[The board shall meet at least once each year, at which time it shall choose from~~
10 ~~among its members the president, vice president, and secretary treasurer. In~~
11 ~~addition, the board, upon call of its officers, may hold meetings at any time as it~~
12 ~~deems necessary.]~~ A full record of the board's proceedings shall be kept in the office
13 of the board and shall be open to inspection at all reasonable times.

14 (2) The board shall keep a register containing the name, address, and license number of
15 every person licensed to practice optometry in this state.

16 ~~(3) [The Attorney General shall render to the board legal services as it may require in~~
17 ~~carrying out and enforcing the provisions of this chapter.~~

18 ~~(4)]~~ Subject to and consistent with ~~[the provisions of]~~ this chapter, the board shall
19 promulgate reasonable administrative regulations and ***conduct any activity*** ~~[do any~~
20 ~~and all things that it may deem necessary or proper]~~ for the effective enforcement of
21 this chapter and for the full and efficient performance of its duties ***under this***
22 ***chapter*** ~~[hereunder]~~ and the reasonable regulation of the profession of optometry
23 and the practice ***of optometry*** ~~[thereof]~~ by licensed optometrists. The administrative
24 regulations shall include the classification and licensure of optometrists by
25 examination or credentials, retirement of a license, and reinstatement of a license.

26 ~~(4)~~ ~~(5)]~~ An optometrist shall not administer drugs, prescribe drugs, or perform laser or
27 nonlaser surgery procedures until he or she is licensed by the board. Any

1 therapeutically licensed optometrist authorized to practice under this section shall
2 meet the educational and competence criteria set forth by the board in order to
3 perform expanded therapeutic procedures. Evidence of proof of continuing
4 competency shall be determined by the board.

5 ~~(5)~~~~(6)~~ Nothing in this chapter shall be construed as allowing any agency, board, or
6 other entity of this state other than the Kentucky Board of Optometric Examiners to
7 determine what constitutes the practice of optometry.

8 ~~(6)~~~~(7)~~ The board shall have the sole authority to determine what constitutes the
9 practice of optometry and sole jurisdiction to exercise any other powers and duties
10 under this chapter.

11 (7) The board may issue advisory opinions and declaratory rulings related to this
12 chapter and the administrative regulations promulgated under this chapter.

13 (8) The board shall have:

14 (a) A common seal;

15 (b) The right to determine what acts on the part of any person licensed as an
16 optometrist in this state shall constitute unprofessional conduct under this
17 chapter; and

18 (c) Other powers and duties as authorized by this chapter.

19 (9) The board may administer oaths and require the attendance of witnesses, the
20 production of books, records, and papers pertinent to any matters coming before the
21 board by the issuance of process that shall be served and returned in the same
22 manner as in civil actions and for the disobedience of which the board shall have
23 the power to invoke the same rights as are provided for disobedience of a subpoena
24 or subpoena duces tecum in a civil action.

25 (10) The board may assist in the prosecution of any violation of this chapter and in the
26 enforcement of any of the provisions of this chapter.

27 (11) The board shall report its proceedings to the Governor and the Legislative

1 **Research Commission** on or about ~~September~~^{January} 1 of each year, including an
2 accounting of all moneys received and disbursed.

3 (12) The board may permit persons engaging in the practice of optometry under the
4 provisions of this chapter to administer diagnostic pharmaceutical agents limited to
5 miotics for emergency use only, mydriatics, cycloplegics, and anesthetics applied
6 topically only, but excluding any drug classified as a controlled substance pursuant
7 to KRS Chapter 218A. These pharmaceutical agents shall be applied in diagnostic
8 procedures only as part of an eye examination. The application of the diagnostic
9 pharmaceutical agents shall be limited to those persons who have sufficient
10 education and professional competence as determined by the board and who have
11 earned transcript credits of at least six (6) semester hours in a course or courses in
12 general and ocular pharmacology, with particular emphasis on diagnostic
13 pharmaceutical agents applied topically to the eye, from a college or university
14 accredited by a regional or professional accreditation organization which is
15 recognized or approved by the council on postsecondary accreditation or by the
16 United States Department of Education.

17 (13) The board may authorize only those persons who have qualified for use of
18 diagnostic pharmaceutical agents as set out in subsection (12) of this section to
19 utilize and prescribe therapeutic pharmaceutical agents in the examination or
20 treatment of any condition of the eye or its appendages. Any therapeutically
21 certified optometrist licensed under the provisions of this subsection shall be
22 authorized to prescribe oral medications, except any controlled substances classified
23 in Schedule I and any controlled substances classified in Schedule II other than
24 hydrocodone combination products as defined in KRS 218A.010, for any condition
25 which an optometrist is authorized to treat under the provisions of this chapter. The
26 use of injections for other than treatment of the human eye and its appendages shall
27 be limited to the administration of benadryl, epinephrine, or equivalent medication

1 to counteract anaphylaxis or anaphylactic reaction. In a public health emergency, the
2 commissioner of health may authorize therapeutically licensed optometrists to
3 administer inoculation for systemic health reasons. The authority to prescribe a
4 Schedule II hydrocodone combination product as defined in KRS 218A.010 and a
5 Schedule III, IV, or V controlled substance shall be limited to prescriptions for a
6 quantity sufficient to provide treatment for up to seventy-two (72) hours. No refills
7 of prescriptions for controlled substances shall be allowed. The utilization or
8 prescribing of therapeutic pharmaceutical agents shall be limited to those persons
9 who have sufficient education and professional competence as determined by the
10 board and who have earned transcript credits of at least six (6) semester hours in a
11 course or courses in general and ocular pathology and therapy, with particular
12 emphasis on utilization of therapeutic pharmaceutical agents from a college or
13 university accredited by a regional or professional accreditation organization which
14 is recognized or approved by the council on postsecondary accreditation or by the
15 United States Department of Education. These six (6) semester hours are in addition
16 to the six (6) semester hours required by subsection (12) of this section, making a
17 total of twelve (12) semester hours.

18 (14) Any optometrist authorized by the board to utilize diagnostic pharmaceutical agents
19 may~~shall be permitted to~~ purchase for use in the practice of optometry diagnostic
20 pharmaceutical agents limited to miotics for emergency use only, mydriatics,
21 cycloplegics, and anesthetics. Any optometrist authorized by the board to utilize
22 therapeutic pharmaceutical agents may~~shall be permitted to~~ prescribe in the
23 practice of optometry therapeutic pharmaceutical agents. Optometrists~~—so~~
24 authorized by the board to purchase pharmaceutical agents shall obtain them from
25 licensed drug suppliers or pharmacists on written orders placed in the same or
26 similar manner as any physician or other practitioner authorized by KRS Chapter
27 217. Purchases shall be limited to those pharmaceutical agents specified in this

1 subsection and in subsection (12) of this section, based upon the authority conferred
2 upon the optometrist by the board consistent with the educational qualifications of
3 the optometrist as set out *in this chapter*~~[herein]~~.

4 ➔Section 128. KRS 320.280 is amended to read as follows:

5 (1) All optometrists desiring to continue practice shall *biennially*~~[annually]~~, prior to
6 March 1 *of the second licensure year*, secure from the secretary-treasurer of the
7 board a renewal certificate upon the payment of a fee which shall be established by
8 administrative regulation promulgated by the board. Not later than *January*
9 ~~25~~~~[February 15]~~ of each *renewal* year, the board shall notify by mail all
10 optometrists of the renewal date and fee. Application for a renewal shall be upon a
11 form prescribed by the board and the optometrist shall furnish the information
12 required by the form.

13 (2) As a prerequisite for license renewal, all optometrists~~[now or hereafter]~~ licensed in
14 the Commonwealth of Kentucky~~[are and]~~ shall be required to take annual courses
15 of study in subjects relating to the practice of optometry to the end that the
16 utilization and application of new techniques, scientific and clinical advances, and
17 the achievement of research will *ensure*~~[assure]~~ expansive and comprehensive care
18 to the public. The length and content of study shall be prescribed by the board but
19 shall not exceed eight (8) hours in any calendar year, with the exception of those
20 optometrists who are authorized to prescribe therapeutic agents who shall be
21 required to have additional credit hours of continuing education in ocular therapy
22 and pharmacology, the amount of required credit hours to be determined by the
23 board, but not to exceed an additional seventeen (17) credit hours, for a total not to
24 exceed twenty-five (25) credit hours per year. Attendance shall be at a course or by
25 a sponsor approved by the board. *The board may determine by promulgation of an*
26 *administrative regulation the number of credit hours that shall be received in-*
27 *person, and this determination is not subject to the in-person requirements*

1 established in Section 18 of this Act. Attendance at any course or courses of study
 2 is to be certified to the board upon a form provided by the board and shall be
 3 submitted by each licensed optometrist at the time the optometrist~~he~~ makes
 4 application to the board for the renewal of a~~his~~ license and payment of the~~his~~
 5 renewal fee. The board may waive the continuing education requirement in cases of
 6 illness or undue hardship.

7 (3) Failure of any optometrist to secure his or her renewal certificate within sixty (60)
 8 days after March 1 of the renewal year, shall constitute sufficient cause for the
 9 board to revoke the optometrist's~~his~~ license.

10 ➔ Section 129. KRS 320.360 is amended to read as follows:

11 All fees imposed and collected under~~the provisions of~~ this chapter shall be paid to the
 12 board for the use of the board, and shall be deposited in the State Treasury to the credit of
 13 an agency fund for the use of the board. The board may make such expenditures from the
 14 fund as may, in the opinion of the board, serve to further the purposes of this chapter~~,~~
 15 ~~including payment for professional services.~~

16 ➔ Section 130. KRS 322.160 is amended to read as follows:

17 (1) Licenses for individuals and permits for business entities shall be valid for not more
 18 than two (2) years from the date of issuance, unless renewed.

19 (2) The administrative coordinator~~executive director~~ shall notify every licensee and
 20 permit holder at least one (1) month in advance of the pending expiration date.

21 (a) All license renewals shall be completed on or before June 30 of the year of
 22 expiration.

23 (b) All permit renewals shall be completed on or before December 31 of the year
 24 of expiration.

25 (c) Each licensee or permit holder is responsible for notifying the board of any
 26 address change.

27 (d) The responsibility for the timely renewal of a license or permit rests with the

1 licensee or permit holder.

2 (3) The failure to renew shall not deprive a licensee or permit holder of the right of
3 renewal, but the fee to be paid for the renewal shall be increased ten percent (10%)
4 for each month or fraction of a month that payment of renewal is delayed. Any
5 licensee or permit holder who fails to renew within one (1) year after expiration
6 shall furnish the board with:

7 (a) Satisfactory evidence of qualification of continued practice. However, the
8 board may require reexamination; and

9 (b) Evidence of completion of continuing education hours as required by KRS
10 322.290.

11 (4) No licensee shall be required to pay renewal fees to the board during the time the
12 licensee is on active duty in the Armed Forces of the United States.

13 (a) Any licensee who has previously paid any renewal fee covering a period of
14 time spent on active duty shall, upon filing with the board a copy of his or her
15 discharge, be granted a license renewal without the payment of any fee.

16 (b) The free renewal shall be for as many license years as the licensee was on
17 active duty and which were covered in whole or in part by the previous
18 payment of a renewal fee.

19 (c) The continuing education requirement under KRS 322.290 shall be waived for
20 those years the licensee was on active duty.

21 ➔Section 131. KRS 322.190 is amended to read as follows:

22 Any person or organization, including the board upon its own volition, may file with the
23 administrative coordinator~~[executive director]~~ of the board a written complaint alleging
24 violation of~~[any provision of]~~ this chapter. The administrative coordinator~~[executive~~
25 ~~director]~~ shall cause the complaint to be investigated.

26 (1) If the investigation reveals that the alleged violation did occur but was not of a
27 serious nature, the board may issue a written admonishment to the licensee. A copy

1 of the admonishment shall be placed in the permanent file of the licensee. The
2 licensee shall have the right to file a response to the admonishment within thirty
3 (30) days of its receipt and to have the response placed in the permanent licensure
4 file. The licensee may alternatively, within thirty (30) days of the receipt, file a
5 request for hearing with the board. Upon receipt of this request, the board shall set
6 aside the written admonishment and set the matter for hearing in accordance with
7 the provisions of KRS Chapter 13B.

8 (2) If the investigation reveals evidence supporting the complaint, the administrative
9 coordinator~~[executive director]~~ shall set the matter for hearing in accordance with~~[~~
10 ~~the provisions of]~~ KRS Chapter 13B before refusing to renew, suspending,
11 revoking, reprimanding, imposing probation or an administrative fine, or any
12 combination of actions regarding any license under~~[the provisions of]~~ this chapter.

13 (a) At any time during the investigation or hearing process, the board may accept
14 a written assurance of voluntary compliance from the licensee which
15 effectively deals with the complaint.

16 (b) When the board issues a written reprimand to the licensee, a copy of the
17 reprimand shall be placed in the permanent file of the licensee. The licensee
18 shall have the right to submit a response within thirty (30) days of its receipt
19 and to have that response filed in the permanent file.

20 (3) After denying an application under~~[the provisions of]~~ this chapter, the board may
21 grant a hearing to the denied applicant in accordance with~~[the provisions of]~~ KRS
22 Chapter 13B.

23 (4) The board may reconsider, modify, or reverse its decision on any disciplinary
24 action.

25 (5) Any party aggrieved by a disciplinary action of the board may bring an action in
26 Franklin Circuit Court in accordance with~~[the provisions of]~~ KRS Chapter 13B.

27 ➔Section 132. KRS 322.230 is amended to read as follows:

1 (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall
2 consist of nine (9) members appointed by the Governor and two (2) ex officio
3 members, each with full voting rights. The ex officio members shall be the dean of
4 the College of Engineering of the University of Kentucky and the dean of the J.B.
5 Speed School of Engineering of the University of Louisville.

6 ~~(2) The term of each member of the board shall be four (4) years. Each member shall~~
7 ~~hold office until the expiration of the term or until a successor has been appointed~~
8 ~~and has qualified.~~

9 ~~(3)~~ Before beginning a term of office, every member shall file with the Secretary of
10 State a written oath for the faithful discharge of official duties.

11 ~~[(4) No member of the board shall serve as an employee of the board.]~~

12 ➔Section 133. KRS 322.240 is amended to read as follows:

13 (1) Each appointed member of the board shall:

14 (a) Be a citizen of the United States;

15 (b) Have been a resident of this state for at least five (5) years; and

16 (c) Be a resident of this state at the time of appointment and for the term of the
17 appointment.

18 (2) One (1) member of the board shall be a citizen at large who is not associated with or
19 financially interested in the practice of engineering or land surveying.

20 (3) Eight (8) members of the board shall be a professional engineer or a professional
21 land surveyor engaged in the respective practice for at least twelve (12) years and
22 shall have been in responsible charge of important engineering or land surveying
23 work for at least five (5) years.

24 (a) At least five (5) members of the board shall be professional engineers licensed
25 in Kentucky for at least four (4) years prior to the date of their appointment;

26 (b) At least three (3) members of the board shall be professional land surveyors
27 licensed in Kentucky for at least four (4) years prior to the date of their

1 appointment; and

2 (c) The eight (8) members shall remain professional engineers or professional
3 land surveyors licensed in Kentucky during the term of their appointments~~[-If~~
4 ~~a member's license is surrendered, suspended, revoked, or placed in inactive~~
5 ~~or retired status, that member shall automatically be removed from the board~~
6 ~~and the vacancy filled under KRS 322.250(5)].~~

7 ➔Section 134. KRS 322.250 is amended to read as follows:

8 (1) ***Subject to Section 16 of this Act:***~~[Except as provided for in subsection (5) of this~~
9 ~~section,]~~

10 ***(a)*** Each land surveyor appointment to the board shall be made from a list of not
11 less than three (3) nominees to be submitted to the Governor jointly by the
12 Kentucky Society of Professional Engineers and the Kentucky Association of
13 Professional Surveyors, with input from other professional societies; ***and***~~[-]~~

14 ***(b)*** All other appointments to the board shall be made from a list of not less than
15 three (3) nominees to be submitted to the Governor by the Kentucky Society
16 of Professional Engineers with input from other professional societies.

17 (2) The nominations shall be submitted to the Governor at least sixty (60) days prior to
18 the appointment date.

19 (3) The term of office for all full-term appointments shall begin January 1.

20 (4) Board members shall be allowed to succeed themselves but shall be limited to not
21 more than ***three (3)***~~[two (2)]~~ consecutive terms. A former member may be
22 reappointed to the board if the member has not served in the preceding four (4)
23 years.

24 ~~(5) [- If a vacancy on the board occurs for any reason resulting in an unexpired term, if~~
25 ~~not filled within three (3) months by official action of the Governor, the board may~~
26 ~~appoint a provisional member to serve in the interim until the Governor acts.~~

27 ~~(6)]~~ Every unexpired term shall be filled only for the remainder of that term.

1 ➔Section 135. KRS 322.280 is amended to read as follows:

2 ~~[(1)]~~The board shall hold at least four (4) regular meetings each year. Special meetings
3 shall be held if the bylaws provide. Notice of all meetings shall be given in the manner
4 provided by the bylaws.

5 ~~[(2) Six (6) members shall constitute a quorum.]~~

6 ➔Section 136. KRS 322.290 is amended to read as follows:

7 The board shall:

8 (1) Administer this chapter;

9 (2) Adopt an official seal;

10 ~~(3) Provide suitable office quarters at its own expense;~~

11 ~~(4)~~ Adopt and amend all bylaws and rules of procedure, and promulgate administrative
12 regulations, consistent with the Constitution and laws of the state and reasonably
13 necessary for the proper performance of its duties and the regulation and fair
14 conduct of the proceedings before it;

15 ~~[(5) Appoint an executive director and assistant executive directors and fix their
16 compensation;~~

17 ~~(6) Employ any clerk or other assistants necessary for the proper performance of its
18 work;~~

19 ~~(7) Appoint a general counsel and any assistant general counsel as it deems necessary
20 and fix their compensation;~~

21 ~~(8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;]~~

22 ~~(4)~~~~[(9)]~~ Appoint committees of licensees, as it deems necessary, to review issues
23 before the board and make recommendations to the board;

24 ~~(5)~~~~[(10)]~~ Make expenditures, as it deems necessary, for any purpose that it considers
25 reasonably necessary for the proper performance of its duties, including paying the
26 expenses of the board's delegates to national conventions of and membership dues
27 to the National Council of Examiners for Engineering and Surveying or other

1 affiliated national boards or societies;

2 ~~(6)~~~~(11)~~ Adopt and promulgate by administrative regulation a code of professional
3 practice and conduct, which shall be based upon generally recognized principles of
4 professional ethical conduct and binding upon persons licensed under this chapter.
5 A code of professional practice and conduct shall be made known to all licensees
6 and applicants and shall include but not be limited to the following objectives:

7 (a) The protection of the public health, safety, and welfare;

8 (b) The maintenance of standards of objectivity, truthfulness, and reliability in
9 public statements;

10 (c) The avoidance of conflicts of interest;

11 (d) The prohibition of solicitation or acceptance of engineering or land surveying
12 work on any basis other than qualifications for the work offered;

13 (e) The prohibition of association with any person engaging in illegal or dishonest
14 activities; and

15 (f) The limitation of professional service to the area of competence of the
16 licensee;

17 ~~(7)~~~~(12)~~ Adopt appropriate standards of practice;

18 ~~(8)~~~~(13)~~ Promulgate administrative regulations in accordance with KRS Chapter 13A
19 to establish rules for the use of stamps, seals, and signatures in electronic
20 transactions;

21 ~~(9)~~~~(14)~~ Bring, in its name, injunctive proceedings in the Franklin Circuit Court to
22 enjoin any person, business entity, or combination thereof in violation of KRS
23 322.020 or KRS 322.060;

24 ~~(10)~~~~(15)~~ Adopt a program for continuing education for its individual land surveyor
25 licensees. No individual land surveyor licensee shall be permitted to renew his or
26 her license unless the minimum annual continuing education requirements are met,
27 in addition to any other requirement for renewal. The program for continuing

1 education shall not exceed a total of eight (8) credit clock hours per year and shall
2 not include testing or examination of the licensee in any manner; and

3 ~~(11)~~~~(16)~~ Adopt a program for continuing education for its individual engineer
4 licensees.

5 (a) The program for continuing education shall not exceed a total of fifteen (15)
6 credit clock hours per year and shall not include testing or examination of the
7 licensee in any manner.

8 (b) No individual engineer licensee shall be permitted to renew his or her
9 ***biennial*** license unless the minimum annual continuing education
10 requirements are met, except as provided in paragraph (c) of this subsection,
11 in addition to any other requirement for renewal.

12 (c) Any person licensed under this chapter as a professional engineer prior to
13 January 1, 1972, who has maintained his or her license in good standing since
14 becoming licensed shall not be subject to any continuing education
15 requirements.

16 ➔Section 137. KRS 322.320 is amended to read as follows:

17 (1) In carrying this chapter into effect, the board, under the hand of its chairman or
18 ***administrative coordinator***~~executive director~~ and under its seal, may, during the
19 investigation or an administrative hearing procedure, in cases involving the
20 revocation of a license or practicing or offering to practice without a license,
21 subpoena witnesses and compel their attendance and require the production of
22 books, papers, and documents. Any member may administer oaths to witnesses
23 appearing before the board.

24 (2) If any person refuses to obey any subpoena~~so issued~~ or refuses to testify or
25 produce any books, papers, or documents, the board may present its petition to any
26 authority having jurisdiction, setting forth the facts. That authority shall, in a proper
27 case, issue its subpoena to the person, requiring ***the person***~~him~~ to attend and

1 testify or produce books, papers, and documents considered necessary and pertinent
2 by the board.

3 ~~[(3) Board members and agents and staff of the board shall be held free of any personal
4 liability as a result of board actions.]~~

5 ➔Section 138. KRS 322.340 is amended to read as follows:

- 6 (1) Each professional engineer or professional land surveyor shall, upon licensure,
7 obtain a seal or stamp of the design authorized by the board, bearing his or her
8 name, license number, and the words "Licensed Professional Engineer" or
9 "Licensed Professional Land Surveyor."
- 10 (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted
11 in accordance with administrative regulations promulgated by the board under
12 subsection (8) of Section 136 of this Act~~[KRS 322.290(13)]~~.
- 13 (3) The seal or stamp, signature, and the date shall be used to provide certification for
14 all reports, specifications, drawings, and plans, if presented to a client or any public
15 or governmental agency. Reproduction of original signatures shall be adequate to
16 meet the requirements of this subsection.
- 17 (4) The seal or stamp and signature shall be used by licensees only if the work being
18 stamped was under the licensee's complete direction and control.
- 19 (5) Every survey plat and physical description prepared by a professional land surveyor
20 and submitted to a client or any public or governmental agency shall display the
21 certification by the professional land surveyor under whose supervision the plat or
22 description was prepared.
- 23 (6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal,
24 stamp, or signature to any document described in subsection (3) or (5) of this
25 section:
- 26 (a) After the expiration of a license; or
27 (b) For the purpose of aiding or abetting any other person to evade or attempt to

1 evade any provisions of this chapter.

2 (7) A professional engineer shall check and have complete dominion and control of the
3 design and engineering work of any engineer not licensed to practice in this state.
4 Complete dominion and control shall include possession of the sealed and signed
5 reproducible construction documents with all supporting design calculations,
6 indicating all changes in the design.

7 ➔Section 139. KRS 322A.020 is amended to read as follows:

8 (1) There is created and established the Board of Registration for Professional
9 Geologists, which shall administer the provisions of this chapter. All board
10 members shall be residents of Kentucky and be appointed by the Governor. The
11 board shall consist of five (5) members, including four (4) registered geologists, one
12 (1) of whom shall be the state geologist or his or her designee, and one (1) member
13 representing the public at large. ~~[Except for]~~The state geologist ***shall be an ex***
14 ***officio voting member of the board***~~[or his or her designee, the term of the members~~
15 ~~of the board shall always be for four (4) years and until their successors are~~
16 ~~appointed and qualified].~~

17 ~~(2) [Board members may succeed themselves. The Governor may remove any member~~
18 ~~from the board for misconduct, incompetence, neglect of duty, or for any good and~~
19 ~~sufficient cause, in the manner prescribed by law. Vacancies in the membership of~~
20 ~~the board shall be filled for the unexpired term by appointment by the Governor.~~

21 ~~(3) Three (3) members of the board shall constitute a quorum.~~

22 ~~(4) There shall be no liability on the part of and no cause of action of any nature shall~~
23 ~~arise against the board, or its agents, for any action taken in the performance of the~~
24 ~~board's powers and duties under this chapter.~~

25 ~~(5) The board shall elect from its members a chair and secretary each year.~~

26 ~~(6)]~~ At least thirty (30) days prior to the appointment date each year, the Governor shall
27 receive a list of not more than three (3) nominations for board members from a joint

1 committee of the Geological Society of Kentucky and the Kentucky Section of the
2 American Institute of Professional Geologists. **Subject to Section 16 of this Act**, the
3 appointed members on the board shall be selected from the list submitted to the
4 Governor by the joint committee.

5 ~~[(7) While discharging duties associated with the board, including meetings of the board
6 and its committees and necessary travel, each member shall receive compensation
7 as established by administrative regulation of the board promulgated in accordance
8 with KRS Chapter 13A. Members of the board shall be reimbursed for costs for
9 actual travel and for incidental, clerical, and all other actual and necessary expenses
10 incurred in the discharge of official duties associated with the board.]~~

11 ➔Section 140. KRS 322A.030 is amended to read as follows:

12 (1) The board shall meet at least **twice**~~[once]~~ each calendar year and at other times
13 deemed necessary by the chair or a quorum of the board upon being given ten (10)
14 days' notice.

15 (2) A roster showing the names and places of business of all registered professional
16 geologists shall be published by the secretary of the board each year. Copies of this
17 roster shall be made available to each person registered, placed on file with the
18 secretary of the board, and furnished to the public upon request.

19 (3) The board shall pass upon the qualifications of applicants for registration.

20 (4) The board shall require from applicants for registration evidence of their
21 qualifications and shall judge each applicant on evidence of the applicant's
22 professional competency and integrity in accordance with administrative regulations
23 promulgated by the board.

24 (5) The board may promulgate administrative regulations consistent with~~[the~~
25 ~~provisions of]~~ this chapter **that are** appropriate and necessary to the conduct of its
26 responsibilities and duties.

27 (6) The board shall promulgate by administrative regulation a code of professional

1 conduct, a copy of which shall be distributed to every registered geologist. Mailing
2 of a copy of this code to persons listed in the roster maintained under subsection (2)
3 of this section shall constitute due notice to all registrants. The board may revise
4 and amend the code of ethics~~[from time to time]~~, subject to the consent of the
5 majority of the registrants, and shall notify each registrant in writing of any
6 revisions or amendments.

7 (7) The board may take appropriate disciplinary action as provided for in KRS
8 322A.100, but only after written notice has been given the person concerned and the
9 person is afforded an opportunity for a hearing to be conducted in accordance with
10 KRS Chapter 13B.

11 (8) Any person or organization may prefer charges of fraud, deceit, gross negligence, or
12 misconduct against any registrant. The charges shall be in writing, shall be sworn to
13 by the person or officer of the organization making them, and shall then be filed
14 with the board.

15 (9) Any Kentucky resident who feels aggrieved by any final order of the board may
16 appeal to the Circuit Court of the county where the person resides or where the
17 person has his or her principal office in accordance with KRS Chapter 13B. Any
18 out-of-state resident who feels aggrieved by any final order of the board may appeal
19 to the Franklin Circuit Court in accordance with KRS Chapter 13B.

20 ~~(10) [The Attorney General or any assistants designated by him or her shall act as legal~~
21 ~~advisers to the board and render legal assistance as the board may from time to time~~
22 ~~require. The board may employ private counsel at its discretion. The cost of private~~
23 ~~counsel shall be paid exclusively from funds of the board.]~~

24 ~~(11) [The board shall establish and maintain necessary offices within this~~
25 ~~Commonwealth, employ personnel as necessary, and prescribe their duties and~~
26 ~~compensation].~~

27 (11)~~(12)~~ For the purposes of enforcing the provisions of this chapter, investigating

1 complaints or suspected violations of this chapter, and notifying proper law
2 enforcement authorities, the board may:

- 3 (a) Administer oaths;
- 4 (b) Receive evidence;
- 5 (c) Interview persons;
- 6 (d) Issue subpoenas; and
- 7 (e) Require production of books, papers, documents, or other evidence.

8 ➔Section 141. KRS 322A.050 is amended to read as follows:

9 An applicant for registration shall pay a nonrefundable fee established by administrative
10 regulation of the board. If the board declines to issue registration to any applicant, the
11 initial fee paid by the applicant shall be retained as an application fee. All fees paid to and
12 collected by the board under~~[the provisions of]~~ this section and KRS 322A.070 shall be
13 deposited in a revolving trust and agency account under the jurisdiction of the board. The
14 officers~~[or employees]~~ of the board who shall be designated to collect and disburse funds
15 represented by these fees shall be required to execute a bond, with corporate surety, in an
16 amount to be determined by the board.

17 ➔Section 142. KRS 323.080 is amended to read as follows:

18 (1) The board shall promulgate administrative regulations that establish fees for the
19 following services. These fees shall not exceed the following:

- 20 (a) For processing the application for the examination\$200
- 21 (b) For a license certificate upon satisfactorily passing the examination\$50
- 22 (c) For the restoration of a voluntarily surrendered license\$300
- 23 (d) For a license to an architect satisfactorily licensed in
24 another state or country\$250
- 25 (e) For reinstatement of a license revoked for failure to pay the
26 biennial~~[annual]~~ renewal fee or suspended by the board, in addition
27 to application and arrears as determined by the board\$300

1 (f) Renewal certificate, per licensure year\$250

2 (2) The proper fee as prescribed above shall be paid to the board, and shall not be
3 refunded in whole or in part.

4 (3) The cost of taking the examination shall be borne by the applicant.

5 ➔Section 143. KRS 323.110 is amended to read as follows:

6 (1) (a) All architects desiring to continue practice shall secure from the board a
7 renewal certificate at the expiration of their licenses, upon the payment of the
8 prescribed fee. The board shall promulgate administrative regulations
9 establishing the terms of the licenses, and may renew licenses on a
10 biennial~~[an annual or biannual]~~ basis. The board may stagger the terms of the
11 licenses, if needed, and may double the per year~~[annual]~~ renewal fee as
12 established pursuant to KRS 323.080 for any license issued for a two (2) year
13 period. Not later than June ~~15~~ of each renewal year the board shall notify
14 by mail all architects of the renewal date and fee. Application for a renewal
15 shall be upon a form prescribed by the board and the architect shall furnish the
16 information required by the form.

17 (b) Failure of any architect to secure his or her renewal certificate within sixty
18 (60) days after July 1 of the architect's renewal year shall result in the
19 automatic revocation of his or her license if the architect fails to submit a
20 properly completed renewal application to the board with the corresponding
21 renewal fee and proof of having completed the continuing education
22 requirement.

23 (c) The board may reissue a license that has been revoked for failure to pay the
24 renewal fee or meet continuing education requirements established by the
25 board, upon proper application to the board and the payment of all delinquent
26 fees.

27 (2) A licensed architect may voluntarily surrender his or her license to the board and

1 thereby be relieved of paying the ~~biennial~~~~annual~~ renewal fee. After surrendering
2 his or her license, that person shall not be known as a licensed architect and shall
3 desist from the practice of architecture. Within five (5) years from the time of
4 surrender of the license, the person may again qualify for a license without
5 examination by the payment of the required fee and current renewal fee. If five (5)
6 years ~~thereafter~~ have elapsed since the surrender of the license, he or she shall
7 return to the status of a new applicant.

8 ➔Section 144. KRS 323.210 is amended to read as follows:

9 (1) The board shall:

- 10 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board
11 of Architects" with the coat of arms of the state in the center;
- 12 (b) Promulgate all necessary administrative regulations concerning the contents
13 and conduct of examinations, the method and time for filing applications for
14 examinations, and the time within which an applicant shall be examined after
15 his or her application has been filed;
- 16 (c) Keep a complete record of its proceedings and an accurate list of all
17 applications made, licenses issued, and licenses revoked; and
- 18 (d) Make a general report including finances to the Governor and the Legislative
19 Research Commission annually.

20 (2) The board may promulgate all reasonable administrative regulations not
21 inconsistent with this chapter that are necessary to carry into effect the purposes of
22 this chapter.

23 (3) (a) The board may promulgate appropriate administrative regulations requiring
24 mandatory continuing education for architects licensed to practice within the
25 Commonwealth as a condition for obtaining their ~~annual~~ renewal
26 certificates. The board shall establish the minimal requirement for obtaining
27 and reporting continuing education, the means by which any requirements

1 shall be enforced, and the criteria for the accreditation of course sponsors,
2 programs, and other activities.

3 (b) The board may promulgate appropriate administrative regulations to create the
4 licensing category of architect emeritus and may promulgate continuing
5 education requirements and renewal fees for the architect emeritus license.

6 (4) The board may administer oaths, receive evidence, interview persons, issue
7 subpoenas, and require the production of books, papers, documents, or other
8 evidence for the purpose of enforcing this chapter and investigating complaints or
9 suspected violations of this chapter.

10 (5) The board may promulgate administrative regulations in accordance with KRS
11 Chapter 13A to establish rules for the use of seals and signatures in electronic
12 transactions.

13 ~~(6) (a) The board may employ staff, obtain office space, and acquire furniture,
14 supplies, and services reasonably necessary to effectuate the purposes of this
15 chapter.~~

16 ~~(b) The board shall outline the duties of all personnel and fix their compensation
17 in accordance with KRS Chapter 18A.~~

18 ~~(c) The board may retain its own legal counsel for advice and assistance, in
19 addition to such advice and assistance provided by the Attorney General.~~

20 ~~(7)~~ The board may assess reasonable administrative fees for copies of documents,
21 mailing lists, duplicate forms, and other media consistent with KRS 61.870 to
22 61.884.

23 ➔Section 145. KRS 323.406 is amended to read as follows:

24 The board may promulgate administrative regulations in accordance with KRS Chapter
25 13A, 323.400 to 323.416, and 323.992 that:

26 (1) Establish ***reasonable and necessary*** criteria of education, experience, and testing
27 for those persons seeking certification as a certified interior designer ~~that are~~

1 ~~reasonable and necessary~~};

2 (2) **Establish a two (2) year certificate to practice as an interior designer for initial**
 3 **and renewal certificates;**

4 (3) Establish an initial certification fee and a renewal fee for the certification of
 5 certified interior designers that may not in aggregate exceed amounts necessary to
 6 generate sufficient funds to effectively carry out and enforce the provisions of KRS
 7 323.400 to 323.416 and 323.992;

8 ~~(4)~~[(3)] Establish a renewal process for certifications that have expired; and

9 ~~(5)~~[(4)] Establish a process regarding the use of a certified interior designer's signature
 10 and certificate number on documents, plans, reports, drawings, or specifications that
 11 do not require the seal of a licensed architect or professional engineer.

12 ➔Section 146. KRS 323.410 is amended to read as follows:

13 (1) The board shall issue a **two (2) year** certificate as a certified interior designer and a
 14 certificate number to any person who:

15 (a) Files an application with the board on a form prescribed by the board;

16 (b) Submits written proof that the person has successfully passed the NCIDQ
 17 examination and therefore has met the education and internship requirements
 18 established by NCIDQ;

19 (c) Meets the standards of education, experience, and testing established by the
 20 board under KRS 323.406(1); and

21 (d) Submits the required certification fee to the board.

22 (2) No person who has violated KRS 323.402 shall file an application with the board
 23 for a period of five (5) years.

24 (3) The board, upon proper application under this section, shall issue a **two (2) year**
 25 certificate as a certified interior designer and a certificate number to a person
 26 credentialed as an interior designer under the laws of any other country or state or
 27 territory of the United States, provided that at the time the license or certificate was

1 issued the applicant met the requirements of subsection (1) of this section.

2 ➔Section 147. KRS 323.416 is amended to read as follows:

3 (1) Every person who wishes to renew a certificate as a certified interior designer shall
4 successfully complete at least twelve (12) hours of continuing education **each year**
5 within the broad range of subjects pertinent to interior design during the **two (2)**
6 **years**~~[twelve (12) month period]~~ immediately preceding the expiration date of the
7 person's certificate and include proof of completion of **the continuing**~~[such]~~
8 education, on forms prescribed by the board, with the person's renewal application
9 and renewal fee.

10 (2) A minimum of eight (8) of the twelve (12) hours of continuing education required
11 **each year** under subsection (1) of this section shall be composed of one (1) or more
12 of the following topics: life safety codes, barrier-free codes, building structural
13 systems, lighting, electrical systems, and heating, ventilation, and air conditioning
14 systems.

15 ➔Section 148. KRS 323A.100 is amended to read as follows:

16 (1) All landscape architects desiring to continue practice shall **biennially**~~[annually]~~,
17 prior to July 1 **of the second year of the license**, renew their licenses upon the
18 payment of a fee and completion of approved continuing education as established
19 by the board through the promulgation of administrative regulations. Each
20 landscape architect shall furnish the information required by the board.

21 (2) Each landscape architect shall give the board written notice of any change of
22 address within thirty (30) days.

23 (3) Licenses expire on July 1 **of the second year of the license**. **After that**
24 **date**~~[Thereafter]~~, individuals whose licenses have expired as a result of nonrenewal
25 may not hold themselves out to be landscape architects or engage in the practice of
26 landscape architecture.

27 (4) The board may restore a license within five (5) years of last expiration, upon receipt

1 of payment of all applicable fees, including a reinstatement fee, and completion of
 2 approved continuing education as established by the board through the
 3 promulgation of administrative regulations.

4 (5) ~~Beginning on January 1, 2015,~~ Any landscape architect who fails to maintain an
 5 active license for five (5) or more consecutive years or who does not hold a valid
 6 license described in KRS 323A.050 may restore his or her license only upon
 7 retaking and passing the current examination required by the board for licensure,
 8 and paying the reinstatement fee.

9 ➔Section 149. KRS 323A.170 is amended to read as follows:

10 **The board shall consist of five (5) members, to be appointed by the Governor.** Four (4)
 11 members of the board ~~appointed by the Governor~~ shall be landscape architects licensed
 12 in the Commonwealth of Kentucky, and shall have been residents of this Commonwealth
 13 for at least five (5) years immediately preceding their appointment. One (1) member shall
 14 be a citizen at large who is not associated with or financially interested in the practice or
 15 business regulated~~. Each member shall serve for a term of three (3) years, and until a~~
 16 ~~successor is appointed and qualified].~~

17 ➔Section 150. KRS 323A.210 is amended to read as follows:

18 (1) The board shall:

19 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board
 20 of Landscape Architects" with the coat of arms of the state in the center;

21 (b) Keep a complete record of its proceedings and an accurate list of all
 22 applications made, licenses issued, inactive and retired licenses, and licenses
 23 disciplined; **and**

24 (c) Make a general report including finances to the Governor **and the Legislative**
 25 **Research Commission** annually~~; and~~

26 ~~(d) Employ legal counsel or contract for legal services it considers necessary].~~

27 (2) The board may:

- 1 (a) Promulgate administrative regulations necessary to maintain a program of
2 continuing education for licensees. Continuing education requirements shall
3 be determined by administrative regulation of the board. No requirement for
4 continuing education shall exceed fifteen (15) hours per year; and
- 5 (b) Adopt all reasonable administrative regulations consistent with this chapter
6 that are necessary to carry into effect the purposes of this chapter.

7 ➔Section 151. KRS 324.090 is amended to read as follows:

- 8 (1) Licenses shall expire ~~annually~~ ***biennially*** and shall be renewed each ***licensure***
9 ***cycle***~~[year]~~ on the date determined by the commission by administrative regulation.
10 The commission shall renew a license for each ensuing ***biennial licensure***
11 ***cycle***~~[year]~~, in the absence of any reason or condition which might warrant the
12 refusal of the granting of the license, upon receipt of the written request of the
13 applicant and payment of the ~~annual~~ fees required. A new license shall be mailed
14 only if the licensee's name, address, status, or affiliation changes.
- 15 (2) A fine not to exceed two hundred dollars (\$200) shall be assessed for failure to
16 renew on time before a new license is issued. Failure to receive a renewal form shall
17 not constitute an adequate excuse for failure to renew on time nor shall failure of
18 the mail.
- 19 (3) Any license not renewed at the end of the renewal year as prescribed by the
20 commission shall automatically revert to expired status. An expired license may be
21 reactivated before a lapse of one (1) year, if delinquent fees are paid by the licensee.

22 ➔Section 152. KRS 324.281 is amended to read as follows:

- 23 (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall
24 appoint five (5) persons, at least four (4) of whom, immediately prior to the date of
25 their appointment have been residents of the state for ten (10) years and whose
26 vocation for a period of at least ten (10) years shall have been that of an active real
27 estate licensee. One (1) member shall be a citizen at large who is not associated

1 with or financially interested in the practice or business regulated~~[- The term of the~~
2 ~~members of the commission shall be for three (3) years and until their successors~~
3 ~~are appointed and qualify, except as provided in subsections (2) and (3) of this~~
4 ~~section. A majority of the commission shall constitute a quorum for the transaction~~
5 ~~of business].~~

6 (2)~~[- All appointments shall be for the specified three (3) year term. No person appointed~~
7 ~~after July 14, 2000, shall serve more than two (2) consecutive terms.~~

8 (3)~~]~~ **Subject to Section 16 of this Act,** for each appointment or vacancy, the Kentucky
9 Association of Realtors shall, within **thirty (30)**~~[sixty (60)]~~ days **of an expiration**
10 **vacancy or forty-five (45) days after any other vacancy,** supply a list of not less
11 than three (3) names of licensees to the Governor each year from which the broker
12 or sales associate appointments shall be made. The Governor may reject the list of
13 three (3) names and request that the Kentucky Association of Realtors submit a new
14 list of three (3) names within **fifteen (15)**~~[sixty (60)]~~ days of the Governor's request.
15 If the Kentucky Association of Realtors fails to timely submit this list to the
16 Governor, the Governor may immediately appoint a qualified person to fill this
17 vacancy~~[- The Governor may otherwise fill vacancies arising in the middle of the~~
18 ~~year from those remaining on the list or from a new list supplied by the association].~~

19 (3)~~[(4)]~~ There shall not be more than three (3) members of any one (1) political party
20 serving on the commission at the same time. No member of the commission shall
21 reside in the same county as another member. Appointees to fill vacancies shall be
22 appointed for the unexpired term.

23 (4)~~[(5)]~~ It shall be the duty of the commission to:

- 24 (a) Promulgate administrative regulations, with the approval of the executive
25 director of the Kentucky Real Estate Authority;
- 26 (b) Hold disciplinary hearings concerning matters in controversy as provided by
27 this chapter;

- 1 (c) Conduct examinations for applicants eligible under this chapter or
2 alternatively to contract with an entity to conduct examinations;
- 3 (d) Conduct necessary educational seminars and courses directed toward
4 continuing education within the real estate field;
- 5 (e) Investigate or cause to be investigated any irregularities in violation of this
6 chapter or the promulgated and authorized administrative regulations of the
7 commission; and
- 8 (f) Participate with any other agency of the Commonwealth or the authorized
9 agency of another state for the betterment or improvement of the
10 administration of the statutes or administrative regulations governing this
11 commission.

12 Any action taken by the commission under this subsection shall be appealable as are
13 other actions of the commission under this chapter.

14 ~~(5)(6)~~ The commission, at its discretion, may use the funds necessary to purchase
15 liability insurance for inspectors or members and executive officers of the
16 commission ~~[, inspectors, and for members of the staff exempted from classified
17 service of the state by KRS 18A.115].~~

18 ~~(6)(7)~~ The commission shall require all actively-licensed agents, except for those
19 agents who were licensed prior to June 19, 1976, to successfully complete
20 mandatory continuing education as a condition of license renewal.

21 ~~(7)(8)~~ The commission shall, by the promulgation of administrative regulations,
22 develop a review process by which continuing education courses may be approved
23 for credit. An applicant may seek the commission's approval for credit for courses
24 not previously approved by the commission by submitting sufficient information
25 describing the course to the commission for review.

26 ~~(8)(9)~~ ~~[The Governor shall set the compensation of the members of the commission,
27 but voting members of the commission shall be compensated no less than three~~

1 ~~hundred dollars (\$300) per day for official business, subject to an annual maximum~~
2 ~~of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid~~
3 ~~and incurred in the discharge of official business consistent with the reimbursement~~
4 ~~policy for state employees.]~~With the approval of the executive director of the
5 Kentucky Real Estate Authority within the Department of Professional Licensing,
6 commission members and commission staff may attend and travel to and from
7 meetings and events relevant to the commission or to the industry the commission
8 represents.

9 ➔Section 153. KRS 324.282 is amended to read as follows:

10 ~~[The commission, immediately upon qualification of the member appointed in each year,~~
11 ~~shall organize by selecting from its members a chairperson.]~~The commission shall
12 promulgate administrative regulations in accordance with KRS Chapter 13A and this
13 chapter to effectively carry out and enforce~~[the provisions of]~~ this chapter, but the
14 commission shall not promulgate any administrative regulation which in any way fixes
15 prices, establishes fees, or sets the rate at which licensees are compensated.

16 ➔Section 154. KRS 324.286 is amended to read as follows:

17 Except for the fees and charges paid by the licensees to the commission and deposited in
18 the real estate education, research, and recovery fund, all fees and charges collected by the
19 commission under~~[the provisions of]~~ this chapter shall be paid into the general fund in
20 the State Treasury. All expenses incurred by the commission under~~[the provisions of]~~
21 this chapter, including compensations to members~~[, secretaries, clerks, and assistants],~~
22 except those expenses designated for payment out of the real estate education, research,
23 and recovery fund, shall be paid out of the general fund in the State Treasury upon
24 warrants of the secretary for finance and administration as warrants generally are required
25 to be drawn by the statutes governing such respective offices from time to time, when
26 vouchers therefor are exhibited and approved by the commission; provided, that the total
27 expense for every purpose incurred shall not exceed the total fees, charges, fines, and

1 penalties imposed under ~~the provisions of~~ this chapter and paid into the State Treasury.
2 All expenses incurred by the commission and designated for payment out of the real
3 estate education, research, and recovery fund, including payments to aggrieved parties
4 and the expenses of carrying on the educational and research requirements of KRS
5 324.410, shall be paid out of the real estate education, research, and recovery fund in the
6 same manner as required in this section for payments out of the general fund; provided,
7 that the total expenses and payments for every purpose incurred and designated for
8 payment out of the real estate education, research, and recovery fund shall not exceed the
9 total fees, charges, and interest received by the commission and paid into the real estate
10 education, research, and recovery fund of the State Treasury.

11 ➔Section 155. KRS 324.287 is amended to read as follows:

12 The commission shall set, charge, and collect the following fees:

- 13 (1) Examination fee, not to exceed one hundred dollars (\$100).
14 (2) Broker's and sales associate's original license fee, not to exceed thirty dollars (\$30)
15 per year.
16 (3) Broker's and sales associate's renewal fee, not to exceed thirty dollars (\$30) per
17 year.
18 (4) Transfer from one (1) principal broker to another, not to exceed ten dollars (\$10).
19 (5) Certification of status with the commission, ten dollars (\$10).
20 (6) Request for any change, not to exceed ten dollars (\$10).
21 (7) Recovery fund, not to exceed thirty dollars (\$30) per year.
22 (8) Broker's and associate's applicant license criminal record check fee, not to exceed
23 the actual cost of the criminal record check ~~[thirty dollars (\$30)]~~.

24 ➔Section 156. KRS 324.400 is amended to read as follows:

- 25 (1) There is hereby created and established in the State Treasury the real estate
26 education, research, and recovery fund.
27 (2) In addition to the license fees provided for in KRS 324.287, upon renewal of every

1 broker's and sales associate's license, as well as any and all other types of licenses, if
 2 any, issued by the commission, as of June 30, 1972, and every regular ~~annual~~
 3 renewal date thereafter, the commission shall charge each of the aforesaid licensees
 4 an amount not to exceed thirty dollars (\$30) per year to be included in the real estate
 5 education, research, and recovery fund. Each ~~and every~~ original applicant for a
 6 license after July 1, 1972, shall likewise submit to the commission an additional fee
 7 of thirty dollars (\$30) per year to be deposited in the real estate education, research,
 8 and recovery fund and shall also be subjected thereafter to a~~an annual~~ renewal fee
 9 as of the regular renewal period.

- 10 (3) In addition to the license fees provided for in KRS 324.287, the commission, based
 11 upon its own discretion as to need, may assess each licensee upon renewal an
 12 amount less than thirty dollars (\$30) per year~~, or nothing, but not more~~. Each
 13 original applicant shall~~must~~ pay the original amount of thirty dollars (\$30) per
 14 year, but on renewal will be subjected to the same renewal amount as other
 15 licensees.

16 ➔Section 157. KRS 324A.015 is amended to read as follows:

- 17 (1) There is created a Real Estate Appraisers Board consisting of five (5) members, two
 18 (2) of whom shall be certified real estate appraisers, one (1) of whom shall represent
 19 the public and shall not be associated with or financially interested in the practice of
 20 real estate appraisals, and two (2) of whom shall be employed in the lending
 21 industry. The board shall administer ~~the provisions of~~ this chapter and may
 22 promulgate administrative regulations necessary to effectuate the provisions of KRS
 23 324A.010 to 324A.090.

- 24 ~~(2) (a) The board members shall be appointed by the Governor. Not more than one~~
 25 ~~(1) board member shall be from any one (1) county within Kentucky.~~
 26 ~~Members shall be appointed by the Governor for staggered terms of three (3)~~
 27 ~~years. No person shall serve more than two (2) full consecutive terms.~~

1 ~~(b) Any member appointed to fill a vacancy occurring other than by expiration of~~
2 ~~a term shall be appointed for the remainder of the unexpired term.~~

3 ~~(c)}~~ No more than three (3) members of the same political party shall serve on the
4 board at the same time.

5 (3) The appraiser appointees to the board shall be certified and shall have engaged in
6 the appraisal of real estate in Kentucky on a continuing basis for at least ten (10)
7 years.

8 ~~(4) A board member shall be automatically removed from the board and a vacancy shall~~
9 ~~occur when:~~

10 ~~(a) An appraiser member of the board ceases to be certified;~~

11 ~~(b) A consumer member of the board acquires a certification as an appraiser;~~

12 ~~(c) A lending industry member ceases to be employed in the lending industry;~~

13 ~~(d) A board member enters a plea of guilty to, or has been found guilty of, a~~
14 ~~felony and the time for appeal has passed or the judgment of conviction has~~
15 ~~been finally affirmed on appeal;~~

16 ~~(e) A board member ceases to be a bona fide resident of the Commonwealth of~~
17 ~~Kentucky;~~

18 ~~(f) A board member displays incompetence, neglect of duty, or unprofessional~~
19 ~~conduct;~~

20 ~~(g) A board member fails to adhere to a duly adopted code of ethics of the board.~~
21 ~~Failure to adhere to this code shall be determined by official action of the~~
22 ~~board; or~~

23 ~~(h) A board member misses three (3) consecutive meetings or misses more than~~
24 ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~
25 ~~month period.~~

26 ~~(5)}~~ The board shall adopt a seal with the design it prescribes, by which it shall
27 authenticate its proceedings. Copies of all records and papers in the office of the

1 board, duly certified and authenticated by the seal of the board, shall be received in
 2 evidence in all courts equally and with like effect as the original. All records kept in
 3 the office of the board under the authority of this chapter shall be open to public
 4 inspection in accordance with KRS 61.820 to 61.884 and consistent with
 5 regulations prescribed by the board.

6 **(5) The board shall meet at least once each calendar quarter.**

7 ~~[(6) The Governor shall set the compensation of the members of the board, but voting
 8 members of the board shall be compensated no more than three hundred dollars
 9 (\$300) per day for official business, subject to an annual maximum of six thousand
 10 dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in
 11 the discharge of official business consistent with the reimbursement policy for state
 12 employees. With the approval of the executive director of the Kentucky Real Estate
 13 Authority within the Department of Professional Licensing, board members and
 14 board staff may attend and travel to and from meetings and events relevant to the
 15 board or the industry the board represents.]~~

16 ➔Section 158. KRS 324A.045 is amended to read as follows:

- 17 (1) The board shall issue to each qualified applicant a certificate or license in a form
 18 and size~~[as shall be]~~ prescribed by the board.
- 19 (2) Every certificate and license shall be subject to ***biennial***~~[annual]~~ renewal on the
 20 date or dates determined by the board by administrative regulation. Each certificate
 21 and license holder shall submit proof of compliance with the continuing education
 22 requirements when appropriate and the~~[annual]~~ renewal fee to the board on or
 23 before the last day of the designated month. Failure to receive a renewal form shall
 24 not constitute an adequate excuse for failure to renew on time.
- 25 (3) If the certificate or license holder fails to renew in a timely manner, the certificate or
 26 license shall expire. Within six (6) months after the renewal date, the former
 27 certificate or license holder shall be reinstated by complying with all appropriate

1 renewal requirements and paying a late fee not to exceed two hundred dollars
2 (\$200).

3 (4) If six (6) months or more elapse after the renewal date, the former certificate or
4 license holder shall be required to meet all current requirements as if applying for
5 initial certification or licensure.

6 ➔Section 159. KRS 324A.060 is amended to read as follows:

7 ~~[(1) The board may obtain office space, utilities, furniture, supplies, and other goods and
8 services that are reasonably necessary for carrying out the provisions of KRS
9 324A.010 to 324A.090.~~

10 ~~(2)~~—]The administrative coordinator of the board shall be a certified general or certified
11 residential real property appraiser and shall possess not less than ten (10) years of
12 experience as an appraiser within the Commonwealth of Kentucky.

13 ➔Section 160. KRS 324A.065 is amended to read as follows:

14 (1) The board shall establish by administrative regulation and collect the following fees
15 for certification or licensure as an appraiser for:

16 (a) Federally related transactions:

17 1. Initial application fee in an amount not to exceed two hundred twelve
18 dollars (\$212), which shall include a fee for the current edition of the
19 Uniform Standards of Professional Practice;

20 2. Examination fee in an amount not to exceed two hundred dollars (\$200);

21 3. a. A biennial~~[An annual]~~ certificate or licensure fee in an amount not
22 to exceed two hundred twelve dollars (\$212) per year, which shall
23 include a fee for the current edition of the Uniform Standards of
24 Professional Appraisal Practice;

25 b. Duplicate certificate fee in an amount not to exceed ten dollars
26 (\$10); and

27 c. Certificate correction fee in an amount not to exceed ten dollars

1 (\$10); and

2 4. Roster fee not to exceed fifty dollars (\$50); and

3 (b) Nonfederally related transactions:

4 1. Initial application fee in an amount not to exceed one hundred dollars
5 (\$100);

6 2. Examination fee in an amount not to exceed one hundred dollars (\$100);

7 3. a. A biennial~~[An annual]~~ certificate or licensure renewal fee in an
8 amount not to exceed one hundred dollars (\$100) per year;

9 b. Duplicate certificate fee in an amount not to exceed five dollars
10 (\$5); and

11 c. Certificate correction fee in an amount not to exceed five dollars
12 (\$5); and

13 4. Roster fee not to exceed twenty-five dollars (\$25).

14 (2) (a) All fees and charges collected by the board under~~[the provisions of]~~ this
15 chapter shall be paid into the Real Estate Appraisers Board's trust and agency
16 account in the State Treasury.

17 (b) All expenses incurred by the board under~~[the provisions of]~~ this chapter,
18 including compensation to the board members~~[and staff]~~, shall be paid out of
19 this account, subject to approval of the board.

20 (c) ~~[The provisions of]~~ This subsection shall not apply to the fee charged pursuant
21 to KRS 324A.155, which is required to be included in the appraisal
22 management company recovery fund and which shall be paid into that fund.

23 ➔Section 161. KRS 324A.152 is amended to read as follows:

24 (1) A person shall not act or offer to act as an appraisal management company or
25 perform appraisal management services within the Commonwealth unless registered
26 by the board.

27 (2) To be registered by the board, a person shall make written application to the board,

1 submit to a criminal background check as provided in subsection (3) of this section,
2 pay a filing fee established by the board, and pay the fee required to be included in
3 the appraisal management company recovery fund created in KRS 324A.155. The
4 written application shall include the following information:

5 (a) The name, street address, and telephone contact information of the person
6 seeking registration;

7 (b) 1. If the registrant is a domestic organization, the designation of an agent
8 for service of process; or

9 2. If the registrant is a foreign organization, documentation that the foreign
10 organization is authorized to transact business in the Commonwealth
11 and has appointed an agent for service of process by submitting a copy
12 of:

13 a. The registrant's filing with the Secretary of State appointing an
14 agent for service of process; and

15 b. A certificate of authority issued by the Secretary of State.

16 A foreign organization's failure to comply with this paragraph may
17 result in rejection of the application;

18 (c) The name, residential street address, and contact information of any person
19 who owns ten percent (10%) or more of the appraisal management company
20 for which registration is being requested;

21 (d) The name, residential street address, and contact information of a controlling
22 person or managing principal;

23 (e) A certification that the registrant:

24 1. Has a system and process in place to verify that any person being added
25 to the appraiser panel of the appraisal management company, or who
26 may be used by the appraisal management company to otherwise
27 perform appraisals, holds a license in good standing in this state under

- 1 this chapter;
- 2 2. Has a system and process in place to review the work of all appraisers
- 3 that are performing appraisal services for the appraisal management
- 4 company on a periodic basis to ensure that the appraisal services are
- 5 being conducted in accordance with the minimum USPAP standards;
- 6 and
- 7 3. Maintains a detailed record of each request for appraisal services that it
- 8 receives and the appraiser that performs the appraisal services for the
- 9 appraisal management company;
- 10 (f) A certification from the registrant and any partner, member, manager, officer,
- 11 director, managing principal, controlling person, or person occupying a similar
- 12 status or performing similar functions, or person directly or indirectly
- 13 controlling the registrant that:
- 14 1. The application for registration when filed or after filing contains no
- 15 statement that, in light of the circumstances under which it was made, is
- 16 false or misleading with respect to a material fact;
- 17 2. The person certifying has not violated or failed to comply with KRS
- 18 324A.154, 324A.156, or 324A.158;
- 19 3. The person certifying and each person who owns ten percent (10%) or
- 20 more of the registrant has not pled guilty or nolo contendere to or been
- 21 found guilty of:
- 22 a. A felony; or
- 23 b. Within the past ten (10) years, a misdemeanor involving mortgage
- 24 lending or real estate appraising, or an offense involving breach of
- 25 trust or fraudulent or dishonest dealing;
- 26 4. The person certifying is not permanently or temporarily enjoined by a
- 27 court of competent jurisdiction from engaging in or continuing any

- 1 conduct or practice involving appraisal management services or
2 operating an appraisal management company;
- 3 5. The person certifying is not the subject of an order of the board or any
4 other state's appraisal management company regulatory agency denying,
5 suspending, or revoking the person's privilege to operate as an appraisal
6 management company; and
- 7 6. The person certifying has not acted as an appraisal management
8 company while not properly registered by the board; and
- 9 (g) Any other information required by the board.
- 10 (3) The board shall require a national and state criminal background check on the
11 person certifying under subsection (2)(f) of this section and each person who owns
12 ten percent (10%) or more of the registrant under the following requirements:
- 13 (a) The person certifying and each person who owns ten percent (10%) or more of
14 the registrant shall provide his or her fingerprints to the Department of
15 Kentucky State Police for submission to the Federal Bureau of Investigation
16 after a state criminal background check is conducted;
- 17 (b) The results of the national and state criminal background check shall be sent
18 to the board; and
- 19 (c) Any fee charged by the Department of Kentucky State Police and the Federal
20 Bureau of Investigation shall be an amount no greater than the actual cost of
21 processing the request and conducting the check.
- 22 (4) The board shall issue a certificate of registration to a registrant authorizing the
23 registrant to act or offer to act as an appraisal management company in this state
24 upon:
- 25 (a) Receipt of a properly completed application;
- 26 (b) Payment of the required filing fee;
- 27 (c) Payment of the fee required to be included in the appraisal management

- 1 company recovery fund; and
- 2 (d) A determination by the board that:
- 3 1. The registrant has not had a previous registration suspended or revoked;
- 4 and
- 5 2. The activities of the applicant shall be directed and conducted by
- 6 persons who:
- 7 a. Have not had a previous registration suspended or revoked;
- 8 b. Have not pled guilty or nolo contendere to or been found guilty of
- 9 a felony; or
- 10 c. Within the past ten (10) years have not pled guilty, pled nolo
- 11 contendere to, or been found guilty of a misdemeanor involving
- 12 mortgage lending or real estate appraising or an offense involving
- 13 a breach of trust or fraudulent or dishonest dealing.
- 14 (5) (a) If the board finds that there is substantial reason to deny the application for
- 15 registration, the board shall notify the registrant that the application has been
- 16 denied and shall afford the registrant an opportunity for a hearing before the
- 17 board to show cause why the registration should not be denied.
- 18 (b) All proceedings concerning the denial of a certificate of registration shall be
- 19 conducted in accordance with KRS Chapter 13B.
- 20 (c) The acceptance by the board of an application for registration does not
- 21 constitute the approval of its contents or waive the authority of the board to
- 22 take disciplinary action under KRS 324A.162.
- 23 (6) (a) Registrations issued under this section shall be renewed **biennially**~~[annually]~~.
- 24 (b) Renewal shall occur on October 31 of each **renewal** year.
- 25 (c) If the initial registration occurs less than six (6) months before October 31 **of a**
- 26 **renewal year**, the renewal shall not be required until October 31 of the **next**
- 27 **renewal**~~[following]~~ year, and shall then be renewed on October 31 of each

1 renewal year thereafter.

2 (7) (a) Failure to renew a registration in a timely manner shall result in a loss of
3 authority to operate.

4 (b) A request to reinstate a certificate of registration shall be accompanied by
5 payment of a penalty of fifty dollars (\$50) for each month of delinquency, up
6 to six (6) months after expiration.

7 (c) After six (6) months' delinquency, a new application for registration shall be
8 required.

9 (8) The board shall promulgate administrative regulations to establish standards for the
10 operation of appraisal management companies and for the implementation and
11 enforcement of KRS 324A.150 to 324A.164.

12 ➔Section 162. KRS 324A.155 is amended to read as follows:

13 (1) There is hereby created and established in the State Treasury the appraisal
14 management company recovery fund. The fund shall be administered by the board
15 for the purposes set forth in KRS 324A.163.

16 (2) In addition to the license fees provided for in KRS 324A.154, upon issuance of
17 every appraisal management company's registration, and every regular~~[-annual]~~
18 renewal date thereafter, the board shall charge each registrant an amount not to
19 exceed eight hundred dollars (\$800) per year to be deposited in the appraisal
20 management company recovery fund.

21 (3) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
22 fiscal year shall not lapse, but shall be carried forward into the succeeding fiscal
23 year. Any interest earnings of the fund shall become a part of the fund and shall not
24 lapse.

25 ➔Section 163. KRS 324A.160 is amended to read as follows:

26 (1) The administrative coordinator~~[executive director]~~ of the board shall keep a
27 register of all applicants for registration which shall include:

- 1 (a) The date of the application;
- 2 (b) The applicant's name;
- 3 (c) The applicant's business address; and
- 4 (d) The current status of the registration.
- 5 (2) The register shall be prima facie evidence of all matters contained in the register.
- 6 (3) The register shall be kept on file in the office of the board and shall be open for
- 7 public inspection in accordance with KRS 61.870 to 61.884.
- 8 ➔Section 164. KRS 325.230 is amended to read as follows:
- 9 (1) There is hereby created *within the Public Protection Cabinet, Department of*
- 10 *Financial Institutions*, a State Board of Accountancy. The board shall consist of
- 11 seven (7) members, appointed by the Governor. Six (6) of the members shall be
- 12 certified public accountants. One (1) of the members shall be a citizen at large who
- 13 is not a certified public accountant. Members serving on the board as of July 15,
- 14 1994, shall retain their appointments until their terms expire. Whenever an
- 15 appointment is to be made, the Kentucky Society of Certified Public Accountants
- 16 shall submit to the Governor the names of three (3) persons for each vacancy to be
- 17 filled. All persons recommended shall be qualified for membership on the board,
- 18 and the Governor shall appoint one (1) of the three (3) recommended. Members of
- 19 the board shall be citizens of the United States and residents of this state and the
- 20 certified public accountant members shall hold licenses to practice issued under the
- 21 provisions of this chapter. Of the new members appointed to the board, as provided
- 22 by this section, one (1) member shall be appointed for a term of one (1) year and
- 23 one (1) member shall be appointed for a term of four (4) years from June 19, 1976.
- 24 Succeeding appointments to the board shall be for a term of *three (3)*~~four (4)~~
- 25 years. Vacancies occurring during a term shall be filled by appointment for the
- 26 unexpired term. Upon the expiration of his term of office, a member shall continue
- 27 to serve until his successor shall have been appointed and shall have qualified. The

1 Governor shall remove from the board any member whose license to practice is not
2 renewed or which has become void, revoked, or suspended, and may, after hearing,
3 remove any member of the board for neglect of duty or other just cause.

4 (2) Each member of the board shall be paid the amount established by an administrative
5 regulation promulgated by the board, not to exceed two hundred dollars (\$200) for
6 each day spent in the discharge of his official duties, and shall be reimbursed for his
7 actual and necessary expenses therein incurred.

8 ➔Section 165. KRS 325.240 is amended to read as follows:

9 (1) ~~(a) [The board shall elect annually a president and such other officers as it deems~~
10 ~~necessary.~~

11 ~~(2)~~ The board may promulgate, and amend from time to time, administrative
12 regulations, in accordance with the provisions of KRS Chapter 13A, for the orderly
13 conduct of its affairs, for the administration of this chapter, and to establish and
14 maintain a high standard of integrity and dignity in the profession of public
15 accounting.

16 **(b) Pursuant to KRS 13A.120(3), the board shall submit an administrative**
17 **regulation to the commissioner of the Department of Financial Institutions**
18 **prior to the board filing the administrative regulation. The commissioner**
19 **shall review the proposed administrative regulation to determine whether it**
20 **complies with clearly articulated state policy as provided by the General**
21 **Assembly and is narrowly tailored to avoid unnecessary barriers to market**
22 **entry. The secretary of the Public Protection Cabinet may act in the absence**
23 **of the commissioner. A proposed administrative regulation that does not**
24 **comply with clearly articulated state policy as provided by the General**
25 **Assembly or is not narrowly tailored to avoid unnecessary barriers to**
26 **market entry, both as determined by the commissioner, shall not be filed.**

27 **(c) When a board completes the regulatory impact analysis required by KRS**

- 1 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall
 2 include a brief narrative summary of:
- 3 1. How the administrative regulation complies with clearly articulated
 4 state policy as provided by the General Assembly;
 - 5 2. Why the administrative regulation is necessary to protect the public
 6 health, safety, and welfare; and
 - 7 3. How the administrative regulation is narrowly tailored to avoid
 8 unnecessary barriers to market entry.

9 ~~[(3) A majority of the board shall constitute a quorum for the transaction of business.]~~

10 (2)~~[(4)]~~ The board shall have a seal which shall be judicially noticed. The board shall
 11 keep records of its proceedings, and in any proceeding in court, civil or criminal,
 12 arising out of or founded upon any provision of this chapter, copies of said records
 13 certified as correct under the seal of the board shall be admissible in evidence as
 14 tending to prove the content of said records.

15 (3)~~[(5)]~~ The board may ~~employ an executive director and such other personnel as it~~
 16 deems necessary in its administration and enforcement of this chapter. It may~~]~~
 17 appoint such committees or persons, to advise or assist it in the administration and
 18 enforcement, as it may see fit~~. It may retain its own counsel to advise and assist it,~~
 19 in addition to such advice and assistance as is provided by the Attorney General of
 20 this state~~].~~

21 (4)~~[(6)]~~ The board may join or participate in professional organizations and
 22 associations that promote improvement of the practice of accounting for the
 23 protection of the public or to facilitate the activities of the board.

24 (5)~~[(7)]~~ The board may expend funds from its account created by KRS 325.250 to
 25 assist with accounting educational programs proposed or offered in the primary and
 26 secondary schools in this state. The amount of the expenditure shall not interfere
 27 with the performance of the board's other responsibilities.

1 ~~(6)~~~~(8)~~ The board may purchase professional liability insurance for its members, staff,
2 and investigators. The purchase of or failure to purchase insurance shall not be
3 deemed a waiver of any immunity already conferred on the board, its members,
4 staff, and investigators.

5 ➔Section 166. KRS 325.360 is amended to read as follows:

6 (1) The board may conduct investigations of suspected violations of this chapter or the
7 administrative regulations promulgated by the board to determine whether there is
8 probable cause to institute proceedings against any person or firm for any violation
9 under this chapter, but an investigation under this section shall not be a prerequisite
10 to proceedings. In aid of these investigations, the board or its designee may issue
11 subpoenas to compel witnesses to testify and to produce evidence. Subpoenas may
12 be served in person or by certified mail, return receipt requested.

13 (2) The board may designate a ~~member, or any other~~ person of appropriate
14 competence~~]~~ to serve as investigating officer to conduct an investigation. Upon
15 completion of an investigation, the investigating officer shall report to the
16 disciplinary review committee~~board~~. The disciplinary review committee~~board~~
17 shall then find probable cause or lack of probable cause, or it shall request that the
18 investigating officer investigate further. Until there has been a determination of
19 probable cause, the findings of the investigating officer, the testimony and
20 documents gathered in the investigation, and the fact of pendency of the
21 investigation shall be treated as confidential information and shall not be disclosed
22 to any person except law enforcement authorities and, to the extent deemed
23 necessary in order to conduct the investigation, the subject of the investigation,
24 persons whose complaints are being investigated, and witnesses questioned in the
25 course of the investigation.

26 (3) Upon a finding of probable cause, the disciplinary review committee~~board~~ shall
27 direct that a complaint be issued pursuant to this section setting forth appropriate

1 charges ~~and a date for a hearing that shall be conducted in accordance with KRS~~
 2 ~~Chapter 13B~~. Upon a finding of a lack of probable cause, the **disciplinary review**
 3 **committee**~~board~~ shall dismiss the matter either with or without prejudice.

4 (4) In any case where probable cause has been determined pursuant to this section, the
 5 **disciplinary review committee**~~board~~ may request the affected party to informally
 6 resolve the matter through mediation or otherwise.

7 (5) A person or firm, after having been served with the notice of hearing and complaint
 8 as provided for in subsection (3) of this section, shall file a written response within
 9 twenty (20) days from the date of service. If the respondent licensee fails to file a
 10 timely response or fails to appear at the hearing, the board may hear evidence
 11 against the respondent and may enter a final order as shall be justified by the
 12 evidence.

13 (6) In a hearing under this section, the respondent may appear in person or, in the case
 14 of a firm, through a partner, shareholder, or other person with an ownership interest.

15 (7) The evidence supporting the complaint shall be presented by the investigating
 16 officer~~, by a board member designated for that purpose,~~ or by counsel~~. A board~~
 17 ~~member who presents the evidence, or who has conducted the investigation of the~~
 18 ~~matter under this section, shall not participate in the board's decision of the matter.~~

19 ~~(8) In a hearing under this section before the board or in acting upon the recommended~~
 20 ~~order of a hearing officer, a vote of a majority of all members of the board then in~~
 21 ~~office, other than a member disqualified by reason of subsection (7) of this section,~~
 22 ~~shall be required to sustain any charge and to impose any penalty with respect~~
 23 ~~thereto.~~

24 ~~(9)~~ Any person adversely affected by any order of the board may obtain a review
 25 thereof by filing a written petition for review with the Franklin Circuit Court in
 26 accordance with KRS Chapter 13B.

27 ~~(9)~~~~(10)~~ On rendering a final order, the board shall examine its records to determine

1 whether the respondent is authorized or licensed to practice as a certified public
2 accountant in any other state. If the board determines that the respondent is
3 authorized or licensed to practice in any other state, the board shall notify the board
4 of accountancy of the other state of its action by mail within thirty (30) days of
5 rendering the final order.

6 ~~(10)~~~~(11)~~ The board may exchange information relating to proceedings resulting in
7 disciplinary action against licensees with the boards of accountancy of other states
8 and with other public authorities or private organizations having an interest in the
9 information.

10 ➔Section 167. KRS 326.020 is amended to read as follows:

11 (1) There is hereby created a board of ophthalmic dispensers to be known as the
12 "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to
13 be appointed by the Governor, one (1) member of which shall be a licensed medical
14 physician or osteopath experienced in the treatment and examination of eyes and
15 one (1) member of which shall be a licensed optometrist. Two (2) members shall be
16 licensed ophthalmic dispensers. One (1) member shall be a citizen at large who is
17 not associated with or financially interested in the practice or business regulated.
18 They shall not pass upon their own qualifications.~~[The board shall elect one (1) of~~
19 ~~its members chairman and one (1) member secretary treasurer. These officers shall~~
20 ~~serve at the pleasure of the board.]~~

21 ~~(2)[Members shall serve for a period of four (4) years from the date of their~~
22 ~~appointment and qualification. At the expiration of the term of office of any~~
23 ~~member, the Governor shall appoint a successor for a term of four (4) years.]~~

24 ~~(3)~~ (a) The board may promulgate administrative regulations to carry out the
25 purposes and provisions of this chapter, including the licensing of apprentice
26 ophthalmic dispensers and the adoption of a program for continuing education
27 for all licensees.

1 (b) No licensee shall be permitted to renew his or her license, unless the
2 minimum annual continuing education requirements have been completed. No
3 program for continuing education shall contain, as a prerequisite for license
4 renewal, a requirement for more than a total of six (6) credit hours per year for
5 ophthalmic dispenser licensees, or four (4) credit hours per year for apprentice
6 ophthalmic dispenser licensees.

7 ~~[(4) Board members shall receive fifty dollars (\$50) per day for attending board~~
8 ~~meetings. Board members shall also be reimbursed for reasonable and necessary~~
9 ~~expenses incurred in the performance of their duties.]~~

10 ~~(3)~~~~[(5)]~~ The board may:

11 (a) Revoke, suspend, or refuse to issue or renew licenses; impose probationary or
12 supervisory conditions upon licensee; or issue written reprimands to licensees,
13 in accordance with KRS 326.090;

14 (b) Impose administrative fines in accordance with KRS 326.100; or

15 (c) Take any other action or combination of actions regarding licenses, licensees,
16 or apprenticeships authorized by this chapter.

17 ~~(4)~~~~[(6)]~~ For the purpose of enforcing~~[the provisions of]~~ this chapter, the board may
18 administer oaths, receive evidence, interview persons, issue subpoenas, and require
19 the production of books, papers, documents, or other evidence.

20 ~~(5)~~~~[(7)]~~ The board may seek injunctive relief in Franklin Circuit Court to enjoin
21 violation of KRS 326.030.

22 ➔Section 168. KRS 326.040 is amended to read as follows:

23 A **two (2) year** license as an ophthalmic dispenser shall be issued by the board to any
24 person who pays a fee of fifty dollars (\$50) **per year** and submits evidence under oath
25 satisfactory to the board **that the applicant:**

26 (1) ~~[That he or she]~~Is more than eighteen (18) years of age and of good moral
27 character;

- 1 (2) ~~{That he or she }~~Possesses a high school diploma or a High School Equivalency
2 Diploma;
- 3 (3) ~~{That he or she }~~Has at least two (2) years of satisfactory training and experience in
4 ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician,
5 osteopath, or optometrist, or is a graduate of an accepted school of ophthalmic
6 dispensing; **and**
- 7 (4) ~~{That he or she }~~Has passed a satisfactory examination in ophthalmic dispensing
8 approved by the board.

9 ➔Section 169. KRS 326.080 is amended to read as follows:

- 10 (1) A license to practice ophthalmic dispensing shall be renewed **every two (2)**
11 **years**~~{each year}~~ by the payment of a fee not to exceed seventy-five dollars (\$75)
12 **per year**, unless the license has been suspended or revoked by the board.
- 13 (2) ~~{Effective January 1, 1996, }~~As a prerequisite for license renewal, licensees shall
14 provide adequate proof that they have obtained at least six (6) hours of continuing
15 education credits **per year**, approved by the board, during the previous **two (2)**
16 **years**~~{twelve (12) months}~~.

17 ➔Section 170. KRS 327.030 is amended to read as follows:

18 There is hereby established a Board of Physical Therapy which shall consist of seven (7)
19 members who shall be appointed by the Governor.

- 20 (1) One (1) board member shall be a resident of Kentucky who is not affiliated with or
21 does not have more than five percent (5%) financial interest in any health care
22 profession or business.
- 23 (2) All other board members shall:
- 24 (a) Be residents of Kentucky;
- 25 (b) Have engaged in the practice of physical therapy in Kentucky for the past five
26 (5) years; and
- 27 (c) Not have been disciplined by the board, or have been under any disciplinary

1 action, in the past two (2) years.

2 (3) **Subject to Section 16 of this Act,** all vacancies shall be filled by the Governor from
3 a list of three (3) persons per position submitted by the Kentucky Physical Therapy
4 Association or as provided by KRS 12.070.

5 ~~(4) For appointments to the board after December 31, 2008, the first two (2)~~
6 ~~appointments shall be for a term of two (2) years. The third appointment shall be for~~
7 ~~a term of three (3) years. All other subsequent appointments shall be for a term of~~
8 ~~four (4) years. All members shall serve until their successors are appointed and~~
9 ~~qualify. No member shall serve for more than two (2) consecutive terms.~~

10 ~~(5) The Governor may remove any member of the board for misconduct, incompetence,~~
11 ~~or neglect of duty.~~

12 ~~(6) The board may request the removal of a board member by the Governor.~~

13 ~~(7) The board shall annually elect a chair and chair elect.~~

14 ~~(8) The board shall provide orientation to all new board members regarding the duties~~
15 ~~of the board.~~

16 ~~[(9) There shall be no liability on the part of, and no action for damages against, any~~
17 ~~current or former board member, representative, agent, or employee of the board,~~
18 ~~when the person is functioning within the scope of board duties, acting without~~
19 ~~malice and with the reasonable belief that the actions taken by him or her are~~
20 ~~warranted by law.~~

21 ~~(10) Each board member shall receive, in addition to travel, lodging, and other actual~~
22 ~~and necessary expenses, a per diem not to exceed one hundred twenty dollars (\$120)~~
23 ~~for each day the member is actually engaged in the discharge of official duties~~
24 ~~approved by the board. The board shall, by promulgation of administrative~~
25 ~~regulations, set the amount of the per diem.]~~

26 ➔Section 171. KRS 327.040 is amended to read as follows:

27 (1) ~~[It shall be the duty of]~~The State Board of Physical Therapy **shall**~~[to]~~ receive

1 applications from persons desiring to become physical therapists and ~~shall~~
2 determine whether ~~these~~ applicants meet the qualifications and standards
3 required by this chapter of all physical therapists. The board shall also ~~enforce~~
4 ~~charged with enforcement of the provisions of~~ this chapter.

5 (2) The board is an agency of state government with the power to institute criminal
6 proceedings in the name of the Commonwealth against violators of this chapter, and
7 to institute civil proceedings to enjoin any violation of this chapter. The board shall
8 investigate every alleged violation of this chapter coming to its notice and shall take
9 action as it may deem appropriate. ~~It shall be the duty of~~ The Attorney General,
10 the Commonwealth's attorneys, and the county attorneys ~~shall~~ assist the board in
11 prosecuting all violations of this chapter.

12 (3) The board shall meet at least once each quarter at ~~a~~ place in this state
13 ~~be~~ selected by the board. ~~Four (4) members of the board shall constitute a quorum~~
14 ~~for the transaction of business.~~ All meetings shall be held at the call of the
15 chairman or at a call of a quorum of members upon not less than ten (10) days'
16 written notice, unless notice ~~is~~ waived. The presence of any member at any
17 meeting of the board shall constitute a waiver of notice ~~of the meeting~~ by
18 the member.

19 (4) The board may conduct investigations and schedule and conduct administrative
20 hearings in accordance with KRS Chapter 13B, to ~~enforce~~ this
21 chapter or administrative regulations promulgated pursuant to this chapter. The
22 board ~~may~~ administer oaths, receive evidence, interview
23 persons, issue subpoenas, and require the production of books, papers, documents,
24 or other evidence. In case of disobedience to a subpoena, the board may invoke the
25 aid of the Franklin Circuit Court. Any order or subpoena of the court requiring the
26 attendance or testimony of witnesses or the production of documentary evidence
27 may be enforced and shall be valid anywhere in the Commonwealth.

- 1 (5) The board shall keep a minute book containing a record of all meetings of the
2 board.
- 3 (6) The board shall maintain a register of all persons licensed or certified under this
4 chapter. This register shall show the name of every licensee or certificate holder in
5 this state, the person's~~[his]~~ current business and residence address and telephone
6 numbers, and the date and number of the person's~~[his]~~ license or certificate. A
7 licensee or certificate holder shall notify the board of a change of name, address, or
8 telephone number, within thirty (30) days of the change.
- 9 (7) The board's records shall be updated annually.
- 10 (8) The board shall publish annually and make available, a current directory of all
11 licensed physical therapists and certified physical therapists' assistants.
- 12 (9) The board shall adopt a seal which shall be affixed to every license and certificate
13 granted by it.
- 14 (10) The board may promulgate administrative regulations establishing a measure of
15 continued competency as a condition of license renewal.
- 16 (11) The board may promulgate and enforce reasonable administrative regulations
17 relating to~~[for the effectuation of the purposes of]~~ this chapter pursuant to~~[the~~
18 ~~provisions of]~~ KRS Chapter 13A.
- 19 (12) The board shall promulgate by administrative regulation a code of ethical standards
20 and standards of practice.
- 21 (13) The board may~~[shall have the right to]~~ regulate physical therapists' assistants and
22 may promulgate reasonable administrative regulations regarding certification,
23 limitations of activities, supervision, and educational qualifications for physical
24 therapists' assistants. The board may establish reasonable fees for the certification,
25 renewal, and endorsement of physical therapists' assistants. The fees shall not
26 exceed corresponding fees for physical therapists.
- 27 (14) The board shall promulgate administrative regulations governing the physical and

1 mental examination of physical therapists, physical therapists' assistants, or
2 applicants, who may be impaired by reason of a mental, physical, or other condition
3 that impedes their ability to practice competently. For purposes of enforcing this
4 section, the board ~~may~~~~[shall have the power to]~~ order an immediate temporary
5 suspension in accordance with KRS 13B.125 if there is a reasonable cause to
6 believe that a physical therapist, physical therapist's assistant, or applicant may be
7 impaired by reason of a mental, physical, or other condition that impedes his or her
8 ability to practice competently.

9 ➔Section 172. KRS 327.050 is amended to read as follows:

- 10 (1) Before applying for licensure by the board as a physical therapist, a person shall
11 have successfully completed an accredited program in physical therapy approved by
12 the board. No school shall be approved by the board unless it has been approved for
13 the educational preparation of physical therapists by the recognized national
14 accrediting agency for physical therapy educational programs.
- 15 (2) Any person who possesses the qualifications required by this chapter and who
16 desires to apply for licensure as a physical therapist in Kentucky shall make written
17 application to the board, on forms to be provided by the board. The application shall
18 be accompanied by ~~an~~~~[a nonrefundable]~~ application fee in an amount to be
19 determined by the board, but not to exceed two hundred fifty dollars (\$250).
- 20 (3) If it appears from the application that the applicant possesses the qualifications
21 required by this chapter and has not yet successfully completed the board-approved
22 examination, the applicant shall be allowed to sit for the examination and tested in
23 the subjects the board may determine to be necessary.
- 24 (4) Examinations shall be held within the state at least once a year at the time and place
25 as the board shall determine.
- 26 (5) An applicant who is admitted to the examination or an applicant who has submitted
27 satisfactory evidence that ~~the applicant~~~~[he]~~ has been accepted as a candidate for

1 licensure by examination in a state which offers an examination approved by the
2 board may be granted a temporary permit which shall be valid until ***the***
3 ***applicant's***~~[his]~~ examination is graded and ***that person***~~[he]~~ is notified by the board
4 of his ***or her*** score. The board may summarily withdraw a temporary permit upon
5 determination that the person has made any false statement to the board on the
6 application, or the person fails to pass an examination approved by the board.

7 (6) An applicant who receives a passing score as determined by the board and who
8 meets the other qualifications required by this chapter shall be licensed as a physical
9 therapist.

10 (7) An applicant who fails to receive a passing ***examination*** score~~[on his examination]~~
11 shall not be licensed, but the board may, by administrative regulation, permit
12 applicants to take the examination more than once.

13 (8) All licenses and certificates shall be renewed biennially, upon payment on or before
14 March 31 of each uneven-numbered year of a renewal fee in an amount to be
15 promulgated by the board by administrative regulations.

16 (9) Licenses and certificates which are not renewed by March 31 of each uneven-
17 numbered year shall lapse.

18 (10) This chapter shall not be construed to affect or prevent:

19 (a) A student of physical therapy from engaging in clinical practice under the
20 supervision of a licensed physical therapist, as part of the student's educational
21 program;

22 (b) A physical therapist who is licensed to practice in another state or country
23 from conducting or participating in a clinical residency under the supervision
24 of a physical therapist licensed in Kentucky and for a period of not more than
25 ninety (90) days;

26 (c) A physical therapist who is licensed to practice in another state or country
27 from conducting or participating in the teaching of physical therapy in

1 connection with an educational program and for a period of not more than
2 ninety (90) days;

3 (d) A physical therapist licensed in another state or country from performing
4 therapy on members of the out-of-state sports or entertainment group they
5 accompany to Kentucky; or

6 (e) The practice of chiropractic as defined in KRS 312.015(3).

7 ➔Section 173. KRS 327.080 is amended to read as follows:

8 ~~[(1)]~~All fees received by the board and collected under this chapter or the
9 administrative regulations adopted in accordance with this chapter shall be deposited with
10 the State Treasurer and credited to the revolving fund of the board, a trust and agency
11 fund, to be used by the board in defraying the costs and expenses of the board in the
12 administration of ~~the provisions of~~ this chapter. No part of this fund shall revert to the
13 general fund of the Commonwealth.

14 ~~[(2) The board may employ an executive director and other personnel and may purchase~~
15 ~~such materials and supplies as it may deem necessary for the proper discharge of its~~
16 ~~duties.]~~

17 ➔Section 174. KRS 329A.020 is amended to read as follows:

18 (1) The Kentucky Board of Licensure for Private Investigators is hereby created.

19 (2) The board shall consist of seven (7) members appointed by the Governor.

20 (a) One (1) member shall be an attorney from the Office of the Attorney General
21 to be designated by the Attorney General;

22 (b) One (1) member shall be a municipal police officer of the rank of captain or
23 above;

24 (c) One (1) member shall be a county sheriff;

25 (d) Three (3) members shall each have been private investigators for at least five
26 (5) years prior to the date of their appointment and shall be of recognized
27 business standing; and

- 1 (e) One (1) member shall be a citizen at large who is not associated with or
2 financially interested in the practice of private investigating.
- 3 (3) All members shall be residents of this state and possess good moral character.
- 4 ~~(4) The original members of the board shall be appointed by no later than January 1,~~
5 ~~2003, as follows:~~
- 6 ~~(a) One (1) member to a one (1) year term;~~
7 ~~(b) Two (2) members to a two (2) year term;~~
8 ~~(c) Two (2) members to a three (3) year term; and~~
9 ~~(d) Two (2) members to a four (4) year term.~~
- 10 ~~(5) After the initial appointments to the board, all members shall serve a two (2) year~~
11 ~~term.~~
- 12 ~~(6) Any vacancy occurring on the board shall be filled by the Governor.~~
- 13 ~~(7) No member may serve more than two (2) full consecutive terms.~~
- 14 ~~(8) No member shall continue to serve if the member no longer meets the qualifications~~
15 ~~required under subsections (2) and (3) of this section.~~
- 16 ~~(9) The three (3) board members who are private investigators and the member at large~~
17 ~~shall receive the sum of one hundred dollars (\$100) per day for each day the board~~
18 ~~meets. All members shall receive reimbursement for actual and necessary expenses~~
19 ~~incurred in the performance of their official duties.~~
- 20 ~~(10) The board shall annually elect a chairman, a vice chairman, and a secretary-treasurer~~
21 ~~from the membership of the board.~~
- 22 ~~(11) The board shall hold at least two (2) meetings annually and additional meetings as~~
23 ~~the board may deem necessary. Additional meetings may be held upon call of the~~
24 ~~chairman or upon written request of a quorum. Four (4) members of the board shall~~
25 ~~constitute a quorum to conduct business.~~
- 26 ~~(12) Upon recommendation of the board, the Governor may remove any member of the~~
27 ~~board for neglect of duty or malfeasance in office.~~

1 ~~(13)~~ The board may purchase professional liability insurance for the board members and
2 agents and staff of the board.

3 ➔Section 175. KRS 329A.025 is amended to read as follows:

4 (1) The board shall administer and enforce~~[the provisions of]~~ KRS 329A.010 to
5 329A.090 and shall evaluate the qualifications of applicants for licensure and issue
6 licenses.

7 (2) The board shall:

8 (a) Implement~~[the provisions of]~~ KRS 329A.010 to 329A.090 through the
9 promulgation of administrative regulations in accordance with~~[the provisions~~
10 ~~of]~~ KRS Chapter 13A;

11 (b) Promulgate administrative regulations to establish fees which shall not exceed
12 the amounts necessary to generate sufficient funds to effectively carry out and
13 enforce~~[the provisions of]~~ KRS 329A.010 to 329A.090;

14 (c) Promulgate by administrative regulation an examination to be administered at
15 least twice annually to license applicants. The examination shall be designed
16 to measure knowledge and competence in private investigating, including but
17 not limited to the following subject areas:

- 18 1. Federal and state constitutional principles;
- 19 2. Court decisions related to activities which could result in liability for the
20 invasion of privacy or other activities;
- 21 3. Eavesdropping and related offenses, assault and related offenses, search
22 and seizure laws, and laws regarding unlawful access to a computer;
- 23 4. General weapons use and concealed weapons laws;
- 24 5. Additional state criminal laws and related procedures that are relevant to
25 the practice of private investigating; and
- 26 6. Additional subject areas as determined by the board; and

27 (d) Promulgate by administrative regulation a code of professional practice and

1 conduct that shall be based upon generally recognized principles of
2 professional ethical conduct and be binding upon all licensees.

3 (3) The board may:

4 ~~(a) Contract with the Department of Professional Licensing within the Public~~
5 ~~Protection Cabinet for the provision of administrative services;~~

6 ~~(b) Employ any persons it deems necessary to carry on the work of the board. The~~
7 ~~board may define their duties and fix their compensation;~~

8 ~~(c)~~ Develop or sponsor at least six (6) hours of continuing professional education
9 annually;

10 ~~(b)~~~~(d)~~ Approve and certify a forty (40) hour training class covering the subject
11 areas of the licensing examination;

12 ~~(c)~~~~(e)~~ Renew licenses and require continuing professional education as a
13 condition for renewal;

14 ~~(d)~~~~(f)~~ Waive the examination requirement for any applicant licensed in a
15 reciprocal state as prescribed in paragraph (j) of this subsection ~~(3)(m) of~~
16 ~~this section~~, who is licensed in good standing in that state and meets all of the
17 other requirements of KRS 329A.035;

18 ~~(e)~~~~(g)~~ Suspend or revoke licenses, impose supervisory or probationary
19 conditions upon licensees, impose administrative disciplinary fines, or issue
20 written admonishments or reprimands, or any combination of these
21 actions~~thereof~~;

22 ~~(f)~~~~(h)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees,
23 administer oaths, and investigate allegations of practices violating the
24 provisions of KRS 329A.010 to 329A.090;

25 ~~(g)~~~~(i)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and
26 minutes necessary to carry out the board's functions;

27 ~~(h)~~~~(j)~~ Organize itself into two (2) panels to separate the functions of inquiry

1 ~~and hearings. Each panel shall have the power to act as either an inquiry or~~
 2 ~~hearing panel. No member serving on the inquiry panel shall serve on the~~
 3 ~~hearing panel for any one (1) particular case. Any final decision of the hearing~~
 4 ~~panel shall be considered as the final decision of the board and the hearing~~
 5 ~~panel may exercise all powers granted to the board pursuant to KRS Chapter~~
 6 ~~13B;~~

7 ~~(k)~~ Utilize mediation as a technique to resolve disciplinary matters;

8 ~~(l)~~ Seek injunctive relief in the Circuit Court of the county where the
 9 alleged unlawful practice occurred to stop the unlawful practice of private
 10 investigating by unlicensed persons or companies; and

11 ~~(m)~~ Negotiate and enter into reciprocal agreements with appropriate officials
 12 in other states to permit licensed investigation companies and private
 13 investigators who meet or exceed the qualifications established in KRS
 14 329A.010 to 329A.090 to operate across state lines under mutually acceptable
 15 terms.

16 ➔Section 176. KRS 329A.030 is amended to read as follows:

17 (1) All fees and other moneys received by the board pursuant to ~~the provisions of~~
 18 KRS 329A.010 to 329A.090 shall be deposited in the State Treasury to the credit of
 19 a revolving fund for the use of the board.

20 (2) No part of this revolving fund shall revert to the general fund of this
 21 Commonwealth.

22 (3) The revolving fund may be used to pay for:

23 (a) The compensation and reimbursement of board members for actual and
 24 necessary expenses incurred in the performance of official duties;

25 ~~(b) The compensation of all of the employees of the board;~~

26 ~~(c)~~ Those operational and capital expenses incurred in fulfilling the board's duties
 27 as described in KRS 329A.010 to 329A.090 and in administrative regulations;

1 and

2 ~~(c)(d)~~ The development or sponsorship of at least six (6) hours of continuing
3 education courses annually, to be conducted in various areas of the state.

4 ➔Section 177. KRS 330.050 is amended to read as follows:

5 (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board
6 consisting of five (5) members, all of whom immediately prior to the date of their
7 appointment have been residents of the Commonwealth of Kentucky for five (5)
8 years, and four (4) whose vocation for a period of at least five (5) years has been
9 that of an auctioneer. One (1) member shall be a citizen at large who is not
10 associated with or financially interested in the practice or business regulated~~[-The~~
11 ~~term of the members of the board shall be for three (3) years and until their~~
12 ~~successors are appointed and qualified. Members to fill vacancies shall be appointed~~
13 ~~for the unexpired term].~~

14 (2) At no time shall there be more than two (2) auctioneer members of the same
15 political party on the board. Whenever there is an auctioneer vacancy on the board
16 **due to expiration of a term**, within **thirty (30)**~~[sixty (60)]~~ days the Kentucky
17 Auctioneer Association shall recommend to the Governor at least three (3) names
18 for each auctioneer vacancy. **If the vacancy occurs for a reason other than the**
19 **expiration of a term, the Kentucky Auctioneer Association shall have forty-five**
20 **(45) days after notification of the vacancy to submit a list of three (3) names to**
21 **the Governor to fill the vacancy. Subject to Section 16 of this Act, the**~~[and such]~~
22 appointment or appointments shall be made from the recommendations of the
23 association, unless the Governor rejects the list of three (3) names and requests that
24 the Kentucky Auctioneer Association submit a new list of three (3) names within
25 **fifteen (15)**~~[sixty (60)]~~ days of the Governor's request. If the Kentucky Auctioneer
26 Association fails to timely submit its recommendations to the Governor, the
27 Governor may immediately appoint a qualified auctioneer to fill this vacancy.

1 ~~(3) The board, immediately upon qualification of the member appointed in each year,~~
2 ~~shall organize by selecting from its members a chairman.~~

3 ~~(4)~~ (a) No member of the board shall reside in the same county as another member.

4 (b) ~~[A majority of the board shall constitute a quorum for the transaction of~~
5 ~~business.~~

6 ~~(c) No member may serve on the board for more than six (6) consecutive years.~~

7 ~~]A member may serve on the board [for six (6) consecutive years] on more~~
8 ~~than one (1) occasion if that person is not a member of the board for at least~~
9 ~~two (2) years between periods of board service.~~

10 ~~(4)~~~~(5) (a) The board shall obtain office space, furniture, stationery, and any other~~
11 ~~proper supplies and conveniences reasonably necessary to carry out the~~
12 ~~provisions of this chapter. If any items deemed to be reasonably necessary by~~
13 ~~or which are required by the board are available through vendors under~~
14 ~~contract with the Commonwealth of Kentucky at less cost than if obtained~~
15 ~~otherwise, then the items shall be acquired pursuant to the contract.~~

16 ~~(b)~~ The board *may*~~[shall have full authority to]~~ obtain for its members~~[, staff, and~~
17 ~~employees]~~ complete insurance coverage, including, but not limited to,
18 liability and errors and omissions insurance, so long as the insurance concerns
19 the business of the board.

20 ~~(5)~~~~(6)~~ All fees and charges collected by the board under~~[the provisions of]~~ this
21 chapter shall be paid into the State Treasury through the Finance and
22 Administration Cabinet and shall be credited to an agency fund account for the
23 Board of Auctioneers under~~[the provisions of]~~ KRS 45.253 and shall be withdrawn
24 or expended as provided in that section, if *the*~~[such]~~ payment, credit, withdrawal, or
25 expense provisions do not conflict with~~[any provision of]~~ this chapter.

26 (a) The board may establish and collect reasonable fees relating to the
27 administration and enforcement of this chapter for application or other

1 processing costs, on-line service, continuing education provider services, copy
2 and mailing services, or other fees necessary to offset the licensing and
3 processing costs.

4 (b) The total expenses for all purposes and obligations of the board shall not
5 exceed the total fees, charges, fines, penalties, and other income imposed
6 under~~[the provisions of]~~ this chapter and paid into the state treasury.

7 (c) The board shall be financially self-sustaining, and if funds permit it may
8 underwrite, within its financial limitations, educational programs for the
9 enlightenment and benefit of all licensees who have paid fees pursuant to this
10 chapter.

11 ~~(6)~~~~[(7)]~~ The board shall maintain annually a list of the names and addresses of all
12 licensees regulated by the board. This list shall also contain the names of all persons
13 whose licenses have been suspended or revoked within the preceding year, as well
14 as any other information relative to the enforcement of~~[the provisions of]~~ this
15 chapter that the board may deem of interest to the public.

16 ~~(7)~~~~[(8)]~~ The board may promulgate administrative regulations with the approval of the
17 executive director of the Kentucky Real Estate Authority in accordance with KRS
18 Chapter 13A as required to fulfill the duties and functions assigned to the board by
19 this chapter.

20 ~~(8)~~~~[(9)]~~ ~~[A board member shall be automatically removed from the board and a~~
21 ~~vacancy shall occur when:~~

22 ~~(a)—An auctioneer member of the board ceases to be a licensed auctioneer;~~

23 ~~(b)—A nonlicensed member of the board acquires a license regulated by the board;~~

24 ~~(c)—A board member enters a plea of guilty, an Alford plea, a plea of no contest to,~~
25 ~~or has been convicted of, any felony, and the time for appeal has passed or the~~
26 ~~judgment of conviction has been finally affirmed on appeal;~~

27 ~~(d)—A board member ceases to be a resident of the Commonwealth of Kentucky;~~

1 ~~(e) The member displays incompetence, neglect of duty, or unprofessional~~
2 ~~conduct;~~

3 ~~(f) The member fails to adhere to a duly adopted code of ethics of the board.~~
4 ~~Failure to adhere to this code shall be determined by official action of the~~
5 ~~board;~~

6 ~~(g) The member enters a plea of guilty to, or has been found guilty of, a felony~~
7 ~~and the time for appeal has passed or the judgment of conviction has been~~
8 ~~finally affirmed on appeal; or~~

9 ~~(h) The member misses three (3) consecutive meetings or misses more than~~
10 ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~
11 ~~month period.~~

12 ~~(10) The Governor shall set the compensation of the members of the board, but voting~~
13 ~~members of the board shall be compensated no less than three hundred dollars~~
14 ~~(\$300) per day for official business, subject to an annual maximum of six thousand~~
15 ~~dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in~~
16 ~~the discharge of official business consistent with the reimbursement policy for state~~
17 ~~employees.]With the approval of the executive director of the Kentucky Real Estate~~
18 ~~Authority within the Department of Professional Licensing, board members and~~
19 ~~board staff may attend and travel to and from meetings and events relevant to the~~
20 ~~board and the industry the board represents.~~

21 ➔Section 178. KRS 330.070 is amended to read as follows:

22 (1) An apprentice auctioneer applying for an auctioneer license shall, subject to the
23 provisions of KRS 330.060:

24 (a) Possess a current Kentucky apprentice auctioneer license;

25 (b) Serve an apprenticeship for a period of one (1) year as an apprentice
26 auctioneer in Kentucky;

27 (c) Submit a statement to the board, signed by the principal auctioneer, verifying

- 1 that the applicant has actively and materially participated in at least ten (10)
2 auctions prior to application; and
- 3 (d) Successfully complete at least eighty (80) hours of approved classroom
4 instruction from a board-approved auction education provider. The board may
5 waive the eighty (80) hours of approved classroom instruction requirement if
6 the applicant demonstrates sufficient previous auction experience and
7 competency by affidavit or other evidence as required by the board.
- 8 (2) An apprentice auctioneer with an original license issued prior to June 30, 2010, or
9 after July 1, 2015, shall be required to successfully complete the auctioneer
10 examination.
- 11 (3) If an applicant for an auctioneer license resides in a state which does not have a
12 current reciprocity agreement with the board, the board may waive the eighty (80)
13 hour education requirement or the apprenticeship requirement, or both, if the
14 applicant demonstrates sufficient previous auction experience and competency by
15 affidavit or by other evidence as required by the board.
- 16 (4) An applicant for an auctioneer license who has previously held an auctioneer license
17 which has been revoked, suspended, or which has expired without renewal may
18 request, and the board may grant, a waiver of the requirement of possession of a
19 current apprentice license.
- 20 (5) Every application for a license issued by the board shall be submitted on forms
21 prepared by the board. Each applicant shall furnish pertinent background data as
22 outlined on those forms.
- 23 (6) The board shall promulgate administrative regulations in accordance with KRS
24 Chapter 13A to establish **a biennial initial license and a biennial renewal license.**
25 **The board shall also establish a biennial~~an~~ initial license fee and a**
26 **biennial~~annual~~ renewal license fee, neither of which shall exceed one hundred**
27 fifty dollars (\$150) **per year.**

- 1 (a) All licenses shall expire on the thirtieth day of June *of the second year.*
- 2 (b) Each license shall be renewed on or before the expiration date.
- 3 (c) In addition to the renewal fee, a late fee shall be established by administrative
4 regulations promulgated by the board on each license renewed within six (6)
5 months after the expiration date.
- 6 (d) In the absence of any reason or condition which might warrant the refusal of
7 renewing a license, and upon timely receipt of the renewal form and the
8 *required*~~annual~~ fee, the board shall issue a license for the ensuing *two (2)*
9 *years*~~year~~.
- 10 (7) (a) The board may require as a condition precedent to the renewal of any license,
11 that each licensee complete continuing education up to ten (10) hours per
12 license year. The board may impose different continuing education
13 requirements upon different classifications of licenses under this chapter. The
14 continuing education requirements in this subsection shall not apply to those
15 auctioneers licensed prior to January 1, 1980.
- 16 (b) A licensee who has not completed the required continuing education may,
17 within the time period set forth in subsection (6) of this section, remit a fee
18 established by administrative regulations promulgated by the board with the
19 applicable renewal fees, and the continuing education reporting requirement
20 shall be deferred to the next~~annual~~ renewal. If the licensee fails to meet the
21 continuing education requirement for the next~~annual~~ renewal, the licensee
22 shall successfully complete the examination before renewal of his or her
23 license.
- 24 (c) 1. The board may require all licensees to complete a six (6) hour board-
25 approved core course once every four (4) years, that includes the core
26 subjects of Kentucky auction statutes and regulations, ethics, and any
27 other subject matter deemed appropriate by the board.

1 2. Effective July 1, 2016, each licensee with at least twenty-five (25) years
2 of continuous licensure shall be exempt from the requirements of this
3 paragraph.

4 (8) The board shall prepare and deliver to each licensee a pocket license. The pocket
5 license of the apprentice auctioneer shall contain the name and address of his or her
6 principal auctioneer. The board shall also prepare and deliver a license to each
7 auction house operator.

8 (a) Auction house operators shall display their licenses conspicuously and at all
9 times in the auction house identified on the license.

10 (b) All licensees shall carry their pocket licenses, or a digital facsimile ***of their***
11 **pocket licenses**~~thereof~~, when performing auctioneering tasks, to be shown
12 upon request.

13 (c) A license or pocket license shall be replaced upon the request of the licensee
14 and payment of a replacement fee established by administrative regulations
15 promulgated by the board in accordance with KRS Chapter 13A.

16 (9) When an apprentice auctioneer is discharged or voluntarily terminates employment
17 with the auctioneer for any reason:

18 (a) It shall be the immediate duty of the principal auctioneer to deliver to the
19 board a written release of the apprentice auctioneer; and

20 (b) The apprentice auctioneer shall affiliate with a principal auctioneer within
21 thirty (30) days by submitting to the board an affiliation letter signed by the
22 new principal auctioneer and a fee established by administrative regulations
23 promulgated by the board in accordance with KRS Chapter 13A.

24 An apprentice auctioneer shall not perform any of the acts regulated by this chapter
25 until receiving a new license bearing a new principal auctioneer's name and address.

26 (10) (a) A licensee may place his or her license in escrow with the board if the licensee
27 does not engage in any board-regulated auctioneering activity and continues to

1 pay the ~~annual~~ renewal license fee.

2 (b) For each year the license is in escrow, a licensee shall be exempt from the
3 contribution to the auctioneer's education, research, and recovery fund and the
4 continuing education requirement.

5 (c) To reactivate a license in escrow, the licensee shall complete the core course
6 and pay a reactivation fee and the ~~annual~~ renewal recovery fee, both of
7 which shall be established by administrative regulations promulgated by the
8 board in accordance with KRS Chapter 13A.

9 (11) Notice in writing shall be given to the board by each licensee of any change of
10 principal business location or residence address within ten (10) days of the change,
11 and the board shall issue an updated license for the unexpired period. The board
12 may fine, suspend, or revoke the license of a licensee who does not notify the board
13 of a change of address within ten (10) days. Changing a business or a residence
14 address on its records shall entitle the board to collect a fee established by
15 administrative regulations promulgated by the board in accordance with KRS
16 Chapter 13A.

17 ➔Section 179. KRS 330.110 is amended to read as follows:

18 The board may suspend for a period up to five (5) years or revoke the license of any
19 licensee, or levy fines not to exceed two thousand dollars (\$2,000), with a maximum fine
20 of five thousand dollars (\$5,000) per year arising from any single incident or complaint,
21 against any licensee, or place any licensee on probation for a period of up to five (5)
22 years, or require successful passage of any examination administered by the board, or
23 require successful completion of any course of auction study or auction seminars
24 designated by the board, or issue a formal reprimand, or order any combination of the
25 above, for violation of this chapter~~[by any licensee of any of the provisions of this~~
26 ~~chapter]~~, or for any of the following causes:

27 (1) Obtaining a license through false or fraudulent representation;

- 1 (2) Making any substantial misrepresentation;
- 2 (3) Pursuing a continued and flagrant course of misrepresentation or intentionally
3 making false promises or disseminating misleading information through agents or
4 advertising or otherwise;
- 5 (4) Accepting valuable consideration as an apprentice auctioneer for the performance of
6 any of the acts specified in this chapter, from any person, except his or her principal
7 auctioneer;
- 8 (5) Failing to account for or remit, within a reasonable time, any money belonging to
9 others that comes into the licensee's possession, commingling funds of others with
10 the licensee's own funds, or failing to keep the funds of others in an escrow or
11 trustee account;
- 12 (6) Paying valuable consideration to any person for services performed in violation of
13 this chapter, or procuring, permitting, aiding, or abetting any unlicensed person
14 acting in violation~~[of any of the provisions]~~ of this chapter;
- 15 (7) Entering a plea of guilty, an Alford plea, a plea of no contest to, or being convicted
16 of, any felony, and the time for appeal has passed or the judgment of conviction has
17 been finally affirmed on appeal;
- 18 (8) Violation~~[of any provision]~~ of this chapter or any administrative regulation
19 promulgated by the board;
- 20 (9) Failure to furnish voluntarily at the time of execution, copies of all written
21 instruments prepared by any licensee to each signatory of the written instrument;
- 22 (10) Any conduct of a licensee which demonstrates bad faith, dishonesty, incompetence,
23 or untruthfulness;
- 24 (11) Any other conduct that constitutes improper, fraudulent, dishonest, or negligent
25 dealings;
- 26 (12) Failure to enter into a binding written auction listing contract with the seller or with
27 the seller's duly authorized agent prior to advertising, promoting, or offering any

- 1 real or personal property by or at auction;
- 2 (13) Failure to provide a receipt to all persons consigning personal property with any
3 licensee for auction;
- 4 (14) Failure to establish and maintain, for a minimum of five (5) years from final
5 settlement, complete and correct written or electronic records and accounts of all
6 auction transactions, including:
- 7 (a) Listing contracts, including the name and address of the seller;
- 8 (b) Written purchase contracts;
- 9 (c) Descriptive inventory and final bid amounts of all items or lots offered;
- 10 (d) Buyer registration records; and
- 11 (e) Settlement records, including all moneys received and disbursed and escrow
12 account activity;
- 13 (15) Failure of any licensee to present any auction-related information, including but not
14 limited to advertisements, listing contracts, purchase contracts, clerking records,
15 buyer registration records, settlement records, escrow account information, license,
16 or any other auction-related information, subsequent to a request by the board's
17 administrative coordinator~~executive director~~, a board compliance officer, or
18 board counsel; or
- 19 (16) Failure of a principal auctioneer to provide supervision to his or her apprentice
20 auctioneers.
- 21 ➔Section 180. KRS 330.192 is amended to read as follows:
- 22 (1) (a) There is hereby created and established in the State Treasury the auctioneer's
23 education, research, and recovery fund.
- 24 (b) In addition to the license fees established in KRS 330.070, and KRS 330.095,
25 the board may assess each licensee a renewal recovery fee established by
26 administrative regulations promulgated by the board in accordance with KRS
27 Chapter 13A. Each initial applicant shall pay an initial recovery fee

1 established by administrative regulations promulgated by the board in
2 accordance with KRS Chapter 13A.

3 (2) The purposes of the auctioneer's education, research, and recovery fund shall be as
4 follows:

5 (a) When a licensee has been duly found guilty of violating one (1) or more of the
6 provisions of this chapter, or one (1) or more of the administrative regulations
7 duly promulgated by the board, and upon the conclusion of a final order
8 entered by the board or by the courts, if appealed, the board is authorized to
9 pay to the aggrieved party an amount not to exceed fifty thousand dollars
10 (\$50,000) against any one (1) licensee, if the licensee has refused to pay the
11 claim within twenty (20) days of entry of a final order and provided further
12 that the amount or amounts of money in question are certain and liquidated.

13 (b) The board shall maintain a minimum of two hundred fifty thousand dollars
14 (\$250,000) for recovery and guaranty purposes. These funds may be invested
15 and reinvested in the same manner as funds of the State Employees'
16 Retirement System and the interest from said investments shall be deposited
17 to the credit of the research and recovery fund, or, in the discretion of the
18 board, to the agency fund account as set out in subsection (5) of Section 177
19 of this Act~~[KRS 330.050(6)]~~. Sufficient liquidity, however, shall be
20 maintained so that money is available to satisfy all claims which may be
21 processed through the board by means of administrative hearing as outlined in
22 this chapter.

23 (c) The board may use funds in excess of two hundred fifty thousand dollars
24 (\$250,000), whether from the auctioneer's education, research, and recovery
25 fund fees or accrued interest thereon, for any of the following purposes:

26 1. To advance education and research in the auction field for the benefit of
27 those seeking an auctioneer license, those licensed under ~~the provisions~~

- 1 ~~of~~ this chapter and to improve and make more efficient the auction
2 industry;
- 3 2. To underwrite educational seminars, caravans, and other forms of
4 educational projects for the general benefit of licensees;
- 5 3. To establish an auction chair or courses at Kentucky state institutions of
6 higher learning for the purpose of making college or university level
7 courses available to licensees and the general public;
- 8 4. To contract for a particular research project in the auction field for the
9 Commonwealth of Kentucky;
- 10 5. To sponsor, contract for, and to underwrite all other educational and
11 research projects that contribute to the advancement of the auction field
12 in Kentucky;
- 13 6. To cooperate with associations of auctioneers and any other groups for
14 the enlightenment and advancement of Kentucky licensees;
- 15 7. To increase the level of the auctioneer's education, research, and
16 recovery fund above two hundred fifty thousand dollars (\$250,000); and
- 17 8. To augment the regular trust and agency account of the board for
18 purposes of addressing cash flow shortfalls, budget deficits, and for
19 reimbursement of ~~personnel~~, administrative, operational, and capital
20 expenses incurred by the trust and agency account pursuant to the
21 purposes of the education, research, and recovery fund as provided in
22 this section, an amount not to exceed two hundred fifty thousand dollars
23 (\$250,000) annually.
- 24 (d) Within one hundred twenty (120) days after the end of each fiscal year, the
25 board shall make public, through its Web site or other public media, a
26 statement of income and expenses of the auctioneer's education, research, and
27 recovery fund, the details of which are in accordance with state financial

1 reporting requirements.

- 2 (3) (a) If a licensee is found guilty of one (1) or more provisions of this chapter or of
3 violating one (1) or more of the administrative regulations of the board, and if
4 the amount of the money lost by the aggrieved party or parties is in dispute or
5 cannot be determined accurately, then the amount of damages shall be
6 determined by the Circuit Court in the county where the alleged violation took
7 place, provided that the board has previously determined that a violation of
8 the license laws or of the administrative regulations has occurred and a final
9 order has been entered.
- 10 (b) If an order has been entered and the license rights of the licensee have been
11 finally adjudicated, then the local Circuit Court shall determine the monetary
12 damages due from the aforesaid violation or violations.
- 13 (c) When a final order has been entered by the Circuit Court, Court of Appeals, or
14 Supreme Court, and upon certification to the board, the aggrieved party or
15 parties shall be paid an amount not to exceed fifty thousand dollars (\$50,000)
16 by the board, and the license held by the licensee against whom the claim was
17 made by the aggrieved party shall be suspended at least until the licensee has
18 reimbursed the auctioneer's education, research, and recovery fund for all
19 amounts paid to the aggrieved party due to the violation of the licensee.
- 20 (d) When, upon the final order of the court, the board has paid from the
21 auctioneer's education, research, and recovery fund any sum to the aggrieved
22 party, the board shall be subrogated to all of the rights of the aggrieved party
23 to the extent of the payment and the aggrieved party shall, to the extent of the
24 payment, assign his or her right, title, and interest in the judgment to the
25 board.
- 26 (e) All claims for monetary damages or relief from the auctioneer's education,
27 research, and recovery fund shall be made in writing and submitted to the

1 board within twelve (12) months of the act of the auctioneer giving rise to the
2 loss. Failure to file a claim within the twelve (12) month period shall bar the
3 claim. Additional evidence shall be submitted by the claimant if required by
4 the board.

5 (f) Notwithstanding any other provisions of this chapter, no unreimbursed
6 amount greater than fifty thousand dollars (\$50,000) shall be paid by the board
7 on account of any one (1) licensee, no matter over how long a time, or for how
8 many claims, and no matter~~[-what]~~ the number of claimants~~[-be]~~ or the size of
9 the~~[such]~~ claims, individually or in the aggregate. Should the licensee
10 reimburse the fund for all amounts paid, then future claims timely filed with
11 the board concerning different matters may be received pursuant to this
12 section.

13 (g) No claims shall be approved under this section for amounts which, in the
14 aggregate, exceed the maximum payable on account of any one (1) licensee in
15 effect at the time of the act or acts of the licensee giving rise to the claims,
16 except to the extent of that~~[said]~~ maximum. Statutory increases in the
17 maximum set out in this section do not apply retroactively.

18 (4) All categories of licensees under this chapter are covered under the provisions of
19 this section for the benefit and protection of the public.

20 (5) This section is not intended to substitute for, circumvent, or duplicate other
21 remedies existing at law or otherwise for claimants or potential claimants, but
22 constitutes a last resort for aggrieved persons who would not, but for the provisions
23 of this section, be able to recover their losses by any other means available. The
24 board shall have full discretion to require that claimants exhaust all other remedies
25 prior to proceeding under this section, including but not limited to the remedy of
26 obtaining a judgment by all diligent and appropriate means.

27 ➔Section 181. KRS 334.080 is amended to read as follows:

- 1 (1) Upon payment of a fee, established by the board by promulgation of an
2 administrative regulation, the board shall register each applicant who satisfactorily
3 passes the examination. Thereupon the board shall issue to the applicant a license.
4 The license shall be effective for two (2) years~~[one (1) year]~~.
- 5 (2) Whenever the board determines that another state or jurisdiction has requirements
6 equivalent to or higher than those in effect pursuant to this chapter for practice of
7 selling or fitting of hearing instruments, and that the other~~[such]~~ state or
8 jurisdiction has a program equivalent to or stricter than the program for determining
9 whether applicants pursuant to this chapter are qualified to sell or fit hearing
10 instruments, the board may issue a license to those applicants who hold current,
11 unsuspended, and unrevoked licenses to sell or fit hearing instruments in the~~[such]~~
12 other state or jurisdiction upon application and successful completion of
13 examination. No applicant for a license pursuant to this subsection shall be required
14 to submit to or undergo any training or other procedure, other than the payment of
15 fees and examination pursuant to KRS 334.050 to 334.070. The holder of a license
16 issued under this subsection shall be registered in the same manner as holders of
17 initial licenses. The fee for licenses issued under this subsection shall be the same as
18 the fee for an initial license. Fees, grounds, and procedures for renewal, suspension,
19 and revocation of licenses issued under this subsection shall be the same as for
20 renewal, suspension, and revocation of initial licenses.
- 21 (3) Any applicant holding a master's degree in audiology licensed under KRS Chapter
22 334A or holding at least a master's degree from a recognized college or university
23 and having the certification of clinical competence in audiology from the American
24 Speech-Language-Hearing Association shall not be required to submit to or undergo
25 any training or other procedures other than the payment of fees and successful
26 completion of examination pursuant to KRS 334.050 to 334.070. Fees, grounds, and
27 procedures for renewal, suspension, and revocation of license issued under this

1 subsection shall be the same as for renewal, suspension, and revocation of initial
2 licenses.

3 ➔Section 182. KRS 334.110 is amended to read as follows:

4 Each person who engages in the selling or fitting of hearing instruments shall
5 **biennially**~~annually~~, on or before January 30 **of the second year**, pay to the board a fee to
6 be established by the board by the promulgation of an administrative regulation for a
7 renewal of his **or her** license. Where more than one (1) office is operated by the licensee,
8 duplicate certificates shall be issued by the board for posting in each location. A thirty
9 (30) day grace period shall be allowed after January 30 **of the renewal year, when**~~during~~
10 ~~which time~~ licenses may be renewed on payment of a late fee and penalty to be
11 established by the board by the promulgation of an administrative regulation. The board
12 may suspend the license of any person who fails to renew his **or her** license before the
13 expiration of the thirty (30) day grace period. After the expiration of the grace period, the
14 board may~~in its discretion~~ renew the license upon the payment of an additional fee to
15 be established by the board by the promulgation of an administrative regulation. No
16 person who applies for renewal, whose license has expired, shall be required to submit to
17 any examination as a condition to renewal, if the renewal application is made within two
18 (2) years from the date of expiration.

19 ➔Section 183. KRS 334.120 is amended to read as follows:

20 (1) Complaints against licensed persons shall be handled by the board in the following
21 manner:

22 (a) Any person desiring to make a complaint against a licensee under this chapter
23 shall reduce the complaint to writing and file it with the board.

24 (b) The board may conduct an investigation into any complaint which the board
25 feels may constitute a violation of this chapter or the administrative
26 regulations promulgated **under this chapter**~~thereunder~~.

27 (c) The board may require that the licensee file a statement or report in writing as

1 to the facts and circumstances concerning the complaint together with other
2 information, material, or ~~data~~ reasonably related data ~~thereto~~.

3 ~~[(d) The board may request the assistance of the Attorney General in connection~~
4 ~~with an investigation.~~

5 ~~(e) The board may employ the services of a hearing officer to conduct hearings,~~
6 ~~prehearing conferences, advise the board as to legal matters, and provide other~~
7 ~~legal services deemed appropriate by the board.]~~

8 (2) If the board determines the charges made in the complaint are sufficient to warrant a
9 hearing to determine whether the license issued under this chapter shall be
10 suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in
11 accordance with KRS Chapter 13B.

12 (3) The provisions of this chapter shall in no way limit the jurisdiction and authority of
13 the Attorney General to take any necessary action under the Kentucky Consumer
14 Protection Act, KRS 367.110 to 367.300.

15 (4) The board may suspend, revoke, or levy a fine not to exceed one thousand dollars
16 (\$1,000), refuse to issue or renew any license for a fixed period of time, place on
17 probation, issue a written reprimand to a licensee, or any combination of these
18 actions ~~thereof~~, based on a finding of the board after hearing that a person licensed
19 under ~~the provisions of~~ this chapter has committed any of the following acts:

20 (a) Change of personal name, corporate name, charter, entity, or partnership name
21 or composition to avoid the imposition of liens or court action;

22 (b) The conviction of a felony, or a misdemeanor, if in accordance with KRS
23 Chapter 335B. The record of conviction, or a copy of this record ~~thereof~~,
24 certified by the clerk of the court or by the judge in whose court the conviction
25 is had, shall be conclusive evidence of that conviction;

26 (c) Procuring of license by fraud or deceit practiced upon the board;

27 (d) Unethical conduct as defined by the board by promulgation of an

1 administrative regulation;

2 (e) Engaging in any unfair, false, misleading, or deceptive act or practice;

3 (f) Incompetence or negligence in the practice of selling or fitting hearing
4 instruments; or

5 (g) Violating~~[any provision of]~~ this chapter or the administrative regulations
6 promulgated ***under this chapter***~~[thereunder]~~.

7 ➔Section 184. KRS 334.140 is amended to read as follows:

8 (1) There is created the Kentucky Licensing Board for Specialists in Hearing
9 Instruments.

10 (2) The board shall be composed of nine (9) members who shall be appointed by the
11 Governor.~~[Terms of office shall be at the Governor's discretion, not to exceed four
12 years. All terms shall expire on July 31 of the designated year. Each member shall
13 serve for the term of his appointment and until his successor has been appointed and
14 qualified. If a vacancy occurs on the board, a new member shall be appointed to
15 serve out the unexpired term. No member shall serve consecutive terms on the
16 board. Upon recommendation of the board, the Governor may remove any member
17 of the board for excessive absenteeism, neglect of duty, or malfeasance in office.]~~

18 (3) Five (5) members shall be specialists in hearing instruments licensed under KRS
19 334.080. The appointees shall have at least five (5) years' relevant experience. The
20 Governor shall consider nominations from the Hearing Aid Association of
21 Kentucky. No two (2) members from the same place of business may serve on the
22 board at the same time.

23 (4) One (1) member shall be a physician licensed to practice medicine in Kentucky and
24 specializing in otology or otolaryngology.

25 (5) One (1) member shall be an audiologist holding at least a master's degree from a
26 recognized college or university and having the certification of clinical competence
27 in audiology from the American Speech-Language-Hearing Association and

1 licensed under KRS Chapter 334A.

2 (6) One (1) member shall be a citizen at large who is not associated with or financially
3 interested in the practice or business regulated.

4 (7) One (1) member shall be the secretary of the Cabinet for Health and Family
5 Services or the secretary's~~[his]~~ designee.

6 ~~[(8) Five (5) members of the nine (9) members of the board, when properly convened,
7 may conduct the business of the board.]~~

8 ➔Section 185. KRS 334.150 is amended to read as follows:

9 The powers and duties of the board shall be as follows:

10 (1) To authorize all disbursements necessary to carry out~~[provisions of]~~ this chapter.

11 (2) To prepare and administer qualifying examinations to test the knowledge and
12 proficiency of applicants for licensing.

13 (3) To license persons who apply to the board and who are qualified to practice the
14 fitting of hearing instruments.

15 (4) To purchase and maintain or rent audiometric equipment and facilities necessary to
16 carry out the examination of applicants for licensing.

17 (5) To issue and renew licenses.

18 (6) To suspend, revoke, refuse to issue, or renew licenses, impose probationary or
19 supervisory conditions, issue letters of reprimand, or levy fines against a licensee, or
20 any combination of these actions~~[thereof]~~.

21 (7) To appoint representatives to conduct or supervise the examination of applicants for
22 licensing.

23 (8) To designate the time and place for examining applicants.

24 (9) To promulgate administrative regulations consistent with the laws of this
25 Commonwealth which are necessary to carry out~~[the provisions of]~~ this chapter.

26 (10) To require the periodic inspection of audiometric testing equipment and to carry out
27 the periodic inspection of facilities of persons who practice the fitting of hearing

1 instruments.

2 ~~(11) To employ secretaries, attorneys, inspectors, clerks, or any other employees that the~~
3 ~~board may deem necessary to carry out the provisions of this chapter. The board~~
4 ~~may employ or discharge at its discretion.~~

5 ~~(12)~~ To initiate a formal educational program consistent with the intent of this chapter in
6 that the consumer public shall be served by the specialist in hearing instruments
7 trained in the latest technology in fitting hearing instruments.

8 (12)~~(13)~~ To promulgate administrative regulations establishing requirements and
9 standards for continuing education.

10 (13)~~(14)~~ To administer oaths and to require the attendance of witnesses, the production
11 of books, records, and papers pertinent to any matters coming before the board by
12 the issuance of process which shall be served and returned in the same manner as in
13 civil actions and for the disobedience of which the board shall have by resort to a
14 court of competent jurisdiction the power to invoke the same rights as are provided
15 in the event of disobedience of a subpoena or subpoena duces tecum in a civil
16 action.

17 ➔Section 186. KRS 334.160 is amended to read as follows:

18 ~~{(1) The board shall meet at least once a year at times and places to be designated by the~~
19 ~~board and upon such notice as the board may prescribe. At its first meeting each~~
20 ~~calendar year, the board shall elect a chairman, vice chairman, and secretary-~~
21 ~~treasurer, each to serve in his respective capacity for one (1) year.~~

22 ~~(2)~~ Fees, charges, and other moneys collected by the board shall be paid into the State
23 Treasury and credited to a trust and agency fund to be used to pay expenses in
24 administering this chapter. All moneys shall be received, disbursed, and accounted for by
25 the board or its designee. All moneys not expended by the board to pay expenses in
26 administering this chapter shall be retained by the board from year to year to be expended
27 for the purposes expressed in this chapter.

1 ~~[(3) Each member of the board shall be paid a reasonable sum, not to exceed one~~
 2 ~~hundred dollars (\$100) per day, for each day of actual service on the board and shall~~
 3 ~~be reimbursed all reasonable and necessary travel expenses.]~~

4 ➔Section 187. KRS 334A.070 is amended to read as follows:

5 (1) There is hereby created a Board of Speech-Language Pathology and Audiology
 6 which shall consist of eight (8) members to be appointed by the Governor. Three (3)
 7 members shall be audiologists, three (3) members shall be speech-language
 8 pathologists, one (1) shall be an otolaryngologist, and one (1) member shall be a
 9 citizen at large who is not associated with or financially interested in the practice or
 10 business regulated. The audiologists and speech-language pathologists members
 11 shall hold a Kentucky license from the board of speech-language pathology and
 12 audiology and shall practice in Kentucky. One (1) of the speech-language
 13 pathologist members shall be employed in the public schools of the
 14 Commonwealth.~~[The members of the board shall serve until the expiration of the~~
 15 ~~term for which they have been appointed or until their successors are qualified. All~~
 16 ~~appointments made shall be for a term of three (3) years except for appointments to~~
 17 ~~fill vacancies caused by a reason other than the expiration of a member's term which~~
 18 ~~shall be filled for the remaining portion of the member's term. No person shall be~~
 19 ~~appointed to serve more than two (2) consecutive terms.]~~

20 (2) ~~[The board shall reorganize annually and select a chairman. Four (4) members of~~
 21 ~~the board shall constitute a quorum to do business.]~~The board shall hold at least
 22 two (2)~~[one (1)]~~ regular meetings~~[meeting]~~ each year. Additional meetings may be
 23 held upon call of the chairman or at the written request of any two (2) members of
 24 the board. All meetings of the board shall be open and public.

25 ➔Section 188. KRS 334A.120 is amended to read as follows:

26 All moneys received by the board under this chapter shall be paid to the secretary of the
 27 board. All money shall be deposited in the State Treasury into a separate trust fund for the

1 board. The board shall be financed solely and individually from income accruing to it
2 from fees, licenses, and other charges collected by the board and all such moneys are
3 hereby appropriated to the board. All ~~salaries and~~ expenses shall be paid as budgeted
4 after budgets have been approved by the State Budget Commission or within the
5 limitations of any appropriation for that purpose which may be included in the executive
6 branch budget bill.

7 ➔Section 189. KRS 335.050 is amended to read as follows:

8 ~~{(1)}~~ There is hereby created the Kentucky Board of Social Work, consisting of seven
9 (7) members appointed by the Governor. One (1) member shall be a certified social
10 worker under ~~the provisions of~~ KRS 335.010 to 335.160 and 335.990. One (1) member
11 shall be a licensed social worker under ~~the provisions of~~ KRS 335.010 to 335.160 and
12 335.990. One (1) member shall be a licensed clinical social worker licensed under ~~the~~
13 ~~provisions of~~ KRS 335.010 to 335.160 and 335.990. Three (3) members shall be persons
14 licensed by the board at any level, at the discretion of the Governor. One (1) member
15 shall be a citizen at large who is not associated with or financially interested in the
16 practice or business regulated. With the exception of the citizen at large, each member
17 shall be appointed from a list of names of qualified persons submitted by any interested
18 parties. The Governor may request the submission of additional names.

19 ~~{(2)}~~ ~~Members of the board shall be appointed for terms of four (4) years, except~~
20 ~~appointments to fill vacancies caused by a reason other than the expiration of a~~
21 ~~member's term. A member shall not serve more than two (2) consecutive full terms.~~
22 ~~A member currently serving on the board who has served more than two (2)~~
23 ~~consecutive full terms shall be replaced by the Governor in a timely manner. Upon~~
24 ~~recommendation of the board, made after notice and hearing, the Governor may~~
25 ~~remove any member of the board for incompetence, neglect of duty, or malfeasance~~
26 ~~in office.~~

27 ~~{(3)}~~ ~~All vacancies shall be filled by the Governor.~~

1 ~~(4) The board shall organize upon appointment and qualification of its members, and~~
2 ~~shall elect annually from its membership a chairman, vice chairman, and a secretary.~~
3 ~~The board shall meet as frequently as it deems necessary, but not less than two (2)~~
4 ~~times each year, at such times and places as the board designates. Additional~~
5 ~~meetings may be held upon call of the chairman or upon the written request of two~~
6 ~~(2) members of the board. Four (4) members of the board shall constitute a~~
7 ~~quorum.]~~

8 ➔Section 190. KRS 335.070 is amended to read as follows:

- 9 (1) (a) The board shall administer and enforce~~[the provisions of]~~ KRS 335.010 to
10 335.160 and KRS 335.990, and shall evaluate applications and issue licenses
11 to qualified applicants within ***thirty (30)***~~[forty five (45)]~~ days of submission of
12 the complete application packet and receipt of the official passing score report
13 and the licensure fee.
- 14 (b) Within fifteen (15) days of accepting an applicant's payment and application
15 packet, the board shall:
- 16 1. Notify the applicant that the application packet is complete, approve the
17 applicant to sit for the national examination, and issue a temporary
18 permit to engage in the practice of social work; or
 - 19 2. Notify the applicant that the application packet is incomplete and, when
20 all omitted application items are received, notify the applicant of receipt
21 of the complete application packet, approve the applicant to sit for the
22 national examination, and issue a temporary permit to engage in the
23 practice of social work.
- 24 (c) The board shall evaluate the complete application packet and, within ***thirty***
25 ***(30)***~~[forty five (45)]~~ days, notify a qualified applicant of the issuance of the
26 permanent license pursuant to KRS 335.080, 335.090, or 335.100.
- 27 (d) If the board deems an applicant unqualified, the license may be denied and the

1 temporary permit to practice social work may be revoked.

2 (e) In order to be issued a temporary permit, an applicant shall have submitted:

3 1. A complete application packet as provided in this subsection, with the
4 exception of a passing score on the required examination; and

5 2. If applying for licensure as a certified social worker or as a licensed
6 clinical social worker, a letter from a licensed clinical social worker, or
7 equivalent, who will supervise the applicant while under temporary
8 permit in accordance with administrative regulations.

9 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
10 administer oaths, and investigate allegations of practices violating the provision of
11 KRS 335.010 to 335.160 and KRS 335.990.

12 (3) The board may promulgate administrative regulations pursuant to KRS Chapter
13 13A to carry out ~~the provisions of~~ KRS 335.010 to 335.160 and KRS 335.990.

14 (4) The board may conduct hearings pursuant to KRS Chapter 13B and keep records
15 and minutes necessary to carry out the functions of KRS 335.010 to 335.160 and
16 KRS 335.990.

17 ~~(5) The board may employ any other persons it deems necessary to carry on the work of
18 the board, and shall define their duties and fix their compensation.~~

19 ~~(6)~~ The board may renew licenses and require continuing education as a condition for
20 license renewals, and shall authorize organizations to provide continuing education
21 programs, including but not limited to:

22 (a) Schools of social work accredited by the Council on Social Work Education;

23 (b) The National Association of Social Workers-Kentucky Chapter; and

24 (c) The Kentucky Society of Clinical Social Workers.

25 ~~(6)~~⁽⁷⁾ The board may, after a hearing conducted in accordance with KRS Chapter
26 13B, revoke, suspend, or refuse to issue or renew; impose probationary or
27 supervisory conditions upon; impose administrative fines; issue written reprimands

1 and admonishments; or any combination of actions regarding licenses and licensees.

2 ~~(7)~~~~(8)~~ The board may seek injunctive relief in Franklin Circuit Court to stop the
3 unlawful practice of social work by unlicensed persons.

4 ~~(8)~~~~(9)~~ The board may establish, by promulgation of administrative regulations, the
5 requirements for temporary permits to practice social work.

6 ~~(9)~~~~(10)~~ The board may enter into agreements with any organization for the creation
7 and implementation of a social work impairment program, as specified in the
8 agreement.

9 ~~(10)~~~~(11)~~ The board shall refund any levied administrative assessments that it has
10 received for practice by unlicensed individuals employed by organizations
11 exempted from the application of KRS 335.010 to 335.160 and 335.990 by KRS
12 335.010(5).

13 **(11) At least one (1) person assigned to serve as an administrator or staff member of**
14 **the board under Section 4 of this Act shall have spent a minimum of five (5) years**
15 **as:**

16 **(a) A licensee in good standing with the board; or**

17 **(b) An employee, administrator, or staff member of the board.**

18 ➔Section 191. KRS 335.305 is amended to read as follows:

19 (1) Except as provided in ~~KRS 335.307 and~~ subsection (2) of this section:

20 (a) No person shall use the title "licensed marriage and family therapist,"
21 "LMFT," or a title which is substantially the same, or hold himself or herself
22 out as having this status, unless licensed by the board.

23 (b) No person shall use the title "marriage and family therapy associate" or hold
24 himself or herself out as having this status, unless holding a permit issued by
25 the board.

26 (2) ~~The provisions of~~ KRS 335.300 to 335.399 shall not apply to persons licensed,
27 certified, or registered under any other provision of the Kentucky Revised Statutes,

1 including, but not limited to, physicians, social workers, psychologists, art
2 therapists, and nurses, or students within accredited training programs of these
3 professions. Nothing in KRS 335.300 to 335.399 shall be construed to limit,
4 interfere with, or restrict the practice, descriptions of services, or manner in which
5 these persons hold themselves out to the public.

6 (3) Nothing in KRS 335.300 to 335.399 shall be construed to alter, amend, or interfere
7 with the practice of employment counseling, job placement counseling, or school
8 counseling.

9 (4) Nothing in KRS 335.300 to 335.399 shall be construed to apply to the activities and
10 services of a student intern or trainee in marriage and family therapy who is
11 pursuing a program of studies in marriage and family therapy at an accredited
12 institution of higher learning if these activities are performed under the supervision
13 and constitute a part of the supervised program of study, and if the person is
14 designated a counseling intern, a marriage and family therapist intern, or student in
15 training.

16 ➔Section 192. KRS 335.310 is amended to read as follows:

17 ~~{(1)} There is created the Kentucky Board of Licensure of Marriage and Family~~
18 ~~Therapists, which. Effective January 1, 1999, it~~ shall be composed of seven (7)
19 members. Six (6) members shall be licensed marriage and family therapists. One (1)
20 member shall be a citizen-at-large who is not associated with or financially interested in
21 the practice or business of marriage and family therapy. All members shall be appointed
22 by the Governor from a list of names of qualified persons submitted by any interested
23 parties. The Governor may request the submission of additional names. ~~Each member of~~
24 ~~the board shall serve for a term of four (4) years.~~

25 ~~(2) All reappointments to the board and vacancies on the board shall be filled by the~~
26 ~~Governor as described in subsection (1) of this section.~~

27 ~~(3) Each member of the board shall receive one hundred dollars (\$100) per day for each~~

1 ~~day spent performing official duties as a board member and reimbursement for~~
2 ~~actual and necessary expenses incurred in carrying out official duties.~~

3 ~~(4) The board shall annually elect a chair, a vice chair, and a secretary treasurer.~~

4 ~~(5) The board shall hold at least two (2) meetings annually and additional meetings as~~
5 ~~the board may deem necessary. The additional meetings may be held upon call of~~
6 ~~the chairperson or upon written request of two (2) board members. Four (4) board~~
7 ~~members shall constitute a quorum.~~

8 ~~(6) Upon recommendation of the board, the Governor may remove any board member~~
9 ~~for a poor attendance record, neglect of duty, or malfeasance in office.~~

10 ~~(7) No board member shall serve more than two (2) consecutive full terms. A person~~
11 ~~who has previously served two (2) consecutive terms may be reappointed to the~~
12 ~~board if that person has not served in the preceding four (4) years.]~~

13 ➔Section 193. KRS 335.320 is amended to read as follows:

14 The board shall:

15 (1) Administer and enforce~~[the provisions of]~~ this chapter and shall evaluate the
16 qualifications of license and permit applicants;

17 (2) Approve the examination required of applicants for licensure, provide for the
18 administration and grading of the examination, and provide for other matters
19 relating to licensure in the profession of marriage and family therapy;

20 (3) Review the credentials of licensees to determine if they are eligible for license
21 renewal and have paid the fee provided for in KRS 335.340;

22 (4) License the marriage and family therapist applicants who satisfy the experience and
23 educational requirements of KRS 335.330 and have paid the fee provided for in
24 KRS 335.330;

25 (5) Review and approve contracts between marriage and family therapy associates and
26 approved supervisors for their supervision of practice during the qualifying term;

27 (6) Issue permits to marriage and family therapy associate applicants who satisfy the

1 requirements of KRS 335.332;

2 (7) Adopt a code of ethics for licensed marriage and family therapists and marriage and
3 family therapy associates;

4 (8) Submit an annual report to the Governor and to the Legislative Research
5 Commission by September~~January~~ 1 of each year, listing all hearings conducted
6 by the board and any decisions rendered; and

7 (9) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to
8 implement the purpose and scope of KRS 335.300 to 335.399.

9 ➔Section 194. KRS 335.325 is amended to read as follows:

10 The board may:

11 ~~(1) Employ needed personnel;~~

12 ~~(2)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,
13 and investigate allegations of practices violating the provisions of this chapter;

14 ~~(2)~~~~(3)~~ Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice
15 of marriage and family therapy by unlicensed persons;

16 ~~(3)~~~~(4)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes
17 necessary to carry out the functions of this chapter;

18 ~~(4)~~~~(5)~~ Suspend or revoke licenses or permits or impose supervisory or probationary
19 conditions upon licensees or permit holders, or impose administrative disciplinary
20 fines, issue written reprimands or admonishments, or any combination of these
21 actions~~thereof~~;

22 ~~(5)~~~~(6)~~ Grant retired or inactive licensure status under conditions set forth by the
23 board by the promulgation of administrative regulations;

24 ~~(6)~~~~(7)~~ Enter into reciprocal agreements with boards of marriage and family therapy
25 in other states having licensure qualifications and requirements that meet or exceed
26 those provided in this chapter; and

27 ~~(7)~~~~(8)~~ ~~Organize itself into two (2) panels to separate the functions of inquiry and~~

1 ~~hearings. Each panel shall have the power to act as either an inquiry or hearing~~
 2 ~~panel. No member serving on the inquiry panel shall serve on the hearing panel for~~
 3 ~~any one particular case. Any final decision of the hearing panel shall be considered~~
 4 ~~as the final decision of the board and the hearing panel may exercise all powers~~
 5 ~~granted to the board pursuant to KRS Chapter 13B; and~~

6 ~~(9)}~~ Utilize mediation as a technique to resolve disciplinary matters.

7 ➔ Section 195. KRS 335.340 is amended to read as follows:

8 (1) ***An initial biennial license***~~[Licensee]~~ issued under KRS 335.330 shall be renewed
 9 ***biennially***~~[annually]~~ upon payment of a fee to be established by administrative
 10 regulation promulgated by the board not to exceed one hundred fifty dollars (\$150)
 11 ***per year.***

12 ~~(2) On January 1, 1999, all persons authorized to use the title "certified marriage and~~
 13 ~~family therapist" shall be deemed "licensed marriage and family therapists" until the~~
 14 ~~date of their second annual license renewal. As of that date, each formerly certified~~
 15 ~~licensee seeking license renewal shall provide the board with verification of~~
 16 ~~education or experience relating to psychopathology, as determined by~~
 17 ~~administrative regulations promulgated by the board, to include:~~

18 ~~(a) Coursework in psychopathology;~~

19 ~~(b) Supervised experience with a focus on diagnosis; or~~

20 ~~(c) Completion of equivalent continuing education units relating to~~
 21 ~~psychopathology.~~

22 ~~— This subsection shall not apply to license renewals for those persons also licensed~~
 23 ~~or certified by another mental health profession which authorizes diagnosis within~~
 24 ~~its scope of practice.~~

25 ~~(3)}~~ A ninety (90) day grace period shall be granted during which time licensees may
 26 continue to practice and may renew their licenses upon payment of the renewal fee
 27 plus a late renewal fee as promulgated by administrative regulation of the board.

1 Any license not renewed during this period shall expire. The board may reinstate an
2 expired license within three (3) years of its expiration date upon payment of the
3 renewal fee and satisfaction of other requirements.

4 ~~(3)~~~~(4)~~ A suspended license is subject to expiration and termination and shall be
5 renewed as provided in this chapter. Renewal shall not entitle the licensee to engage
6 in the practice of marriage and family therapy until the suspension has ended, or is
7 otherwise removed by the board and the right to practice is restored by the board.

8 ~~(4)~~~~(5)~~ A revoked license is subject to expiration or termination but may not be
9 renewed. If it is reinstated, the licensee shall pay the renewal fee as set forth in
10 subsection (1) of this section.

11 ~~(5)~~~~(6)~~ A person who fails to reinstate his or her license within three (3) years of its
12 termination may not have it renewed, restored, reissued, or reinstated. A person may
13 apply for and obtain a new license by meeting the~~current~~ requirements of this
14 chapter.

15 ~~(6)~~~~(7)~~ The board shall require that a person applying for renewal or reinstatement of
16 licensure show evidence of completion of continuing education as prescribed by the
17 board by administrative regulations, not to exceed twenty (20) clock hours per
18 year~~renewal period~~.

19 ➔Section 196. KRS 335.342 is amended to read as follows:

20 (1) All fees and other moneys received by the board pursuant to~~the provisions of~~ this
21 chapter shall be deposited in the State Treasury to the credit of a revolving fund for
22 the use of the board.

23 (2) No part of this revolving fund shall revert to the general fund of this
24 Commonwealth.

25 (3) The compensation of board members~~and all of the board's employees~~ and all
26 expenses incurred by the board shall be paid from this revolving fund.

27 ➔Section 197. KRS 335.510 is amended to read as follows:

- 1 (1) The Kentucky Board of Licensed Professional Counselors is created and shall
2 consist of seven (7) members who shall reside in the Commonwealth and be
3 appointed by the Governor. One (1) of the members shall be a citizen at large and
4 the remaining six (6) members shall be licensed professional clinical counselors.
5 The licensed professional clinical counselor members on the board shall have been
6 licensed as professional clinical counselors in the Commonwealth for at least two
7 (2) years preceding their appointments. The citizen at large member shall not be
8 associated with or have a relative who is associated with the practice or business of
9 professional counseling. Neither the citizen at large nor *the citizen's*~~[his]~~ relatives
10 shall have a financial interest in the practice or business of professional counseling.
- 11 (2) All appointments and vacancies to the board shall be filled by the Governor.
12 Subject to Section 16 of this Act, appointments and vacancies of counselor
13 members shall be filled by the Governor from a list of three (3) names for each
14 position to be filled that is submitted by the Kentucky Mental Health Counseling
15 Association~~[. Vacancies shall be filled for the remainder of the unexpired terms and~~
16 ~~in the same manner as set out in this subsection].~~
- 17 ~~(3) The length of a term of board appointment shall be four (4) years. A board member~~
18 ~~shall serve no more than two (2) consecutive terms.~~
- 19 ~~(4) The board shall elect a chair from its membership, and a chair shall be elected~~
20 ~~annually but shall serve no more than two (2) consecutive one (1) year terms. Four~~
21 ~~(4) members of the board shall constitute a quorum.~~
- 22 ~~(5)~~ The board shall hold two (2) meetings annually to give examinations pursuant to
23 KRS 335.515 and may hold additional meetings as the board deems necessary. The
24 additional meetings may be held upon call of the chair or upon the written request
25 of three (3) or more board members.
- 26 ~~{(6) The Governor shall remove a member from the board, for cause only.~~
- 27 ~~(7) A member of the board who is a citizen at large shall be disqualified from his or her~~

1 seat on the board if:

2 (a) ~~He or she, a member of his or her household, or a relative becomes associated~~
 3 ~~with or financially interested in the business of professional counseling;~~

4 (b) ~~He or she, a member of his or her household, or a relative becomes, or is in~~
 5 ~~training to become, a licensed professional clinical counselor; or~~

6 (c) ~~He or she ceases to reside in the Commonwealth.~~

7 ~~(8) A counselor member of the board shall be disqualified from his seat on the board if:~~

8 (a) ~~He or she has been determined by the board or a court to have violated the~~
 9 ~~code of professional ethics or practice standards established pursuant to KRS~~
 10 ~~335.500 to 335.599;~~

11 (b) ~~He or she ceases to be a licensed professional clinical counselor; or~~

12 (c) ~~He or she ceases to reside in the Commonwealth.~~

13 ~~(9) Each board member shall receive one hundred dollars (\$100) per day for each day~~
 14 ~~of service actually given in carrying out his duties under KRS 335.500 to 335.599,~~
 15 ~~and shall also be reimbursed the necessary traveling, hotel, and contingent expenses~~
 16 ~~incurred in attending the meetings of the board and in performing the duties of the~~
 17 ~~board.]~~

18 ➔Section 198. KRS 335.515 is amended to read as follows:

19 (1) The board shall administer and enforce~~[the provisions of]~~ KRS 335.500 to 335.599
 20 and shall evaluate the qualifications of applicants for licensure.

21 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
 22 administer oaths, and investigate allegations of practices violating~~[the provisions~~
 23 ~~of]~~ KRS 335.500 to 335.599.

24 (3) The board shall promulgate administrative regulations pursuant to KRS Chapter
 25 13A as necessary to carry out and enforce~~[the provisions of]~~ KRS 335.500 to
 26 335.599, including the establishment of fees.

27 (4) The board shall conduct hearings as necessary pursuant to KRS Chapter 13B and

1 shall keep records and minutes necessary to carry out the function of KRS 335.500
2 to 335.599.

3 (5) The board shall issue two (2) year credentials to qualified candidates.

4 (6) The board shall renew credentials for two (2) years subject to the provisions of
5 KRS 335.535 and shall require ten (10) continuing education hours per year as a
6 condition for renewal~~[each year]~~.

7 (7) The board may suspend or revoke credentials, impose supervisory or probationary
8 conditions upon certificate holders, impose administrative disciplinary fines, issue
9 written reprimands and admonishments, or perform any combination of these
10 actions~~[thereof]~~.

11 (8) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of
12 KRS 335.505(1).

13 (9) The board may grant retired status or inactive status to a credential holder under
14 conditions set out in administrative regulations promulgated by the board.

15 ~~(10) The board may employ persons as necessary to carry on its work and shall define
16 those persons' duties and fix their compensation.~~

17 ~~(11)~~ The board shall promulgate by administrative regulation a code of ethics for and
18 standards of practice for all credential holders.

19 ~~(11)~~~~(12)~~ The board may enter into reciprocal agreements with certified or licensed
20 professional counseling boards.

21 ➔Section 199. KRS 335.520 is amended to read as follows:

22 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~ this
23 chapter shall be deposited in the State Treasury to the credit of a revolving fund for
24 the use of the board. The compensation of the board's members~~[and employees]~~
25 and all expenses incurred by the board shall be paid from the revolving fund.

26 (2) No part of this revolving fund shall revert to the general funds of the
27 Commonwealth.

1 ➔Section 200. KRS 335.525 is amended to read as follows:

- 2 (1) The board shall issue a ***biennial*** "professional clinical counselor" license to an
3 applicant who:
- 4 (a) Has paid the application fee and the appropriate examination fee to the board;
- 5 (b) Is of good moral character;
- 6 (c) Has received a master's, specialist, or doctoral degree in counseling or a
7 related field from a regionally accredited institution;
- 8 (d) Has completed a minimum of sixty (60) graduate semester hours in the
9 following:
- 10 1. The helping relationship, including counseling theory and practice;
- 11 2. Human growth and development;
- 12 3. Lifestyle and career development;
- 13 4. Group dynamics, process, counseling, and consulting;
- 14 5. Assessment, appraisal, and testing of individuals;
- 15 6. Social and cultural foundations, including multicultural issues;
- 16 7. Principles of etiology, diagnosis, treatment planning, and prevention of
17 mental and emotional disorders and dysfunctional behavior;
- 18 8. Research and evaluation; and
- 19 9. Professional orientation and ethics;
- 20 (e) Has completed a minimum of four thousand (4,000) hours of experience in the
21 practice of counseling, all of which ~~shall~~**must** have been obtained since
22 obtaining the master's degree and ~~shall~~**must** be under approved supervision
23 and shall include but not be limited to a minimum of one thousand six
24 hundred (1,600) hours of direct counseling with individuals, couples, families,
25 or groups and a minimum of one hundred (100) hours of individual, face-to-
26 face clinical supervision with an approved supervisor. Each applicant is
27 encouraged to include as part of the total hours of experience a minimum of

- 1 ten (10) hours of direct counseling with individuals in a jail or corrections
2 setting. All applicants shall complete an organized practicum or internship
3 consisting of at least four hundred (400) hours; and
- 4 (f) Has achieved passing scores on all portions of the examinations required by
5 the board.
- 6 (2) The board may issue a *biennial* "professional counselor associate" license to an
7 applicant who:
- 8 (a) Has completed all requirements under paragraphs (a) to (d) of subsection (1)
9 of this section;
- 10 (b) Has not met the requirements of paragraphs (e) or (f) of subsection (1) of this
11 section; and
- 12 (c) Has obtained a board-approved supervisor of record.
- 13 (3) (a) On July 15, 2002, a previously certified professional counselor in Kentucky
14 shall be entitled to use the term "licensed professional clinical counselor" and
15 shall be issued a professional clinical counselor license upon ~~annual~~
16 renewal.
- 17 (b) An applicant who has been issued a professional clinical counselor license
18 shall be entitled to use the title "licensed professional clinical counselor."
- 19 (4) (a) On July 15, 2002, a previously certified professional counselor associate shall
20 be entitled to use the term "licensed professional counselor associate" and
21 shall be issued a professional counselor associate license upon ~~annual~~
22 renewal.
- 23 (b) An applicant who has been issued a professional counselor associate license
24 shall be entitled to use the title "licensed professional counselor associate."
- 25 (5) (a) A licensed professional counselor associate shall maintain ongoing
26 supervision as approved by the board.
- 27 (b) A licensed professional counselor associate may apply for the credential of

1 licensed professional clinical counselor upon completion of the hours of
2 experience and passing the examinations required under paragraphs (e) and (f)
3 of subsection (1) of this section.

4 (6) The application fee for licensure and the examination fee shall be established
5 pursuant to an administrative regulation promulgated by the board.

6 ➔Section 201. KRS 335.535 is amended to read as follows:

7 (1) **An initial or renewed credential shall be valid for two (2) years.** Each credential
8 holder shall pay to the board ~~a~~~~[an annual]~~ renewal fee on or before the renewal date
9 established in administrative regulations promulgated by the board. All credentials
10 not renewed by the renewal date each renewal year shall expire because they were
11 not timely renewed.

12 (2) A person who fails to renew his or her credential on or before the renewal date shall
13 be given a sixty (60) day grace period. During the grace period, the credential holder
14 may continue to practice and may renew the credential upon payment of the renewal
15 fee and a late fee.

16 (3) All credentials not renewed within sixty (60) days after the renewal date shall
17 terminate. Upon termination, the credential holder shall not be eligible to use the
18 credential in the Commonwealth.

19 (4) After the sixty (60) day grace period, individuals with terminated credentials may
20 reinstate their credential upon payment of the renewal fee and a reinstatement fee.

21 (5) A suspended credential shall be renewed as provided in this section, but~~[; however,]~~
22 the credential holder shall not use the credential until the suspension has ended or
23 has been removed by the board.

24 (6) A revoked credential may not be renewed. However, the credential holder shall pay
25 the reinstatement and renewal fees as set forth in this section before the credential is
26 reinstated.

27 (7) A person who fails to reinstate his or her credential within three (3) years after its

1 termination may not have it renewed, restored, reissued, or reinstated. This person
2 may apply for and obtain a new credential by meeting the~~current~~ requirements of
3 KRS 335.525.

4 (8) The board may require that a person applying for renewal or reinstatement of his or
5 her credential show proof of having completed continuing education requirements.

6 ➔Section 202. KRS 335.610 is amended to read as follows:

7 The Kentucky Board of Licensure for Pastoral Counselors is hereby created.

8 (1) The board shall be composed of five (5) members who shall be appointed by the
9 Governor~~to serve four (4) year terms~~.

10 (a) Four (4) members shall be Kentucky licensed pastoral counselors actively
11 engaged in the practice or teaching of pastoral counseling.

12 (b) One (1) member shall be a citizen at large who is not associated with, or
13 financially interested in, the practice or business of pastoral counseling.

14 (2) **Subject to Section 16 of this Act,** all reappointments to the board and vacancies on
15 the board shall be filled by the Governor from a list of three (3) nominees for each
16 vacancy, submitted by the executive committee of the Kentucky Association of
17 Pastoral Counselors. In selecting the three (3) nominees to be submitted to the
18 Governor, the executive committee shall consider all nominations, including self-
19 nominations, from all pastoral counselors licensed under~~the provisions of~~ KRS
20 335.600 to 335.699.

21 ~~(3) No member shall serve more than two (2) consecutive terms.~~

22 ~~(4)~~ The chair of the board may not serve more than two (2) years.

23 ~~[(5) Each member shall serve until his or her successor is appointed and qualified.]~~

24 ➔Section 203. KRS 335.615 is amended to read as follows:

25 The board shall~~meet at least twice a year. The board shall elect a chair at the fall~~
26 ~~meeting who shall serve a one (1) year term. The board shall~~:

27 (1) Approve or deny applications for licensure submitted according to~~the provisions~~

- 1 ~~of~~ KRS 335.600 to 335.699;
- 2 (2) Approve the examination required of applicants for licensure, provide for the
3 administration and grading of the examination, and provide for other matters
4 relating to licensure in the profession of pastoral counseling as promulgated in
5 administrative regulations;
- 6 (3) Review the credentials of license holders to determine eligibility for license
7 renewal, including payment of fees authorized in KRS 335.625;
- 8 (4) License those pastoral counseling applicants who satisfy the requirements of KRS
9 335.600 to 335.699, including payment of fees authorized in KRS 335.620;
- 10 (5) Adopt a code of ethics for Kentucky licensed pastoral counselors by promulgation
11 of administrative regulations;
- 12 (6) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to
13 implement the purposes of KRS 335.600 to 335.699;
- 14 (7) Investigate suspected violations of KRS 335.600 to 335.699;
- 15 (8) Institute and maintain actions to restrain or enjoin persons who violate the licensure
16 provisions of KRS 335.600 to 335.699; and
- 17 (9) Submit an annual report to the Governor and to the Legislative Research
18 Commission by September~~January~~ 1 of each year, listing all hearings conducted
19 by the board, any decisions rendered, and a current roster of all Kentucky licensed
20 pastoral counselors.

21 ➔Section 204. KRS 48.315 is amended to read as follows:

- 22 (1) The General Assembly may provide in a budget bill for the transfer to the general
23 fund for the purpose of the general fund all or part of the agency funds, special
24 funds, or other funds established under the provisions of KRS 15.430; 21.347;
25 21.540; 21.560; 42.500; 47.010; 48.010(15)(g); 56.100; 61.470; 64.345; 64.350;
26 64.355; 95A.220; 136.392; 138.510; 161.420; 161.430; 164A.020; 164A.110;
27 164A.800; 164A.810; 216A.110; 230.218; 230.400; 230.770; 248.540; 248.550;

1 278.130; 278.150; 286.1-485; 304.35-030; 311.450; 311.610; 312.019; 313.022;
 2 314.161; 315.195; 316.210; 317.530; 317A.080; 319.131; 320.360; 321.320;
 3 322.290; 322.330; 322.420; 323.080; ~~323.190;~~ 323.210; 323A.060; ~~323A.190;~~
 4 323A.210; 324.286; 324.410; 325.250; 326.120; 327.080; 330.050; 334.160;
 5 334A.120; 335.140; 342.122; 342.480, etc.

6 (2) The transfer of moneys from the agency funds, special funds, or other funds to the
 7 general fund provided for in subsection (1) of this section shall be for the period of
 8 time specified in the budget bill.

9 (3) Any provisions of any statute in conflict with the provisions of subsections (1) and
 10 (2) of this section are hereby suspended or modified. Any suspension or
 11 modification shall not extend beyond the duration of the budget bill.

12 ➔Section 205. KRS 323.170 is amended to read as follows:

13 **Subject to Section 16 of this Act:**

14 **(1)** Five (5) members of the board appointed by the Governor shall be architects
 15 registered in the Commonwealth of Kentucky and shall have been in the active
 16 practice of architecture for at least ten (10) years immediately preceding their
 17 appointment, and shall have been residents of this Commonwealth for at least five
 18 (5) years immediately preceding their appointment. **Two (2) of these five (5)**
 19 **appointments shall be made from a list of not fewer than three (3) nominees for**
 20 **each appointment submitted to the Governor by the Kentucky Society of**
 21 **Architects;**

22 **(2)** One (1) member shall be a certified interior designer in the Commonwealth of
 23 Kentucky, shall have been providing interior design services for at least ten (10)
 24 years, and shall have been a resident of the Commonwealth for at least five (5) years
 25 immediately preceding the appointment; **and** ~~[-]~~

26 **(3)** One (1) member shall be a citizen at large who is not associated with or financially
 27 interested in the practice or business regulated.

- 1 ➔Section 206. The following KRS sections are repealed:
- 2 216A.050 Terms of board members -- Consecutive terms restricted.
- 3 310.080 Licensure and certification until July 15, 1995, of applicants certified under
- 4 prior law.
- 5 311.540 Meetings -- Officers -- Compensation.
- 6 311.882 Issuance of certificate before July 1, 2005.
- 7 311B.060 Powers of board.
- 8 312.045 Suspending member of board.
- 9 312.055 Officers of board -- Salary of executive secretary -- Compensation of board
- 10 members.
- 11 312.065 Meetings of board -- Call of meetings, notice.
- 12 315.171 Compensation of board members and executive director.
- 13 319A.030 Terms -- Vacancies -- Removal -- Reimbursement for expenses.
- 14 319A.040 Meetings -- Quorum -- Officers.
- 15 319A.050 Executive secretary and assistants -- Expenditure of funds.
- 16 322.260 Officers of board.
- 17 322.270 Compensation of board members.
- 18 323.160 Board members -- Appointment -- Terms.
- 19 323.180 Election of officers.
- 20 323.190 Compensation of board members.
- 21 323.200 Quorum.
- 22 323A.150 Membership of board.
- 23 323A.180 Election of officers.
- 24 323A.190 Compensation of board members.
- 25 323A.200 Quorum.
- 26 324.2811 Automatic removal of member from commission.
- 27 324.284 Employees -- Office -- Equipment and supplies.

- 1 324A.025 Chairman of board -- Meetings.
- 2 324B.010 Definitions for chapter.
- 3 324B.020 Department of Professional Licensing within Public Protection Cabinet.
- 4 324B.030 Department of Professional Licensing -- Services for boards and commissions
- 5 -- Charges -- Complaints -- Acceptance of personal checks in payment of license
- 6 renewal fees.
- 7 324B.040 Independent board or commission to use services of Department of
- 8 Professional Licensing -- Exemptions -- Report.
- 9 324B.050 Kentucky Real Estate Authority -- Executive director -- Powers.
- 10 324B.060 Duties of executive director of Kentucky Real Estate Authority.
- 11 334.170 Department of Professional Licensing to provide assistance.
- 12 334A.100 Board members -- Expenses.
- 13 334A.110 Board to employ necessary personnel.
- 14 335.060 Compensation for board members.
- 15 335.307 Effect of new licensure requirements on existing certified marriage and family
- 16 therapist.