

1 AN ACT relating to licensed occupations.

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

3 ➔Section 1. KRS 314A.105 is amended to read as follows:

- 4 (1) This chapter does not prohibit:
- 5 (a) The performance of respiratory care which is an integral part of the program
- 6 of study by students enrolled in an accredited program;
- 7 (b) Self-care by the patient nor the gratuitous care by a friend or member of the
- 8 family who does not represent or hold himself ***or herself*** out to be a
- 9 respiratory care practitioner;
- 10 (c) Respiratory care services provided in the case of an emergency;
- 11 (d) Persons from engaging in cardiopulmonary research;
- 12 (e) The performance of respiratory care by trained paramedical personnel; and
- 13 (f) Volunteer health practitioners providing services under KRS 39A.350 to
- 14 39A.366.

15 (2) Nothing in this section shall limit, preclude, or otherwise restrict, the practices of

16 other licensed personnel in carrying out their duties under the terms of their license.

17 ➔Section 2. KRS 315.030 is amended to read as follows:

- 18 (1) No person shall take, use, or exhibit the title of drug, drug store, pharmacy or
- 19 apothecary, or any combination of such names or titles, or any title, name or
- 20 description of like import, or any form designed to take the place of such a title, or
- 21 use any place with respect to which any of those terms are used in any
- 22 advertisement or telephone directory listing, unless the facility has been issued a
- 23 permit by the board.
- 24 (2) No person shall call himself ***or herself***, or hold himself ***or herself*** out as, or use the
- 25 title of "pharmacist," "registered pharmacist," "licensed pharmacist," "druggist," or
- 26 use the initials "R.Ph." or terms which would imply that he is a pharmacist, unless
- 27 he is duly licensed under the provisions of KRS Chapter 315.

1 (3) Effective April 1, 2009, a person shall not call himself or herself or hold himself or
2 herself out as a pharmacy technician or use the title of "pharmacy technician" unless the person is duly
3 registered under KRS 315.136 or 315.138.

4 ➔Section 3. KRS 315.155 is amended to read as follows:

- 5 (1) The Governor may remove a member of the board for any of the following reasons:
- 6 (a) Refusal or inability of a board member to perform his or her duties as a
7 member of the board in an efficient, responsible and professional manner;
- 8 (b) Misuse of the office by a member of the board to obtain personal, pecuniary,
9 or material gain or advantage for himself or herself or another;
- 10 (c) Willful violation of any provision of KRS Chapter 315 or any rule or
11 regulation promulgated thereunder.
- 12 (2) Any person may file a complaint with the executive director of the board against a
13 board member alleging specific facts which constitute grounds for removal from the
14 board. The executive director shall transmit a copy of any such complaint to the
15 Governor, the president of the board and the accused board member. Upon a written
16 recommendation of the Governor or two-thirds (2/3) of the members of the board, a
17 hearing shall be conducted before an impartial hearing officer pursuant to KRS
18 Chapter 13B.
- 19 (3) The hearing officer shall submit a transcript of the hearing to the Governor with a
20 recommendation based on evidence presented in the hearing. The Governor shall
21 review the transcript to determine if the evidence supports the recommendation, and
22 he or she shall enter a finding in accordance with such determination.
- 23 (4) In the event a board member is removed, his or her removal shall be effective as of
24 the date of the Governor's finding, and a vacancy shall be deemed to exist. Any
25 board member so removed shall be entitled to appeal the removal in the Franklin
26 Circuit Court.

27 ➔Section 4. KRS 316.990 is amended to read as follows:

- 1 (1) Any person who violates or aids in the violation of KRS 316.030(1) by engaging in
2 or attempting to engage in embalming or funeral directing or doing any part of a
3 service pertaining to embalming or funeral directing from the time of death until the
4 interment of a dead human body, who is not licensed under this chapter, shall be
5 guilty of a misdemeanor and upon conviction shall be fined not less than fifty
6 dollars (\$50) nor more than five hundred dollars (\$500), or imprisoned for not more
7 than six (6) months, or both for each offense.
- 8 (2) Any person not licensed under this chapter who conducts a funeral establishment or
9 corporation for the preparation and burial of dead human bodies, or who holds
10 himself *or herself* out to be an embalmer or funeral director, or who prepares, cares
11 for, or disposes of dead human bodies within the meaning of this chapter, shall be
12 guilty of a misdemeanor, and upon conviction shall be fined not less than fifty
13 dollars (\$50) nor more than five hundred dollars (\$500), or imprisoned for not more
14 than six (6) months, or both. Each day that the establishment is open to the public in
15 violation of this chapter shall be a separate offense.