

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) "Department" means the Department of Professional Licensing within the*
9 *Public Protection Cabinet; and*

10 *(3) "Enabling act" means the statutory scheme containing the statutes establishing a*
11 *board.*

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

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

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

17 *(2) Prohibit an unlicensed person from practicing an occupation or profession or*
18 *using a title that requires licensure from a board;*

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

21 *(4) Eliminate unnecessary burdens to market entry;*

22 *(5) Encourage the adoption, proliferation, and continued efficacy of licensure*
23 *compacts to eliminate unnecessary barriers to market entry, an inherent purpose*
24 *of such compacts;*

25 *(6) Provide active state supervision of boards; and*

26 *(7) Create administrative efficiencies by standardizing certain practices among the*
27 *boards.*

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

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

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

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

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

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

- 24 *(1) Each board shall be organized within the department except as otherwise stated*
25 *in an enabling act.*
- 26 *(2) The department shall provide administrative services, technical assistance,*
27 *personnel staffing, and meeting space to the boards organized within the*

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

1 4. Kentucky Board of Registration for Professional Geologists;

2 (f) Professional Licensing Authority:

3 1. Kentucky Board of Barbering;

4 2. Kentucky Board of Prosthetics, Orthotics, and Pedorthics;

5 3. Kentucky Board of Embalmers and Funeral Directors;

6 4. Kentucky Board of Cosmetology;

7 5. Kentucky Licensing Board for Specialists in Hearing Instruments;

8 6. Kentucky Board of Licensure for Private Investigators; and

9 7. Kentucky Board of Durable Medical Equipment Suppliers;

10 (g) Behavioral Health and Wellness Authority:

11 1. Kentucky Applied Behavior Analysis Licensing Board;

12 2. Kentucky Board of Licensed Professional Counselors;

13 3. Kentucky Board of Licensure for Pastoral Counselors;

14 4. Kentucky Board of Alcohol and Drug Counselors;

15 5. Kentucky Board of Interpreters for the Deaf and Hard of Hearing;

16 6. Kentucky Board of Licensure for Massage Therapy;

17 7. Kentucky Board of Licensure and Certification for Dietitians and
18 Nutritionists;

19 8. Kentucky Board of Licensure for Long-term Care Administrators;

20 9. Kentucky Board of Ophthalmic Dispensers;

21 10. Kentucky Board of Licensure for Professional Art Therapists;

22 11. Kentucky Board of Licensure for Occupational Therapy;

23 12. Kentucky Board of Licensure of Marriage and Family Therapists;

24 13. Kentucky Board of Speech-Language Pathology and Audiology;

25 14. Kentucky Board of Licensed Diabetes Educators; and

26 15. Kentucky Board of Social Work; and

27 (h) Real Estate Authority:

- 1 1. Kentucky Board of Home Inspectors;
- 2 2. Board of Auctioneers;
- 3 3. Real Estate Appraisers Board; and
- 4 4. Kentucky Real Estate Commission.

5 (5) Each authority shall be managed by an executive director. The executive
 6 directors of the Medical Licensure Authority, Nursing Authority, and Pharmacy
 7 Authority shall be appointed by their respective boards with the consent of the
 8 secretary. The remaining executive directors shall be appointed by the secretary
 9 of the Public Protection Cabinet with the approval of the Governor in accordance
 10 with KRS 12.050.

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

13 (1) All board members shall be appointed by the Governor, except for ex officio
 14 members.

15 (2) If new boards are created or existing boards are reorganized, initial terms shall
 16 be staggered as evenly as possible so that members are initially appointed for a
 17 one (1) year, two (2) year, or three (3) year term.

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

20 (1) A majority of the voting members of a board shall constitute a quorum for the
 21 transaction of business. If a board has one (1) or more vacancies in its
 22 membership, a board shall not be required to include one (1) such vacant position
 23 to determine the existence of a quorum.

24 (2) Except as otherwise provided in this chapter or in an enabling act, every member
 25 of a board shall be a voting member entitled to vote on all matters.

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

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

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

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

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

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

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

23 A board member shall be disqualified from service on a board, thereby creating a
 24 vacancy, if as voted upon by the board, a member:

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

26 (2) Is a consumer or citizen member of the board who acquires, or a member of
 27 whose household acquires, a license or financial interest in the profession or

1 trade regulated by the board;

2 (3) Pleads guilty to, pleads no contest to, enters an Alford plea to, or has been found
 3 guilty of, a felony or any other crime involving fraud, dishonesty, or sexual
 4 misconduct during the member's time of service on the board;

5 (4) Displays incompetence, neglect of duty, or unprofessional conduct;

6 (5) Fails to adhere to the board's duly adopted code of ethics; or

7 (6) Misses three (3) consecutive regular meetings or misses more than fifty percent
 8 (50%) of all meetings held over the previous twelve (12) month period.

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

11 In addition to administering and enforcing the provisions of its enabling act, a board
 12 may:

13 (1) Examine witnesses, administer oaths, and investigate allegations of actions
 14 violating this chapter, the board's enabling act, and any administrative regulation
 15 promulgated under the board's enabling act;

16 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
 17 this chapter and the board's enabling act;

18 (3) Conduct administrative hearings in accordance with KRS Chapter 13B;

19 (4) Evaluate the qualifications and authorize the issuance, renewal, reinstatement,
 20 reactivation, or reregistration of licenses, certificates, or permits to qualified
 21 individuals;

22 (5) Issue disciplinary action, including to:

23 (a) Suspend, revoke, or restrict licenses;

24 (b) Deny the issuance, renewal, reinstatement, reactivation, or reregistration of
 25 a license;

26 (c) Impose probationary conditions on the licensee; and

27 (d) Levy fines not to exceed two thousand dollars (\$2,000) per violation except

1 as otherwise provided by a board's enabling act or a board's administrative
2 regulations;

3 (6) Require the continuing professional education of individuals subject to this
4 chapter and the board's enabling act;

5 (7) Institute civil actions in Franklin Circuit Court, the Circuit Court of the county
6 where the board's principal place of business is located, or the Circuit Court of
7 the county where the violation occurred to restrain or enjoin any violation of this
8 chapter, the board's enabling act, or any administrative regulation promulgated
9 by the board, in addition to any other civil or criminal penalties;

10 (8) Approve appropriate examinations for licensees and establish standards for
11 acceptable performance;

12 (9) Adopt a code of ethics;

13 (10) Delegate responsibilities to committees or staff who serve the board;

14 (11) Establish by administrative regulation any fees, including fees for licensure,
15 subject to any maximum established by law;

16 (12) Establish advisory councils or other bodies to advise the board on matters within
17 its jurisdiction. A member of an advisory council or other appointed body shall
18 not be compensated but may be reimbursed for travel costs; and

19 (13) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
20 expungement of a disciplinary action.

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

23 (1) Pursuant to KRS 13A.120(3), a board shall submit an administrative regulation
24 to the executive director of the authority within which the board is organized
25 prior to the board filing the administrative regulation. The executive director
26 shall review the proposed administrative regulation to determine whether it
27 complies with clearly articulated state policy as provided by the General Assembly

1 and is narrowly tailored to avoid unnecessary barriers to market entry. The
 2 commissioner of the department or the secretary of the Public Protection Cabinet
 3 may act in the absence of the executive director. A proposed administrative
 4 regulation that does not comply with clearly articulated state policy as provided
 5 by the General Assembly or is not narrowly tailored to avoid unnecessary barriers
 6 to market entry, both as determined by the executive director, shall not be filed.

7 (2) When a board completes the regulatory impact analysis required by KRS
 8 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall include
 9 a brief narrative summary of:

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

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

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

16 (3) Pursuant to KRS 13B.120(7), the executive director of each authority shall
 17 automatically hear and issue a final order regarding any decision of a board that
 18 would otherwise be subject to appeal. An aggrieved party may appeal a final
 19 order of the executive director pursuant to KRS Chapter 13B within thirty (30)
 20 days after the issuance of the order to the Circuit Court of the county where the
 21 licensee has his or her principal place of business or where the license applicant
 22 resides.

23 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
 24 READ AS FOLLOWS:

25 A board shall:

26 (1) Keep a register of all individuals licensed by the board. The register shall show
 27 the name of every licensee, the licensee's last known professional and home

1 address, e-mail address if one exists, telephone number, the type of license held,
2 and the date and number of each license; and

3 (2) Make an annual report to the Governor and the Legislative Research
4 Commission by September 1 of each year. The annual report shall cover the
5 preceding fiscal year. The annual report shall contain an account of duties
6 performed, actions taken, number of licensees over the most recent three (3)
7 years, financial condition, and appropriate recommendations.

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

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

13 (2) A board may authorize one (1) or more of its members or department staff to
14 review license applications and to approve or deny issuance of a license without
15 review and action by the board at a board meeting.

16 (3) 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 (4) 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 14. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO
25 READ AS FOLLOWS:

26 If a licensee of any professional licensing board identified in Section 3 of this Act,
27 including any person who holds an inactive or escrowed license, is convicted of, pleads

1 guilty to, pleads no contest to, or enters an Alford plea to any felony or misdemeanor,
2 excluding only misdemeanor convictions under KRS Chapter 189, the licensee shall
3 notify the board in writing of the conviction within thirty (30) days after the entry of an
4 order or judgment of conviction unless a shorter time is specified in an administrative
5 regulation. The licensee shall include a letter of explanation and a certified copy of the
6 order or judgment of conviction with the written notice.

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

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

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

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

18 (2) Notwithstanding any other law, a board shall send notice of the expiration of a
19 license to each licensee within thirty (30) days following the expiration of the
20 license.

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

25 (4) Absent good cause shown, a board shall require that a licensee or license
26 applicant provide an electronic mail address for purposes of official
27 communications. Any notice required by this chapter or a board's enabling act

1 may be sent to a licensee's or license applicant's electronic mail address unless a
2 board has excused that person from providing an electronic mail address.

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

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

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

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

13 (a) Kentucky Medical Licensure Authority;

14 (b) Kentucky Nursing Authority;

15 (c) Kentucky Pharmacy Authority;

16 (d) Kentucky Board of Dentistry;

17 (e) Kentucky Office of Drug Control Policy;

18 (f) State Board of Podiatry;

19 (g) Kentucky Board of Optometric Examiners; and

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

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

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

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

27 (b) Provides relevant statistical information;

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

3 (d) Provides policy recommendations, including recommendations for statutory
 4 changes or administrative regulation changes.

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

7 ➔Section 19. KRS 12.020 is amended to read as follows:

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

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

- 21 (1) The Governor.
 22 (2) Lieutenant Governor.
 23 (3) Department of State.
 24 (a) Secretary of State.
 25 (b) Board of Elections.
 26 (c) Registry of Election Finance.
 27 (4) Department of Law.

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

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

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

- 1 1. Office of the Commissioner.
- 2 2. Division of Mine Permits.
- 3 3. Division of Mine Reclamation and Enforcement.
- 4 4. Division of Abandoned Mine Lands.
- 5 5. Division of Oil and Gas.
- 6 6. Division of Mine Safety.
- 7 7. Division of Forestry.
- 8 8. Division of Conservation.
- 9 9. Office of the Reclamation Guaranty Fund.
- 10 (d) Office of Energy Policy.
 - 11 1. Division of Energy Assistance.
- 12 (e) Office of Administrative Services.
 - 13 1. Division of Human Resources Management.
 - 14 2. Division of Financial Management.
 - 15 3. Division of Information Services.
- 16 (4) Public Protection Cabinet.
 - 17 (a) Office of the Secretary.
 - 18 1. Office of Communications and Public Outreach.
 - 19 2. Office of Legal Services.
 - 20 a. Insurance Legal Division.
 - 21 b. Charitable Gaming Legal Division.
 - 22 c. Alcoholic Beverage Control Legal Division.
 - 23 d. Housing, Buildings and Construction Legal Division.
 - 24 e. Financial Institutions Legal Division.
 - 25 f. Professional Licensing Legal Division.
 - 26 3. Office of Administrative Hearings.
 - 27 4. Office of Administrative Services.

- 1 a. Division of Human Resources.
- 2 b. Division of Fiscal Responsibility.
- 3 (b) Kentucky Claims Commission.
- 4 (c) Kentucky Boxing and Wrestling Commission.
- 5 (d) Kentucky Horse Racing Commission.
 - 6 1. Office of Executive Director.
 - 7 a. Division of Pari-mutuel Wagering and Compliance.
 - 8 b. Division of Stewards.
 - 9 c. Division of Licensing.
 - 10 d. Division of Enforcement.
 - 11 e. Division of Incentives and Development.
 - 12 f. Division of Veterinary Services.
 - 13 (e) Department of Alcoholic Beverage Control.
 - 14 1. Division of Distilled Spirits.
 - 15 2. Division of Malt Beverages.
 - 16 3. Division of Enforcement.
 - 17 (f) Department of Charitable Gaming.
 - 18 1. Division of Licensing and Compliance.
 - 19 2. Division of Enforcement.
 - 20 (g) Department of Financial Institutions.
 - 21 1. Division of Depository Institutions.
 - 22 2. Division of Non-Depository Institutions.
 - 23 3. Division of Securities.
 - 24 (h) Department of Housing, Buildings and Construction.
 - 25 1. Division of Fire Prevention.
 - 26 2. Division of Plumbing.
 - 27 3. Division of Heating, Ventilation, and Air Conditioning.

- 1 4. Division of Building Code Enforcement.
- 2 (i) Department of Insurance.
- 3 1. Division of Insurance Product Regulation.
- 4 2. Division of Administrative Services.
- 5 3. Division of Financial Standards and Examination.
- 6 4. Division of Agent Licensing.
- 7 5. Division of Insurance Fraud Investigation.
- 8 6. Division of Consumer Protection.
- 9 7. Division of Kentucky Access.
- 10 (j) Department of Professional Licensing.
- 11 1. Real Estate Authority.
- 12 2. *Medical Licensure Authority.*
- 13 3. *Nursing Authority.*
- 14 4. *Pharmacy Authority.*
- 15 5. *Health and Restoration Authority.*
- 16 6. *Land Development Authority.*
- 17 7. *Professional Licensing Authority.*
- 18 8. *Behavioral Health and Wellness Authority.*
- 19 9. *Division of Administrative Services.*
- 20 (5) Labor Cabinet.
- 21 (a) Office of the Secretary.
- 22 1. Office of General Counsel.
- 23 a. Workplace Standards Legal Division.
- 24 b. Workers' Claims Legal Division.
- 25 2. Office of Administrative Services.
- 26 a. Division of Human Resources Management.
- 27 b. Division of Fiscal Management.

- 1 c. Division of Professional Development and Organizational
2 Management.
- 3 d. Division of Information Technology and Support Services.
- 4 3. Office of Inspector General.
- 5 (b) Department of Workplace Standards.
- 6 1. Division of Apprenticeship.
- 7 2. Division of Occupational Safety and Health Compliance.
- 8 3. Division of Occupational Safety and Health Education and
9 Training.
- 10 4. Division of Wages and Hours.
- 11 (c) Department of Workers' Claims.
- 12 1. Division of Workers' Compensation Funds.
- 13 2. Office of Administrative Law Judges.
- 14 3. Division of Claims Processing.
- 15 4. Division of Security and Compliance.
- 16 5. Division of Information Services.
- 17 6. Division of Specialist and Medical Services.
- 18 7. Workers' Compensation Board.
- 19 (d) Workers' Compensation Funding Commission.
- 20 (e) Occupational Safety and Health Standards Board.
- 21 (f) Apprenticeship and Training Council.
- 22 (g) State Labor Relations Board.
- 23 (h) Employers' Mutual Insurance Authority.
- 24 (i) Kentucky Occupational Safety and Health Review Commission.
- 25 (j) Workers' Compensation Nominating Committee.
- 26 (6) Transportation Cabinet:
- 27 (a) Department of Highways.

- 1 1. Office of Project Development.
- 2 2. Office of Project Delivery and Preservation.
- 3 3. Office of Highway Safety.
- 4 4. Highway District Offices One through Twelve.
- 5 (b) Department of Vehicle Regulation.
- 6 (c) Department of Aviation.
- 7 (d) Department of Rural and Municipal Aid.
 - 8 1. Office of Local Programs.
 - 9 2. Office of Rural and Secondary Roads.
- 10 (e) Office of the Secretary.
 - 11 1. Office of Public Affairs.
 - 12 2. Office for Civil Rights and Small Business Development.
 - 13 3. Office of Budget and Fiscal Management.
 - 14 4. Office of Inspector General.
- 15 (f) Office of Support Services.
- 16 (g) Office of Transportation Delivery.
- 17 (h) Office of Audits.
- 18 (i) Office of Human Resource Management.
- 19 (j) Office of Information Technology.
- 20 (k) Office of Legal Services.
- 21 (7) Cabinet for Economic Development:
 - 22 (a) Office of the Secretary.
 - 23 1. Office of Legal Services.
 - 24 2. Department for Business Development.
 - 25 3. Department for Financial Services.
 - 26 a. Kentucky Economic Development Finance Authority.
 - 27 b. Finance and Personnel Division.

- 1 c. IT and Resource Management Division.
- 2 d. Compliance Division.
- 3 e. Incentive Administration Division.
- 4 f. Bluegrass State Skills Corporation.
- 5 4. Office of Marketing and Public Affairs.
- 6 a. Communications Division.
- 7 b. Graphics Design Division.
- 8 5. Office of Workforce, Community Development, and Research.
- 9 6. Office of Entrepreneurship.
- 10 a. Commission on Small Business Advocacy.
- 11 (8) Cabinet for Health and Family Services:
- 12 (a) Office of the Secretary.
- 13 (b) Office of Health Policy.
- 14 (c) Office of Legal Services.
- 15 (d) Office of Inspector General.
- 16 (e) Office of Communications and Administrative Review.
- 17 (f) Office of the Ombudsman.
- 18 (g) Office of Finance and Budget.
- 19 (h) Office of Human Resource Management.
- 20 (i) Office of Administrative and Technology Services.
- 21 (j) Department for Public Health.
- 22 (k) Department for Medicaid Services.
- 23 (l) Department for Behavioral Health, Developmental and Intellectual
- 24 Disabilities.
- 25 (m) Department for Aging and Independent Living.
- 26 (n) Department for Community Based Services.
- 27 (o) Department for Income Support.

- 1 (p) Department for Family Resource Centers and Volunteer Services.
- 2 (q) Office for Children with Special Health Care Needs.
- 3 (r) Governor's Office of Electronic Health Information.
- 4 (s) Office of Legislative and Regulatory Affairs.
- 5 (9) Finance and Administration Cabinet:
- 6 (a) Office of the Secretary.
- 7 (b) Office of the Inspector General.
- 8 (c) Office of Legislative and Intergovernmental Affairs.
- 9 (d) Office of General Counsel.
- 10 (e) Office of the Controller.
- 11 (f) Office of Administrative Services.
- 12 (g) Office of Policy and Audit.
- 13 (h) Department for Facilities and Support Services.
- 14 (i) Department of Revenue.
- 15 (j) Commonwealth Office of Technology.
- 16 (k) State Property and Buildings Commission.
- 17 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 18 (m) Kentucky Employees Retirement Systems.
- 19 (n) Commonwealth Credit Union.
- 20 (o) State Investment Commission.
- 21 (p) Kentucky Housing Corporation.
- 22 (q) Kentucky Local Correctional Facilities Construction Authority.
- 23 (r) Kentucky Turnpike Authority.
- 24 (s) Historic Properties Advisory Commission.
- 25 (t) Kentucky Tobacco Settlement Trust Corporation.
- 26 (u) Kentucky Higher Education Assistance Authority.
- 27 (v) Kentucky River Authority.

- 1 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 2 (x) Executive Branch Ethics Commission.
- 3 (10) Tourism, Arts and Heritage Cabinet:
- 4 (a) Kentucky Department of Tourism.
- 5 1. Division of Tourism Services.
- 6 2. Division of Marketing and Administration.
- 7 3. Division of Communications and Promotions.
- 8 (b) Kentucky Department of Parks.
- 9 1. Division of Information Technology.
- 10 2. Division of Human Resources.
- 11 3. Division of Financial Operations.
- 12 4. Division of Facilities Management.
- 13 5. Division of Facilities Maintenance.
- 14 6. Division of Customer Services.
- 15 7. Division of Recreation.
- 16 8. Division of Golf Courses.
- 17 9. Division of Food Services.
- 18 10. Division of Rangers.
- 19 11. Division of Resort Parks.
- 20 12. Division of Recreational Parks and Historic Sites.
- 21 (c) Department of Fish and Wildlife Resources.
- 22 1. Division of Law Enforcement.
- 23 2. Division of Administrative Services.
- 24 3. Division of Engineering, Infrastructure, and Technology.
- 25 4. Division of Fisheries.
- 26 5. Division of Information and Education.
- 27 6. Division of Wildlife.

- 1 7. Division of Marketing.
- 2 (d) Kentucky Horse Park.
- 3 1. Division of Support Services.
- 4 2. Division of Buildings and Grounds.
- 5 3. Division of Operational Services.
- 6 (e) Kentucky State Fair Board.
- 7 1. Office of Administrative and Information Technology Services.
- 8 2. Office of Human Resources and Access Control.
- 9 3. Division of Expositions.
- 10 4. Division of Kentucky Exposition Center Operations.
- 11 5. Division of Kentucky International Convention Center.
- 12 6. Division of Public Relations and Media.
- 13 7. Division of Venue Services.
- 14 8. Division of Personnel Management and Staff Development.
- 15 9. Division of Sales.
- 16 10. Division of Security and Traffic Control.
- 17 11. Division of Information Technology.
- 18 12. Division of the Louisville Arena.
- 19 13. Division of Fiscal and Contract Management.
- 20 14. Division of Access Control.
- 21 (f) Office of the Secretary.
- 22 1. Office of Finance.
- 23 2. Office of Government Relations and Administration.
- 24 3. Office of Film and Tourism Development.
- 25 (g) Office of Legal Affairs.
- 26 (h) Office of Human Resources.
- 27 (i) Office of Public Affairs and Constituent Services.

- 1 (j) Office of Arts and Cultural Heritage.
- 2 (k) Kentucky African-American Heritage Commission.
- 3 (l) Kentucky Foundation for the Arts.
- 4 (m) Kentucky Humanities Council.
- 5 (n) Kentucky Heritage Council.
- 6 (o) Kentucky Arts Council.
- 7 (p) Kentucky Historical Society.
- 8 1. Division of Museums.
- 9 2. Division of Oral History and Educational Outreach.
- 10 3. Division of Research and Publications.
- 11 4. Division of Administration.
- 12 (q) Kentucky Center for the Arts.
- 13 1. Division of Governor's School for the Arts.
- 14 (r) Kentucky Artisans Center at Berea.
- 15 (s) Northern Kentucky Convention Center.
- 16 (t) Eastern Kentucky Exposition Center.
- 17 (11) Personnel Cabinet:
- 18 (a) Office of the Secretary.
- 19 (b) Department of Human Resources Administration.
- 20 (c) Office of Employee Relations.
- 21 (d) Kentucky Public Employees Deferred Compensation Authority.
- 22 (e) Office of Administrative Services.
- 23 (f) Office of Legal Services.
- 24 (g) Governmental Services Center.
- 25 (h) Department of Employee Insurance.
- 26 (i) Office of Diversity, Equality, and Training.
- 27 (j) Office of Public Affairs.

1 III. Other departments headed by appointed officers:

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

12 ➔Section 20. KRS 198B.704 is amended to read as follows:

13 (1) (a) There is hereby created~~[an independent agency of state government to be~~
 14 ~~known as]~~ the Kentucky Board of Home Inspectors~~[, which shall be attached~~
 15 ~~to the Department of Professional Licensing for administrative purposes]~~. The
 16 board shall consist of five (5) members, each appointed by the Governor. Each
 17 board member shall serve a term of three (3) years~~[. The board shall annually~~
 18 ~~select one (1) of its members to serve as chair and one (1) of its members to~~
 19 ~~serve as vice chair to act in the chair's absence]~~. The board shall designate
 20 either a board member or a member of the board's administrative staff to serve
 21 as secretary to the board.

22 (b)~~[Any member appointed to fill a vacancy occurring other than by expiration of~~
 23 ~~a term shall be appointed for the remainder of the unexpired term.~~

24 (c)~~]~~ No more than three (3) members of the same political party shall serve on the
 25 board at the same time.

26 (c)~~(d)]~~ No member of the board shall reside in the same county as another
 27 member. The members of the board shall be residents of Kentucky.

1 ~~[(e) 1. A majority of the board shall constitute a quorum for the transaction of~~
2 ~~business. The affirmative vote of a majority of the members is necessary~~
3 ~~for the board to take official action.]~~

4 (d)~~[2.]~~ If the chair and vice chair are absent from a meeting of the board when a
5 quorum exists, the members who are present may elect a presiding officer who
6 shall serve as acting chair until the conclusion of the meeting or until the
7 arrival of the chair or vice chair.

8 (e)~~[(f)]~~ No member may serve on the board for more than six (6) consecutive
9 years. A member may serve on the board for six (6) consecutive years on more
10 than one (1) occasion if that person is not a member of the board for at least
11 two (2) years between periods of board service.

12 (2) The five (5) members of the board shall be chosen as follows:

13 (a) Three (3) members shall:

- 14 1. Have been actively engaged in performing home inspections in
15 Kentucky for at least five (5) years immediately before the member's
16 appointment to the board, or have completed no less than one hundred
17 (100) fee-paid inspections per year over the last five (5) years; and
18 2. Be licensed by the board as a home inspector;

19 (b) One (1) member shall represent the public at large and shall not be associated
20 with the home inspection, home building, or real estate business other than as
21 a consumer; and

22 (c) One (1) member shall be a real estate professional licensed under KRS
23 Chapter 324 who has been actively engaged in selling, trading, exchanging,
24 optioning, leasing, renting, managing, or listing residential real estate in
25 Kentucky for at least five (5) years immediately before the member's
26 appointment to the board. This member shall be selected from a list of three
27 (3) names submitted to the Governor from the Kentucky Association of

1 Realtors. When a vacancy occurs in this member position, the Kentucky
2 Association of Realtors shall have sixty (60) days after the vacancy occurs to
3 submit a list of three (3) names to the Governor to fill the vacancy. The
4 Governor may reject the list of three (3) names and request that the Kentucky
5 Association of Realtors submit a new list of three (3) names within sixty (60)
6 days of the Governor's request. If the Kentucky Association of Realtors fails
7 to timely submit this list to the Governor, the Governor may immediately
8 appoint a qualified person to fill this vacancy.

9 ~~(3) A board member shall be automatically removed from the board and a vacancy shall~~
10 ~~occur when the board member:~~

11 ~~(a) Ceases to be a resident of the Commonwealth of Kentucky;~~

12 ~~(b) Displays incompetence, neglect of duty, or unprofessional conduct;~~

13 ~~(c) Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to~~
14 ~~this code shall be determined by official action of the board;~~

15 ~~(d) Enters a plea of guilty to, or has been found guilty of, a felony and the time for~~
16 ~~appeal has passed or the judgment of conviction has been finally affirmed on~~
17 ~~appeal; or~~

18 ~~(e) Misses three (3) consecutive meetings or misses more than twenty five percent~~
19 ~~(25%) of the meetings held over the previous twelve (12) month period.~~

20 ~~(4)~~ Voting members of the board shall be compensated no more than three hundred
21 dollars (\$300) per day for official business, subject to an annual maximum of six
22 thousand dollars (\$6,000). ~~Members shall be reimbursed for all expenses paid and~~
23 ~~incurred in the discharge of official business consistent with the reimbursement~~
24 ~~policy for state employees.]~~ With the approval of the executive director of the
25 Kentucky Real Estate Authority within the Department of Professional Licensing,
26 board members and board staff may attend and travel to and from meetings and
27 events relevant to the board or the industry the board represents.

1 ~~(4)~~~~(5)~~ The board shall meet at least quarterly each calendar year upon the call of the
2 chair or the written request of a majority of the members of the board.

3 ~~(5)~~~~(6)~~ The chair shall establish the date, time, and place for each meeting.

4 ➔Section 21. KRS 198B.706 is amended to read as follows:

5 The board shall:

6 (1) Through the promulgation of administrative regulations:

7 (a) Determine the requirements for and prescribe the form of licenses,
8 applications, and other documents that are required by KRS 198B.700 to
9 198B.738; and

10 (b) Require that a home inspection report include a statement that the home
11 inspection report does not address environmental hazards and list all other
12 exclusions with specificity;

13 (2) Grant, deny, suspend, and revoke approval of examinations and courses of study
14 regarding home inspections;

15 (3) Issue or deny applications for licensure and renewals;

16 (4) Investigate complaints concerning licensees, or persons the board has reason to
17 believe should be licensees, including complaints concerning failure to comply with
18 KRS 198B.700 to 198B.738 or administrative regulations promulgated under KRS
19 198B.700 to 198B.738, and, when appropriate, take action in accordance with KRS
20 198B.728 and 198B.730;

21 (5) Bring actions in the name of the state in an appropriate court in order to enforce
22 compliance with KRS 198B.700 to 198B.738 or the administrative regulations
23 promulgated under KRS 198B.700 to 198B.738;

24 (6) Establish license fees in an amount not to exceed two hundred fifty dollars (\$250)
25 annually;

26 (7) Inspect the records of a licensee in accordance with administrative regulations
27 promulgated by the board;

- 1 (8) Conduct or designate a member or other representative to conduct public hearings
2 on any matter for which a hearing is required under KRS 198B.728 and 198B.730;
- 3 (9) Adopt a seal containing the words "Kentucky Board of Home Inspectors" and,
4 through the board's secretary, certify copies and authenticate all acts of the board;
- 5 (10) ~~[Use counsel, consultants, and other persons,]~~Enter into contracts, and authorize
6 expenditures that are reasonably necessary or appropriate to administer and enforce
7 KRS 198B.700 to 198B.738 and administrative regulations promulgated under
8 those sections~~[thereunder]~~;
- 9 (11) Establish continuing education requirements for licensed home inspectors in
10 accordance with KRS 198B.722 and 198B.724;
- 11 (12) Conduct disciplinary actions against licensees to include:
- 12 (a) Suspension, probation, or permanent revocation of a license;
- 13 (b) Requiring a licensee to obtain additional continuing education; and
- 14 (c) Issuance of a written reprimand;
- 15 (13) Require all fee-paid home inspections to be conducted in accordance with the
16 standards of practice of:
- 17 (a) The American Society of Home Inspectors;
- 18 (b) The International Association of Certified Home Inspectors; or
- 19 (c) Any other approved standards of practice that are equal to the standards of
20 practice of the organizations in paragraphs (a) and (b) of this subsection as
21 determined by the board.
- 22 The board may establish standards of practice for home inspectors licensed in
23 Kentucky at a later date, which will supersede any other standards of practice
24 previously adopted by the board and, if adopted by administrative regulation, the
25 standards in paragraphs (a) and (b) of this subsection;
- 26 (14) Exercise all other powers specifically conferred on the board under KRS 198B.700
27 to 198B.738; and

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

4 ➔Section 22. KRS 216A.040 is amended to read as follows:

5 There shall be a Kentucky Board of Licensure for Long-term Care Administrators located
6 within the Public Protection Cabinet~~[for administrative and budgetary purposes]~~. The
7 board shall be composed of ten (10) members. The secretary of the Cabinet for Health
8 and Family Services, or his or her designee, shall be an ex officio member of the board.
9 The other members of the board shall be appointed by the Governor. One (1) member
10 shall be a practicing hospital administrator, to be appointed from a list of two (2) names
11 submitted by the Kentucky Hospital Association. One (1) member shall be a practicing
12 medical physician, to be appointed from a list of two (2) names submitted by the
13 Kentucky State Medical Association. One (1) member shall be an educator in the field of
14 allied health services. One (1) member shall be a citizen at large who is not associated
15 with or financially interested in the practice or business regulated. One (1) member shall
16 be a practicing long-term care administrator appointed from a list of two (2) names
17 submitted by LeadingAge Kentucky. The other four (4) members shall be practicing long-
18 term care administrators appointed from a list of two (2) names for each vacancy
19 submitted by the Kentucky Association of Health Care Facilities and duly licensed under
20 this chapter. No person who has been disciplined in the previous five (5) years by the
21 board, or by another state's board of licensure governing the same profession, shall be
22 appointed to the board.

23 ➔Section 23. KRS 216A.060 is amended to read as follows:

24 (1) ~~[The board shall elect annually from its membership a chair and vice chair.]~~The
25 board shall hold three (3) or more meetings each year.~~[At any meeting a majority of~~
26 ~~the appointed members with unexpired terms shall constitute a quorum.]~~ The board
27 may procure specialized consultation through the formation of any~~[such]~~ technical

1 advisory committees to execute the board's~~[as it may deem necessary in the~~
2 ~~execution of its]~~ responsibilities.

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

7 ➔Section 24. KRS 216A.140 is amended to read as follows:

8 **(1) Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
9 **Wellness Authority within the Department of Professional Licensing shall hear**
10 **and issue a final order regarding a decision of the board.**

11 **(2)** Persons aggrieved by a final order~~[orders]~~ of the executive director~~[board]~~ may
12 appeal therefrom to the Franklin Circuit Court and thence to the Court of Appeals in
13 the manner provided by law.

14 ➔Section 25. KRS 309.081 is amended to read as follows:

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

23 (2) Each member of the board shall serve for a term of four (4) years with a maximum
24 of two (2) full consecutive terms.

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

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

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

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

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

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

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

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

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

25 ➔Section 26. KRS 309.0813 is amended to read as follows:

26 The board shall:

27 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the

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

- 1 ~~(9)~~~~(10)~~ Keep a complete record of the board's proceedings;
- 2 ~~(10)~~~~(11)~~ Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
3 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 4 ~~(11)~~~~(12)~~ Promulgate administrative regulations pursuant to KRS Chapter 13A
5 establishing an initial licensure fee, certification fee, registration fee, and annual
6 renewal fees not to exceed three hundred dollars (\$300) each;
- 7 ~~(12)~~~~(13)~~ Take legal action as necessary to restrain or enjoin violations of KRS 309.080
8 to 309.089 and the administrative regulations promulgated pursuant to KRS
9 309.080 to 309.089;
- 10 ~~(13)~~~~(14)~~ Submit an annual report to the Governor and the Legislative Research
11 Commission by September~~January~~ 1 of each year, which lists all hearings
12 conducted by the board and the decisions rendered; and
- 13 ~~(14)~~~~(15)~~ Collect and deposit all fees, fines, and other moneys owed to the board into
14 the State Treasury to the credit of the revolving fund established in KRS 309.082.
- 15 ➔Section 27. KRS 309.086 is amended to read as follows:
- 16 (1) The board may revoke, suspend, place on probation, or restrict the license,
17 certificate, or registration of a licensee, certificate holder, or registrant; refuse to
18 issue or renew a license, certificate, or registration; and reprimand, admonish, or
19 fine a licensee, certificate holder, or registrant for the following:
- 20 (a) Fraud or deceit in obtaining licensure, certification, or registration;
- 21 (b) Transferring the authority granted by the license, certificate, or registration to
22 another person;
- 23 (c) Using unfair, false, misleading, or deceptive trade practices;
- 24 (d) Willfully or deliberately disregarding professional standards of practice or
25 violating the code of ethics;
- 26 (e) Aiding and abetting a person who obtains a license, certificate, or registration
27 fraudulently;

- 1 (f) Conspiring or combining with others to obtain a license, certificate, or
 2 registration to be used by an unlicensed, uncertified, or unregistered person
 3 with the intent to evade~~[the provisions of]~~ KRS 309.080 to 309.089 and
 4 administrative regulations promulgated pursuant to those sections;
- 5 (g) Negligence or incompetence in complying with the applicable code of ethics
 6 and standards of practice or failure to comply with continuing education
 7 requirements;
- 8 (h) Violating KRS 309.080 to 309.089 and administrative regulations
 9 promulgated pursuant to those sections; or
- 10 (i) Being convicted of any crime as defined in KRS 335B.010 in which an
 11 element of the crime is dishonesty or fraud, within the past three (3) years, if
 12 in accordance with KRS Chapter 335B.

13 (2) The board shall, upon the request of a licensed clinical alcohol and drug counselor,
 14 certified alcohol and drug counselor, or registered alcohol and drug peer support
 15 specialist, or an applicant for licensure, certification, or registration, hold a hearing
 16 pursuant to KRS Chapter 13B before denying an application; refusing to renew a
 17 license, certificate, or registration; suspending a license, certificate, or registration;
 18 or imposing a fine. **Pursuant to KRS 13B.120(7), the executive director of the**
 19 **Behavioral Health and Wellness Authority within the Department of Professional**
 20 **Licensing shall hear and issue a final order regarding a decision of the board.**
 21 The affected party may appeal the **executive director's**~~[board's]~~ decision in the
 22 Circuit Court where the licensee, certificate holder, or registrant resides. The action
 23 of the **executive director**~~[board]~~ shall remain in effect pending any appeals unless
 24 the **executive director**~~[board]~~ rescinds or modifies **the**~~[its]~~ order.

25 ➔Section 28. KRS 309.131 is amended to read as follows:

- 26 (1) There is hereby created the Kentucky Board of Licensure for Professional Art
 27 Therapists~~[that shall be attached to the Department of Professional Licensing in the~~

1 ~~Public Protection Cabinet for administrative purposes~~. The board shall consist of
2 five (5) members who are United States citizens and have been Kentucky residents
3 for at least five (5) years prior to their appointment. The board membership shall be
4 determined as follows:

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

10 (b) One (1) member shall represent the public. The public member shall not have
11 been licensed or have practiced as a professional art therapist, nor have any
12 significant financial interest, either direct or indirect, in the profession of art
13 therapy.

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

16 (3) The four (4) professional members shall be appointed from a list of eight (8) names
17 submitted by the board of directors of the Kentucky Art Therapy Association, Inc.,
18 and the one (1) public member shall be a citizen at large. Each member shall hold
19 office until a successor is appointed. Vacancies shall be filled in the same manner as
20 original appointments. No board member shall serve more than two (2) consecutive
21 terms.

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

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

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

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

5 ➔Section 29. KRS 309.1315 is amended to read as follows:

6 The board shall:

- 7 (1) Promulgate administrative regulations necessary to carry out~~[the provisions of]~~
8 KRS 309.130 to 309.1399;
- 9 (2) Select the examinations for licensure and administer the examinations~~[at least~~
10 ~~annually]~~;
- 11 (3) Establish the application deadline for and score required to pass the examinations;
- 12 (4) Process applications and conduct and review the required examinations;
- 13 (5) Issue licenses to applicants who meet the requirements of KRS 309.133 to 309.137;
- 14 (6) Deny, suspend, or revoke a license to practice art therapy;
- 15 (7) Censure, reprimand, or place a license holder or applicant on probation for a period
16 not to exceed one (1) year;
- 17 (8) Maintain a current register of license holders as a matter of public record;
- 18 (9) Establish criteria for continuing education;
- 19 (10) Establish procedures for receiving, investigating, and resolving complaints against
20 license holders;
- 21 (11) Conduct administrative hearings in accordance with KRS Chapter 13B for
22 disciplinary actions taken under authority of subsections (6) and (7) of this section;
- 23 (12) Approve the level of supervision and experience required for persons seeking
24 licensure;
- 25 (13) Assess fees for the issuance and renewal of licenses to cover administrative and
26 operating expenses of the board, and authorize all disbursements necessary to carry
27 out~~[the provisions of]~~ KRS 309.130 to 309.1399;

- 1 (14) Implement an impaired professional art therapist treatment program;
- 2 (15) Establish a code of ethics for license holders;
- 3 (16) Establish requirements for supervision and qualifications of supervisors; and
- 4 (17) Establish conditions for inactive status and return to active status for license
- 5 holders.

6 ➔Section 30. KRS 309.1375 is amended to read as follows:

7 (1) Before denying, revoking, suspending, imposing probationary or supervisory
8 conditions upon a license, issuing a written reprimand, or doing any combination of
9 those regarding any licensee or applicant under KRS 309.130 to 309.1399, the
10 board shall set the matter for hearing as provided by KRS Chapter 13B.

11 (2) After revoking, suspending, imposing probationary or supervisory conditions upon
12 a license, issuing a written reprimand, or doing any combination of those regarding
13 a licensee or applicant, the board shall set the matter for a hearing upon the written
14 request of the applicant or licensee within thirty (30) days of the applicant's or
15 licensee's receipt of the letter advising him or her of the denial, refusal,
16 admonishment, revocation, suspension, or other disciplinary action taken.

17 (3) **Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
18 **Wellness Authority within the Department of Professional Licensing shall hear**
19 **and issue a final order regarding a decision of the board.**

20 **(4)** Any party aggrieved by a final order of the **executive director**~~[board]~~ may appeal to
21 the Circuit Court of the county where the alleged violation occurred as provided by
22 KRS Chapter 13B.

23 ➔Section 31. KRS 309.302 is amended to read as follows:

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

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

27 (a) Five (5) practicing interpreters who hold current nationally recognized

- 1 certification and have at least five (5) years interpreting experience;
- 2 (b) One (1) deaf interpreter with past or current nationally recognized
3 certification; and
- 4 (c) One (1) consumer with knowledge about interpreter issues.
- 5 (3) ~~After the initial term of each appointment,~~ All members shall be appointed for a
6 term of four (4) years.
- 7 (4) Board members shall not be allowed to succeed themselves but a former member
8 may be reappointed to the board if that member has not served in the preceding four
9 (4) years.
- 10 ~~(5) The members of the board shall receive no compensation for their services on the
11 board, but they shall be reimbursed for actual and necessary expenses incurred in
12 the performance of their official duties.~~
- 13 ~~(6) The board shall annually elect a chairman, a vice chairman, and a secretary treasurer
14 from the members of the board.~~
- 15 ~~(7) The board shall hold at least one (1) meeting annually and additional meetings as
16 the board may deem necessary. The additional meetings may be held upon call of
17 the chairman or upon written request of a quorum. Four (4) members of the board
18 shall constitute a quorum to conduct business.~~
- 19 ~~(8) Upon recommendation of the board, the Governor may remove any member of the
20 board for neglect of duty or malfeasance in office.]~~

21 ➔Section 32. KRS 309.304 is amended to read as follows:

- 22 (1) The board shall administer and enforce~~the provisions of~~ this chapter and shall
23 have the responsibility of evaluating the qualifications of applicants for licensure
24 and the issuance of licenses.
- 25 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
26 administer oaths, and investigate allegations of practices violating~~the provisions
27 of~~ this chapter.

- 1 (3) The board shall promulgate necessary and reasonable administrative regulations in
2 accordance with KRS Chapter 13A and this chapter to effectively carry out and
3 enforce~~[the provisions of]~~ KRS 309.300 to 309.319, including administrative
4 regulations to establish authorized fees. Fees shall not exceed amounts necessary to
5 generate sufficient funds to effectively carry out and enforce~~[the provisions of]~~
6 KRS 309.300 to 309.319.
- 7 (4) The board may conduct hearings in accordance with KRS Chapter 13B and keep
8 records and minutes necessary to carry out the functions of KRS 309.300 to
9 309.319.
- 10 (5) The board may renew licenses and require continuing education as a condition for
11 renewal.
- 12 (6) The board may suspend or revoke licenses,~~[or]~~ impose supervisory or probationary
13 conditions upon licensees,~~[or]~~ impose administrative disciplinary fines, issue
14 written reprimands, or any combination of these actions~~[thereof]~~.
- 15 (7) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful
16 practice of interpreting by unlicensed persons.
- 17 ~~(8) [The board may employ any persons it deems necessary to carry on the work of the~~
18 ~~board, and shall define their duties and fix their compensation.]~~
- 19 ~~(9) [Beginning in 1999,]~~ On September~~[October]~~ 1 of each year, the board shall submit
20 a report to the Legislative Research Commission indicating:
21 (a) The current number of licensed interpreters; and
22 (b) The number of complaints received against interpreters and any disciplinary
23 action taken within the previous calendar year.
- 24 ➔Section 33. KRS 309.306 is amended to read as follows:
- 25 (1) All fees and other moneys received by the board under the provisions of KRS
26 309.300 to 309.319 shall be deposited in the State Treasury to the credit of a
27 revolving fund for the use of the board.

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

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

8 ➔Section 34. KRS 309.318 is amended to read as follows:

9 (1) The board may refuse to issue a license or suspend, revoke, impose probationary
10 conditions upon, impose an administrative fine, issue a written reprimand, or any
11 combination thereof regarding any licensee upon proof that the licensee has:

12 (a) Been convicted of a crime as described in KRS 335B.010(4) that directly
13 relates to the occupation of interpreter, if in accordance with KRS Chapter
14 335B. A plea of "no contest" may be treated as a conviction for purposes of
15 disciplinary action;

16 (b) Knowingly misrepresented or concealed a material fact in obtaining a license
17 or in reinstatement thereof;

18 (c) Committed any fraudulent act or practice;

19 (d) Been incompetent or negligent in the practice of interpreting;

20 (e) Violated any state statute or administrative regulation governing the practice
21 of interpreting;

22 (f) Violated the code of ethics of the national organization issuing the licensee's
23 certification as incorporated in administrative regulation; or

24 (g) Violated any federal or state law considered by the board to be applicable to
25 the practice of interpreting.

26 (2) When the board issues a written reprimand to the licensee, a copy of the reprimand
27 shall be placed in the permanent file of the licensee. The licensee shall have the

1 right to submit a response within thirty (30) days of its receipt and to have that
2 response filed in the permanent file.

3 (3) At any time during the investigative or hearing processes, the board may accept an
4 assurance of voluntary compliance from the licensee which effectively deals with
5 the complaint.

6 (4) The board may reconsider, modify, or reverse its probation, suspensions, or other
7 disciplinary action.

8 (5) Five (5) years from the date of a revocation, any person whose license has been
9 revoked may petition the board for reinstatement. The board shall investigate the
10 petition and may reinstate the license upon a finding that the individual has
11 complied with any terms prescribed by the board and is again able to competently
12 engage in the practice of interpreting.

13 (6) **Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
14 **Wellness Authority within the Department of Professional Licensing shall hear**
15 **and issue a final order regarding a decision of the board.** Any party aggrieved by
16 a disciplinary action **or final order** of the **executive director**~~board~~ may bring an
17 action in Franklin Circuit Court in accordance with~~the provisions of~~ KRS Chapter
18 13B.

19 ➔Section 35. KRS 309.329 is amended to read as follows:

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

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

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

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

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

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

10 **(2)** One (1) of the members appointed under paragraph (b), (c), or (d) of ~~this~~
 11 subsection ***(1) of this section*** shall have completed either the credentialing program
 12 of the American Association of Diabetes Educators or the National Certification
 13 Board for Diabetes Educators.

14 ~~**(3)**(2) (a) The Governor shall initially appoint one (1) member and the citizen at~~
 15 ~~large to terms of four (4) years, two (2) members to terms of three (3) years, and one~~
 16 ~~(1) member to a term of two (2) years.~~

17 ~~(b)~~ All ***appointments***~~[reappointments]~~ to the board shall be for terms of four (4)
 18 years.

19 ~~(b)~~~~(e)~~ No member shall serve more than two (2) consecutive terms and shall
 20 serve on the board until his or her successor is appointed.

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

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

27 ➔Section 36. KRS 309.331 is amended to read as follows:

1 The board shall:

- 2 (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to
3 carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics,
4 standards of practice, and continuing education requirements for licensed diabetes
5 educators, based upon policies and positions adopted by the American Association
6 of Diabetes Educators;
- 7 (2) Issue initial licenses and license renewals to individuals. A license shall not be
8 issued to a partnership, unincorporated association, corporation, or similar business
9 organization;
- 10 (3) Investigate alleged violations brought to its attention, conduct investigations, and
11 schedule and conduct administrative hearings in accordance with KRS Chapter 13B
12 to enforce KRS 309.325 to 309.339 and administrative regulations promulgated
13 pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is
14 authorized to:
- 15 (a) Administer oaths;
- 16 (b) Receive evidence;
- 17 (c) Interview persons;
- 18 (d) Require the production of books, papers, documents, or other evidence; and
- 19 (e) Institute civil and criminal proceedings against violators of KRS 309.325 to
20 309.339. The Attorney General, Commonwealth's attorneys, and county
21 attorneys shall assist the board in prosecuting violations of KRS 309.325 to
22 309.339;
- 23 (4) Keep a record of its proceedings and a register of all persons licensed as diabetes
24 educators, including the name of the licensee, the license number, date of issue, and
25 last known place of business. The list shall be available to anyone upon request and
26 payment of a fee not to exceed the cost of the publication; ***and***
- 27 (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339

1 and deposit all moneys into the fund established by KRS 309.333~~]; and~~
2 ~~(6) Reimburse members of the board for actual travel expenses incurred for attending~~
3 ~~the meetings of the board].~~

4 ➔Section 37. KRS 309.339 is amended to read as follows:

- 5 (1) The board may deny or refuse to renew a license, may suspend or revoke a license,
6 may issue an administrative reprimand, or may impose probationary conditions or
7 fines not to exceed five hundred dollars (\$500) when the licensee has engaged in
8 unprofessional conduct that has endangered or is likely to endanger the health,
9 welfare, or safety of the public. Unprofessional conduct shall include the following:
- 10 (a) Obtaining or attempting to obtain a license by fraud, misrepresentation,
11 concealment of material facts, or making a false statement to the board;
- 12 (b) Being convicted of a felony in any court if any act for which the licensee or
13 applicant for license was convicted is determined by the board to have a direct
14 bearing on whether the person is trustworthy to serve the public as a licensed
15 diabetes educator, if in accordance with KRS Chapter 335B. "Conviction," as
16 used in this paragraph, shall include a finding or verdict of guilty, an
17 admission of guilt, or a plea of nolo contendere in a court of law;
- 18 (c) Violating any lawful order or administrative regulation promulgated by the
19 board;
- 20 (d) Violating any provision of KRS 309.325 to 309.339 or administrative
21 regulation promulgated by the board;
- 22 (e) Evidence of gross negligence or gross incompetence in the practice of diabetes
23 education; and
- 24 (f) Violating the standards of practice or the code of ethics as promulgated by
25 administrative regulations.
- 26 (2) All administrative hearings for the disciplinary action against a license or certificate
27 holder shall be conducted in accordance with KRS Chapter 13B. **Pursuant to KRS**

1 *13B.120(7), the executive director of the Behavioral Health and Wellness*
2 *Authority within the Department of Professional Licensing shall hear and issue a*
3 *final order regarding any decision of the board.*

4 ➔Section 38. KRS 309.354 is amended to read as follows:

- 5 (1) There is created a board to be known as the Kentucky Board of Licensure for
6 Massage Therapy~~, which shall be an independent agency~~.
- 7 (2) The Governor shall appoint seven (7) members to serve on the board with the
8 following representation:
- 9 (a) Five (5) members who are massage therapists licensed under KRS 309.350 to
10 309.364, who have been in the practice of massage therapy for at least five (5)
11 of the last seven (7) years, and who have been residents of Kentucky for at
12 least one (1) year;
- 13 (b) Of these five (5), at least one (1) but no more than two (2) shall own or direct
14 a board-approved massage therapy training program; and
- 15 (c) Two (2) members shall be appointed by the Governor and shall serve as
16 members at large who are neither licensed massage therapists nor spouses of
17 persons who are licensed, or have a direct or indirect interest in the profession
18 regulated under KRS 309.350 to 309.364. One (1) of the two (2) may hold a
19 license in another health care profession.
- 20 (3) Appointments shall be for three (3) years. ~~[with initial appointments as follows:
21 three (3) appointees shall serve three (3) year terms; two (2) shall serve two (2) year
22 terms; and two (2) shall serve one (1) year terms. The Governor shall assign terms
23 to initial members at his or her discretion.~~
- 24 ~~(4) The board shall elect initially, and annually thereafter, a chair, vice chair, and
25 secretary from its membership and shall meet at least once per year, and more often
26 as deemed necessary, at a time and at a place in Kentucky for the board to fulfill its
27 duties.~~

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

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

6 ➔ Section 39. KRS 309.355 is amended to read as follows:

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

10 (2) The board shall investigate alleged violations brought to its attention, conduct
11 investigations, and schedule and conduct administrative hearings in accordance with
12 KRS Chapter 13B to enforce ~~the provisions of~~ KRS 309.350 to 309.364 and
13 administrative regulations promulgated pursuant to KRS 309.350 to 309.364. The
14 board may ~~shall have the authority to~~ administer oaths, receive evidence, interview
15 persons, and require the production of books, papers, documents, or other evidence.
16 The board may institute civil and criminal proceedings against violators of KRS
17 309.350 to 309.364. The Attorney General, Commonwealth's attorneys, and county
18 attorneys shall assist the board in prosecuting violations of KRS 309.350 to
19 309.364.

20 (3) The board shall promulgate administrative regulations, pursuant to KRS Chapter
21 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including
22 creating a code of ethics, standards of practice, standards of educational program
23 curriculum and instructor qualification, and continuing education requirements for
24 licensed massage therapists.

25 (4) The board shall keep a record of its proceedings and a register of all persons
26 licensed as massage therapists. The register shall include the name, license number
27 and date of issue, last known place of business, and residence of each licensee. The

1 board shall publish annually a directory of licensed massage therapists and their
2 places of business. The list shall be available to any Kentucky citizen upon request
3 and payment of a fee not to exceed the cost of the publication.

4 (5) The board shall make an annual report to the Governor and the Legislative
5 Research Commission~~[General Assembly]~~, which shall contain an account of its
6 duties performed, actions taken, and appropriate recommendations.

7 (6) The board may seek an injunction in the Circuit Court of the county where the
8 alleged violation occurred against any individual who practices massage therapy in
9 the Commonwealth without a license.

10 ➔Section 40. KRS 309.356 is amended to read as follows:

11 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~
12 KRS 309.350 to 309.364 shall be deposited in the State Treasury to the credit of a
13 revolving fund for the use of the board.

14 (2) No part of this revolving fund shall revert to the general funds of this
15 Commonwealth.

16 (3) The compensation of members of the board~~[and all of the employees of the board]~~
17 and all expenses incurred by the board shall be paid from this revolving fund.

18 ➔Section 41. KRS 309.362 is amended to read as follows:

19 (1) The board may deny or refuse to renew a license, may suspend or revoke a license,
20 may issue an administrative reprimand, or may impose probationary conditions or
21 fines not to exceed five hundred dollars (\$500) when the licensee has engaged in
22 unprofessional conduct that has endangered or is likely to endanger the health,
23 welfare, or safety of the public. Unprofessional conduct shall include the following:

24 (a) Obtaining or attempting to obtain a license by fraud, misrepresentation,
25 concealment of material facts, or making a false statement to the board;

26 (b) Being convicted of a felony in any court if the act or acts for which the
27 licensee or applicant for license was convicted are determined by the board to

- 1 have a direct bearing on whether the person is trustworthy to serve the public
2 as a licensed massage therapist, if in accordance with KRS Chapter 335B.
3 "Conviction," as used in this paragraph, shall include a finding or verdict of
4 guilty, an admission of guilt, or a plea of nolo contendere in a court of law;
- 5 (c) Violating any lawful order or administrative regulation promulgated by the
6 board;
- 7 (d) Violating any provision of this chapter or administrative regulations
8 promulgated thereunder;
- 9 (e) Having sexual contact as defined by KRS 510.010(7) with a client or having
10 engaged or attempted to engage in lewd or immoral conduct with any client or
11 patient;
- 12 (f) Engaging in fraud or material deception in the delivery of professional
13 services, including reimbursement or advertising services, in a false or
14 misleading manner;
- 15 (g) Evidence of gross negligence or gross incompetence in the practice of
16 massage therapy; or
- 17 (h) Violating the standards of practice or the code of ethics as promulgated by
18 administrative regulations.
- 19 (2) Any licensed massage therapist who does not desire to meet the qualifications for
20 active license renewal shall, upon application and payment of an inactive renewal
21 fee, be issued an inactive license. The license shall not entitle the license holder to
22 use the term "licensed massage therapist," nor to engage in the practice of massage
23 therapy. The inactive renewal fee shall not exceed fifty dollars (\$50) annually.
- 24 (3) To regain active status, the licensee shall upon application show completion of one
25 (1) hour of continuing professional education for each month the license has been in
26 an inactive state not to exceed five (5) years. Waivers or extensions of continuing
27 education may be approved at the discretion of the board. Beyond five (5) years, the

1 licensee shall meet the requirements in KRS 309.358.

2 (4) The board may, at its discretion, deny, refuse to renew, suspend or revoke a license,
3 or impose probationary conditions following an administrative hearing pursuant to
4 KRS Chapter 13B and in accordance with administrative regulations promulgated
5 by the board. *Pursuant to KRS 13B.120(7), the executive director of the*
6 *Behavioral Health and Wellness Authority within the Department of Professional*
7 *Licensing shall hear and issue a final order regarding any decision of the board.*

8 (5) The surrender of a license shall not deprive the board of jurisdiction to proceed with
9 disciplinary actions under KRS 309.350 to 309.364.

10 ➔Section 42. KRS 309.404 is amended to read as follows:

11 (1) There is hereby created the Kentucky Board of Durable Medical Equipment
12 Suppliers~~[that shall be attached for administrative purposes to the Department of~~
13 ~~Professional Licensing in the Public Protection Cabinet]~~. The board shall consist of
14 five (5) members, each appointed by the Governor. Four (4) members shall be
15 appointed from a list of three (3) names for each position submitted by the
16 Kentucky Medical Equipment Suppliers Association. One (1) member shall be a
17 citizen at large who is not associated with or financially interested in the practice or
18 business regulated~~[. Any vacancy shall be filled for the unexpired term by the~~
19 ~~Governor, as provided in the original appointment]~~.

20 (2) To be eligible for appointment as a member of the board, a person shall be at least
21 twenty-one (21) years of age, of good moral character, a resident of this state, and, *if*
22 *a supplier member,* a licensed durable medical equipment services provider in this
23 state for at least three (3) consecutive years next preceding the date of his or her
24 appointment.

25 (3) The terms of office of each member shall be four (4) years, or until a successor is
26 appointed and qualified.

27 (4) ~~[The board shall elect one (1) of its members as president and another of its~~

1 ~~members as secretary. The secretary may, subject to approval by the board, employ~~
2 ~~and fix the compensation of all personnel required for the administration of KRS~~
3 ~~309.400 to 309.422.]~~The board may make all rules and promulgate all
4 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are
5 necessary to implement and carry out the~~[provisions and]~~ purposes of KRS 309.400
6 to 309.422.

7 ~~(5) [The board shall hold meetings at least twice a year and as frequently as it deems~~
8 ~~necessary at a time and place within the Commonwealth as the board may~~
9 ~~designate. A majority of the members shall constitute a quorum.~~

10 ~~(6)]~~ The board may sue and be sued in its own name.

11 ~~(6)~~~~(7)~~ Members of the board shall be immune from suit in any civil or criminal
12 action which is based upon any official act or acts performed by them in good faith
13 as members of the board.

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

17 ~~(7)~~~~(9)~~ The board may utilize **or contract for** any materials, services, or facilities
18 **from**~~[as may be made available to it by]~~ other state agencies~~[or may contract~~
19 ~~therefor, to the extent as the board in its discretion may determine].~~

20 ➔Section 43. KRS 309.418 is amended to read as follows:

21 (1) If in accordance with KRS Chapter 335B, the board shall refuse to license, or shall
22 suspend a license, if the person seeking or holding a license has ever been convicted
23 of or entered an Alford plea or plea of nolo contendere to a sex crime as defined in
24 KRS 17.500, a criminal offense against a victim who is a minor as defined in KRS
25 17.500, a felony offense under KRS Chapter 209, or an offense which would
26 classify the person as a violent offender under KRS 439.3401.

27 (2) The board may refuse to issue or renew a license, or may suspend, temporarily

1 suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any
2 combination of these actions against any licensee, for the following reasons:

- 3 (a) Unprofessional or unethical conduct;
- 4 (b) Mental or physical incapacity that prevents the licensee from engaging or
5 assisting in the provision of home medical equipment and services with
6 reasonable skill, competence, and safety to the public;
- 7 (c) Being convicted of or entering an Alford plea or plea of nolo contendere to,
8 irrespective of an order granting probation or suspending imposition of any
9 sentence imposed following the conviction or entry of such plea, one (1) or
10 more or the following, if in accordance with KRS Chapter 335B:
- 11 1. A crime as defined in KRS 335B.010; or
- 12 2. A violation of the home medical equipment laws, rules, or
13 administrative regulations of this state, any other state, or the federal
14 government;
- 15 (d) Knowing or having reason to know that a home medical equipment and
16 services provider is incapable of engaging or assisting in the practice of
17 providing home medical equipment and services with reasonable skill,
18 competence, and safety to the public and failing to report any relevant
19 information to the board;
- 20 (e) Knowingly making or causing to be made any false, fraudulent, or forged
21 statement or misrepresentation of a material fact in securing issuance or
22 renewal of a license;
- 23 (f) Engaging in fraud in connection with the practice of the provision of home
24 medical equipment and services;
- 25 (g) Engaging in or aiding and abetting an individual to engage or assist in the
26 provision of home medical equipment and services without a license or falsely
27 using the title "home medical equipment and services provider," "provider," or

- 1 other term which might imply that the individual is a home medical
2 equipment and services provider; or
- 3 (h) Violation of any order issued by the board to comply with any applicable law
4 or administrative regulation.
- 5 (3) As used in this section, "unprofessional or unethical conduct" includes but is not
6 limited to the following acts of a home medical equipment and services provider:
- 7 (a) Engaging in conduct likely to deceive, defraud, or harm the public,
8 demonstrating a willful or careless disregard for the health, welfare, or safety
9 of a sick or disabled person, or engaging in conduct which substantially
10 departs from accepted standards of providing home medical equipment and
11 services ordinarily exercised by a home medical equipment and services
12 provider, with or without established proof of actual injury;
- 13 (b) Engaging in grossly negligent professional conduct, with or without
14 established proof of actual injury;
- 15 (c) Obtaining any remuneration by fraud, misrepresentation, or deception;
- 16 (d) Providing home medical equipment and services that carry a legend or require
17 a prescription without a medical order from a licensed health care practitioner;
18 or
- 19 (e) Willfully or knowingly failing to maintain complete and accurate records of
20 home medical equipment and services provided in compliance with federal
21 and state laws, rules, or administrative regulations.
- 22 (4) Any licensee who is found guilty of or enters an Alford plea or plea of nolo
23 contendere to a violation prescribed in subsection (1) or (2)(c) of this section shall,
24 within thirty (30) days, notify the board of that conviction or plea. Failure to do so
25 shall be grounds for suspension or revocation of the license.
- 26 (5) Any person whose license has been revoked in accordance with this section, other
27 than a person whose license was revoked for being convicted of or entering an

1 Alford plea or plea of nolo contendere to a sex crime as defined in KRS 17.500, a
2 criminal offense against a victim who is a minor as defined in KRS 17.500, a felony
3 offense under KRS Chapter 209, or an offense which would classify the person as a
4 violent offender under KRS 439.3401, may petition the board for reinstatement. The
5 petition shall be made in writing and in a form prescribed by the board. The board
6 shall investigate all reinstatement petitions, and may reinstate a license upon a
7 showing that the former holder has been rehabilitated and is again able to engage in
8 the practice of providing home medical equipment and services with reasonable
9 skill, competency, and safety to the public. Reinstatement may be on the terms and
10 conditions that the board, based on competent evidence, reasonably believes
11 necessary to protect the health and welfare of the citizens of the Commonwealth.

12 (6) Upon exercising the power of revocation provided for in subsection (2) of this
13 section, the board may reasonably prohibit any petition for reinstatement for a
14 period up to and including five (5) years.

15 (7) (a) A licensee who is disciplined under this section for a minor violation may
16 request in writing that the board expunge the minor violation from the
17 licensee's permanent record.

18 (b) The request for expungement may be filed no sooner than three (3) years after
19 the date on which the licensee has completed disciplinary sanctions imposed
20 and if the licensee has not been disciplined for any subsequent violation of the
21 same nature within this period of time.

22 (c) A person shall not have his or her record expunged under this section more
23 than once.

24 (d) The board shall promulgate administrative regulations in accordance with
25 KRS Chapter 13A to establish what are considered minor violations under this
26 subsection. A violation shall be deemed a minor violation if it does not:

27 1. Demonstrate a serious inability to practice the profession;

- 1 2. Involve the provisions of home medical equipment and services;
- 2 3. Adversely affect the public health, safety, or welfare;
- 3 4. Result in economic or physical harm to a person; or
- 4 5. Create a significant threat of such harm.

5 **(8) Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing**
6 **Authority within the Department of Professional Licensing shall hear and issue a**
7 **final order regarding any decision of the board.**

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

- 9 (1) The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
10 is hereby created to be **composed**~~comprised~~ of seven (7) members appointed by
11 the Governor. Three (3) members shall be licensed dietitians, three (3) members
12 shall be certified nutritionists, and one (1) member shall be a public member who
13 shall have no pecuniary interest in the nutrition field. Of the members from the
14 nutrition field, one (1) shall represent hospitals, one (1) shall represent health care
15 facilities other than hospitals, one (1) shall represent state or local nutritional
16 programs or shall be in private practice and one (1) shall be a dietetic educator.
17 Appointments may be made from a list of nominees submitted to the Governor by
18 the Kentucky Dietetic Association, the Kentucky Hospital Association, the
19 Kentucky Association of Health Care Facilities, and the Kentucky Medical
20 Association.
- 21 (2) Each member of the board shall serve for a term of four (4) years~~[, except that for~~
22 ~~initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3)~~
23 ~~years, and two (2) shall be for two (2) years and one (1) shall be for one (1) year].~~
24 No member shall serve more than two (2) consecutive terms~~[and each member on~~
25 ~~July 15, 1994, shall serve on the board until his successor is appointed. Vacancies~~
26 ~~shall be filled by appointment of the Governor for the unexpired term].~~
- 27 (3) ~~[The board shall organize annually and elect one (1) of its members as chairman~~

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

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

10 ➔Section 45. KRS 310.042 is amended to read as follows:

11 (1) The board may deny or refuse to renew a license or certificate, suspend or revoke a
12 license or certificate, or issue orders to cease and desist from certain conduct or to
13 otherwise discipline an applicant, a licensee, a certificate holder, or a person found
14 guilty of violating ~~any provisions of~~ this chapter, if that person has:

15 (a) Attempted to or obtained licensure or certification by fraud or
16 misrepresentation;

17 (b) Engaged in habitual intoxication or unprofessional conduct, including, but not
18 limited to, willful acts of negligence or a pattern of continued and repeated
19 malpractice, negligence, or incompetence in the course of professional
20 practice;

21 (c) Engaged in habitual intoxication or personal misuse of any drug, narcotics, or
22 controlled substances so as to adversely affect his ability to practice;

23 (d) Been convicted of a crime as defined in KRS 335B.010, if in accordance with
24 KRS Chapter 335B;

25 (e) Violated any lawful order or ruling of the board or any administrative
26 regulation promulgated by the board; or

27 (f) Violated any provisions of this chapter.

1 (2) All administrative hearings for the disciplinary action against a license or certificate
 2 holder shall be conducted in accordance with KRS Chapter 13B. **Pursuant to KRS**
 3 **13B.120(7), the executive director of the Behavioral Health and Wellness**
 4 **Authority within the Department of Professional Licensing shall hear and issue a**
 5 **final order regarding any decision of the board.**

6 ➔Section 46. KRS 311.410 is amended to read as follows:

7 (1) There is hereby created in the government of the Commonwealth a State Board of
 8 Podiatry which shall consist of five (5) members, each appointed by the Governor.
 9 Four (4) members shall be appointed from lists of three (3) names for each position
 10 submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen
 11 at large who is not associated with or financially interested in the practice or
 12 business regulated~~[- Any vacancy shall be filled for the unexpired term by the~~
 13 ~~Governor, as provided in the original appointment].~~

14 (2) ~~[A person]~~To be eligible for appointment as a podiatrist member of the board, **a**
 15 **person** shall be at least twenty-one (21) years of age, of good moral character, a
 16 resident of this state, and a licensed practicing podiatrist in this state for at least five
 17 (5) consecutive years next preceding the date of his **or her** appointment. No
 18 member of the board shall be a stockholder, officer, or member of the faculty or
 19 board of trustees of any school, college, or institution of podiatry or chiropody.

20 (3) The terms of office of each member shall be four (4) years, or until **the**
 21 **member's**~~[his]~~ successor **has been**~~[shall be]~~ appointed and qualified.

22 (4) ~~[The board shall elect one (1) of its members as president and another of its~~
 23 ~~members as secretary. The secretary may, subject to approval by the board, employ~~
 24 ~~and fix the compensation of all personnel required for the administration of KRS~~
 25 ~~311.390 to 311.510.]~~The board may make all **necessary** rules and **administrative**
 26 regulations, not inconsistent with KRS 311.390 to 311.510,~~[as may be necessary]~~
 27 to implement and carry out~~[the provisions and purposes of]~~ KRS 311.390 to

1 311.510.

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

5 ~~(6) The board may sue and be sued in its own name.~~

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

9 ➔Section 47. KRS 311.420 is amended to read as follows:

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

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

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

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

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

18 (2) The board shall prescribe the time, place, method, manner, scope, and content of
19 examinations ***to practice podiatry consistent with***~~as relates to~~ KRS 311.380(2);
20 and the board may accept certified, successful National Board of Podiatry
21 examinations in lieu of its written examination.

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

27 (4) The board shall issue a license to any person who complies with ~~the provisions of~~

1 KRS 311.380 to 311.510 and who satisfactorily passes the examination.

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

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

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

12 ➔Section 48. KRS 311.450 is amended to read as follows:

13 (1) Every license issued for the practice of podiatry shall expire on June 30 following
 14 the date of issuance unless sooner revoked and canceled.

15 (2) On or before June 1 of each year, the board shall send notices to all licensed
 16 podiatrists in this state, at their last known addresses, advising them that the annual
 17 license renewal fee is due on July 1 of each year. Every registered podiatrist shall
 18 renew his or her license on or before July 1 of each year by the payment to the
 19 board of an annual license renewal fee which shall be a reasonable fee set by
 20 administrative regulation of the board and upon submission of a statement of
 21 compliance with the continuing education administrative regulations of the board.
 22 If this~~[such]~~ renewal fee is not paid or the~~[such]~~ statement of compliance is not
 23 submitted on or before July 1, the board shall notify the delinquent licensee by mail
 24 at the licensee's~~[his]~~ last known address that the~~[such]~~ fee and statement are past
 25 due and that a delinquent penalty fee is assessed, in addition to the renewal fee and
 26 that the renewal fee and penalty shall~~[must]~~ be paid and the statement of
 27 compliance submitted on or before January 1. If the~~[such]~~ fees, penalties, and

1 statement are not submitted by January 1, ~~[it shall be the duty of]~~ the board **shall** ~~[to]~~
2 suspend or revoke the license for nonpayment of the annual renewal and delinquent
3 fees or for failure to submit the statement of compliance for the current year.

4 (3) All fees collected under ~~[the provisions of]~~ KRS 311.380 to 311.510, or the rules
5 and **administrative** regulations **promulgated under those sections** ~~[adopted pursuant]~~
6 ~~thereto~~, shall be paid into the State Treasury, and credited to a trust and agency
7 fund to be used in defraying the costs and expenses in the administration of KRS
8 311.380 to 311.510 including ~~[,]~~ but not limited to ~~[, salaries and]~~ necessary travel
9 expenses. No part of this fund shall revert to the general funds of this
10 Commonwealth.

11 ➔Section 49. KRS 311.490 is amended to read as follows:

12 (1) A suspension, probation, or revocation of a license, or a refusal to renew a license,
13 may be made or a fine imposed by the board only after a hearing which shall be
14 conducted in accordance with KRS Chapter 13B.

15 (2) The board may institute, in its own name, proceedings to temporarily or
16 permanently restrain and enjoin violations of KRS 311.380 to 311.510, regardless
17 of whether the defendant has been convicted for violations of the penal provisions
18 thereof, and shall not be required to pay any cost or filing fees or furnish any bond
19 in connection therewith. Violations of injunctions and restraining orders shall be
20 punished as a contempt without the intervention of a jury.

21 (3) **Pursuant to KRS 13B.120(7), the executive director of the Health and**
22 **Restoration Authority within the Department of Professional Licensing shall**
23 **hear and issue a final order regarding a decision of the board.** A licensee whose
24 license has been revoked, probated, or suspended, or against whom a fine has been
25 imposed by the **executive director** ~~[board]~~, or who has been refused a renewal
26 license, may appeal a final order of the **executive director** ~~[board]~~ to the Circuit
27 Court of the county in which the hearing was held.

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

- 2 (1) There is hereby created in state government~~[-an independent board to be known as]~~
3 the State Board of Medical Licensure, which shall exercise all medical and
4 osteopathic licensure functions previously~~heretofore]~~ exercised by the State Board
5 of Health. The offices of the board shall be maintained at a~~such]~~ place~~[-as is]~~
6 designated by the board.
- 7 (2) The board shall consist of fifteen (15) members, including the commissioner of
8 public health, the dean of the University of Kentucky College of Medicine, the vice
9 dean for clinical affairs of the University of Louisville School of Medicine, the dean
10 of the University of Pikeville School of Osteopathic Medicine, and eleven (11)
11 members appointed by the Governor.
- 12 (3) Of the Governor's appointees:
- 13 (a) One (1) member shall be a licensed osteopathic physician and shall be
14 appointed from a list of three (3) names submitted by the Kentucky
15 Osteopathic Medical Association;
- 16 (b) Seven (7) members shall be licensed medical physicians and shall be
17 appointed from a list of three (3) names submitted for each position by the
18 Kentucky Medical Association; and
- 19 (c) Three (3) members shall be citizens at large who are representatives of any
20 recognized consumer advocacy groups with an interest in the delivery of
21 health care and are not associated with or financially interested in the practice
22 or business regulated.

23 ➔Section 51. KRS 311.540 is amended to read as follows:

24 The State Board of Medical Licensure shall hold meetings at least semiannually and more
25 frequently if necessary, at such places and times as the board may determine~~[-The board~~
26 shall elect a president, vice president and secretary from among its members and adopt
27 such rules and bylaws as the board deems necessary]. Any member~~and all members]~~ of

1 the board may administer oaths in matters pertaining to official duties. The members of
 2 the board shall receive the sum of one hundred dollars (\$100) per day for each meeting
 3 attended~~[and shall also be entitled to reimbursement for all reasonable expenses for~~
 4 ~~travel, lodging and subsistence incurred in connection with attendance of meetings of the~~
 5 ~~board].~~

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

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

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

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

- 14 (1) "Board" means the State Board of Medical Licensure;
- 15 (2) "President" means the president of the State Board of Medical Licensure;
- 16 (3) "Secretary" means the secretary of the State Board of Medical Licensure;
- 17 (4) "Executive director" ***or "executive director of the board"*** means the executive
 18 director of the~~[State Board of]~~ Medical Licensure ***Authority*** or any assistant
 19 executive ***director of the Medical Licensure Authority***~~[directors appointed by the~~
 20 ~~board];~~
- 21 (5) "General counsel" means the general counsel of the State Board of Medical
 22 Licensure or any assistant general counsel~~[appointed by the board];~~
- 23 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
 24 this state;
- 25 (7) "Limited license" means a license to practice medicine or osteopathy in a specific
 26 institution or locale to the extent indicated in the license;
- 27 (8) "Temporary permit" means a permit issued to a person who has applied for a regular

- 1 license, and who appears from verifiable information in the application to the
2 executive director to be qualified and eligible therefor;
- 3 (9) "Emergency permit" means a permit issued to a physician currently licensed in
4 another state, authorizing the physician to practice in this state for the duration of a
5 specific medical emergency, not to exceed thirty (30) days;
- 6 (10) Except as provided in subsection (11) of this section, the "practice of medicine or
7 osteopathy" means the diagnosis, treatment, or correction of any and all human
8 conditions, ailments, diseases, injuries, or infirmities by any and all means,
9 methods, devices, or instrumentalities;
- 10 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
11 Science, the domestic administration of family remedies, the rendering of first aid
12 or medical assistance in an emergency in the absence of a person licensed to
13 practice medicine or osteopathy under~~the provisions of~~ this chapter, the use of
14 automatic external defibrillators in accordance with~~the provisions of~~ KRS
15 311.665 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice
16 of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
17 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
18 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
19 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS
20 311.690, the performance of duties for which they have been trained by paramedics
21 licensed under KRS Chapter 311A, first responders, or emergency medical
22 technicians certified under Chapter 311A, the practice of pharmacy by persons
23 licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or
24 proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments,
25 apparatus, or mechanisms that are intended, advertised, or represented as being for
26 the treatment, correction, cure, or relief of any human ailment, disease, injury,
27 infirmity, or condition, in regular mercantile establishments, or the practice of

- 1 midwifery by women. KRS 311.530 to 311.620 shall not be construed as repealing
2 the authority conferred on the Cabinet for Health and Family Services by KRS
3 Chapter 211 to provide for the instruction, examination, licensing, and registration
4 of all midwives through county health officers;
- 5 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;
- 6 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
7 physician;
- 8 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
9 this chapter;
- 10 (15) "Complaint" means a formal administrative pleading that sets forth charges against
11 a physician and commences a formal disciplinary proceeding;
- 12 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those
13 crimes which have dishonesty as a fundamental and necessary element, including
14 but not limited to crimes involving theft, embezzlement, false swearing, perjury,
15 fraud, or misrepresentation;
- 16 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to
17 deliver health care. It includes the use of electronic media for diagnosis,
18 consultation, treatment, transfer of medical data, and medical education;
- 19 (18) "Order" means a direction of the board or its panels made or entered in writing that
20 determines some point or directs some step in the proceeding and is not included in
21 the final order;
- 22 (19) "Agreed order" means a written document that includes but is not limited to
23 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,
24 a complaint, or a show cause order issued informally without expectation of further
25 formal proceedings in accordance with KRS 311.591(6);
- 26 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or
27 more disciplinary sanctions authorized by this chapter;

- 1 (21) "Letter of agreement" means a written document that informally resolves a
2 grievance, a complaint, or a show cause order and is confidential in accordance with
3 KRS 311.619;
- 4 (22) "Letter of concern" means an advisory letter to notify a physician that, although
5 there is insufficient evidence to support disciplinary action, the board believes the
6 physician should modify or eliminate certain practices and that the continuation of
7 those practices may result in action against the physician's license;
- 8 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the
9 licensee has violated a term or condition of probation and that fixes a date and time
10 for a revocation hearing;
- 11 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter
12 13B to determine whether the licensee has violated a term or condition of probation;
- 13 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a
14 medically diagnosable disease characterized by chronic, habitual, or periodic
15 consumption of alcoholic beverages 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 alcoholic beverages;
- 18 (26) "Addicted to a controlled substance" means an individual who is suffering from a
19 medically diagnosable disease characterized by chronic, habitual, or periodic use of
20 any narcotic drug or controlled substance resulting in the interference with the
21 individual's social or economic functions in the community or the loss of powers of
22 self-control regarding the use of any narcotic drug or controlled substance;
- 23 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the
24 active practice of medicine within this Commonwealth who has admitted to
25 violating any provision of KRS 311.595 that permits the licensee to continue the
26 practice of medicine until the board issues a final order on the registration or
27 reregistration of the licensee;

1 (28) "Fellowship training license" means a license to practice medicine or osteopathy in
2 a fellowship training program as specified by the license; and

3 (29) "Special faculty license" means a license to practice medicine that is limited to the
4 extent that this practice is incidental to a necessary part of the practitioner's
5 academic appointment at an accredited medical school program or osteopathic
6 school program and any affiliated institution for which the medical school or
7 osteopathic school has assumed direct responsibility.

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

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

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

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

- 25 (1) The board may:
26 (a) Exercise all the administrative functions of the state in the prevention of
27 empiricism and in the regulation of the practice of medicine and osteopathy,

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

- 1 refuse, suspend, limit, or revoke any license;
- 2 (h) Appoint committees of licensees, who need not be board members, to review
3 issues of public or medical interest before the board and to make
4 recommendations to the board on the issues;
- 5 (i) Promulgate administrative regulations to promote the efficient and fair
6 conduct of disciplinary proceedings;
- 7 (j) Promulgate a code of conduct governing the practice of medicine and
8 osteopathy, which shall be based upon generally recognized principles of
9 professional ethical conduct;
- 10 (k) Utilize the services and facilities of professional organizations, and procure
11 and receive the assistance and recommendations of professional organizations
12 in administering KRS 311.530 to 311.620;
- 13 (l) Make its personnel and facilities available to other governmental entities
14 under mutually agreeable terms and conditions;
- 15 (m) Issue regular licenses without further testing by endorsement from another
16 state having qualifications and standards at least as high as those of this state
17 or by endorsement from the National Board of Medical Examiners, the
18 National Board of Examiners for Osteopathic Physicians and Surgeons, the
19 National Joint Committee of Preregistration Physician Training Programs, or
20 their~~any~~ approved successors~~thereof~~;
- 21 (n) Issue and renew regular licenses to practice medicine or osteopathy in
22 accordance with KRS 311.530 to 311.620 and any reasonable administrative
23 regulations of the board;
- 24 (o) Issue and renew,~~or~~ refuse to issue or renew, or cancel and terminate limited
25 licenses pursuant to administrative regulations promulgated by the board~~;~~
26 ~~provided however~~, except that no person who held a limited license for
27 institutional practice or general practice as of September 1, 1972, shall be

- 1 denied the renewal of that limited license for nondisciplinary reasons;
- 2 (p) Appoint examiners, who need not be members of the board, and employ or
3 contract with the Federation of State Medical Boards of the United States,
4 Inc., or the National Board of Medical Examiners or other organizations,
5 agencies, or individuals to prepare examination questions and grade
6 examination papers;
- 7 (q) Determine the schools, colleges, universities, institutions, and training
8 acceptable in connection with licensure under KRS 311.530 to 311.620;
- 9 (r) Prescribe the time, place, method, manner, scope, and content of
10 examinations;
- 11 (s) Prescribe all forms which it considers appropriate, and require the submission
12 of photographs, fingerprints, and personal history data;
- 13 (t) Require a criminal background investigation of all persons applying for
14 licensure at the time of initial application, and at other times at the request of
15 the board for good cause shown, by means of a fingerprint check by the
16 Department of Kentucky State Police and Federal Bureau of Investigation;
- 17 (u) Prescribe and collect reasonable fees and charges for examinations,
18 directories, and the issuance and renewal of licenses and permits; and
- 19 (v) Impose fines of not greater than five thousand dollars (\$5,000) per violation
20 and require the licensee to reimburse the board for the costs of the
21 administrative proceedings including consultant fees, upon a finding pursuant
22 to disciplinary proceedings that the licensee has violated~~[any provision of]~~
23 KRS 311.595 to 311.597 or duly promulgated disciplinary administrative
24 regulation of the board.
- 25 (2) The board shall develop specific guidelines to follow upon receipt of an allegation
26 of sexual misconduct by a physician licensed by the board. The guidelines shall
27 include investigation, inquiry, and hearing procedures which ensure that the process

1 does not revictimize the alleged victim or cause harm if a physician is falsely
2 accused.

3 (3) The board, the hearing officer, and investigators used~~hired~~ by the board shall
4 receive training on the dynamics of sexual misconduct of professionals, including
5 the nature of this abuse of authority, characteristics of the offender, the impact on
6 the victim, the possibility and the impact of false accusations, investigative
7 procedure in sex offense cases, and effective intervention with victims and
8 offenders.

9 ➔Section 56. KRS 311.593 is amended to read as follows:

10 (1) Except for final orders denying an application or reregistration for licensure or
11 emergency orders temporarily suspending, limiting, or restricting a physician's
12 license, all final orders of the board affecting a physician's license shall become
13 effective thirty (30) days after notice is given to the licensee unless otherwise
14 agreed; however, the board may provide that a final order be effective immediately
15 when, in the board's opinion, based upon sufficient reasonable cause, the health,
16 welfare, and safety of the physician's patients or the general public would be
17 endangered by delay.

18 (2) **Pursuant to KRS 13B.120(7), the executive director shall hear and issue a final**
19 **order regarding a decision of the board.** Any physician who is aggrieved by a final
20 order of the executive director~~board~~ denying a license or rendering disciplinary
21 action against a licensee may seek judicial review of the order by filing a petition
22 with the Circuit Court of the county in which the executive director's~~board's~~
23 offices are located in accordance with KRS Chapter 13B.

24 (3) The court shall not award injunctive relief against the executive director~~board~~
25 without providing the executive director~~board~~ with the reasonable opportunity to
26 be heard.

27 ➔Section 57. KRS 311.685 is amended to read as follows:

- 1 (1) The board, before suspending, revoking, imposing probationary or supervisory
2 conditions upon a licensed acupuncturist, imposing an administrative fine, issuing a
3 written reprimand, or any combination of these actions regarding any licensed
4 acupuncturist under KRS 311.671 to 311.686, shall set the matter for a hearing
5 under~~[the provisions of]~~ KRS Chapter 13B.
- 6 (2) After denying an application under KRS 311.671 to 311.686 or issuing a written
7 admonishment, the board, at the request of the aggrieved party, shall grant a hearing
8 under~~[the provisions of]~~ KRS Chapter 13B.
- 9 (3) **Pursuant to KRS 13B.120(7), the executive director shall hear and issue a final**
10 **order regarding a decision of the board.** Except for final orders denying an initial
11 application or renewal for licensure or final orders issued pursuant to KRS
12 13B.125(3), all final orders of the **executive director**~~[board]~~ affecting an
13 acupuncturist's license shall become effective thirty (30) days after notice is given to
14 the license holder unless otherwise agreed; however, the **executive director**~~[board's~~
15 ~~panels]~~ may provide that a final order be effective immediately when, in the
16 **executive director's**~~[panels]~~ opinion, based upon sufficient reasonable cause, the
17 health, welfare, and safety of patients or the general public would be endangered by
18 delay.
- 19 (4) Any acupuncturist who is aggrieved by a final order of the **executive**
20 **director**~~[board]~~ denying an initial or renewal application for licensure or rendering
21 disciplinary action against a license holder may seek judicial review of the order by
22 filing a petition with the Circuit Court of the county in which the **executive**
23 **director's**~~[board's]~~ offices are located in accordance with KRS Chapter 13B.
24 Decisions of the board's panels relating to petitions for reinstatement of revoked
25 licenses are not final orders for purposes of this statute, and are not subject to
26 judicial review.
- 27 (5) The court shall not award injunctive relief against the **executive director**~~[board]~~

1 without providing the executive director~~board~~ with the reasonable opportunity to
2 be heard.

3 (6) An acupuncturist whose license has been revoked may, after five (5) years from the
4 effective date of the revocation order, petition the board to reissue the license to
5 again practice acupuncture in the Commonwealth of Kentucky.

6 (7) The board shall not be required to issue a new license, and a decision of the board
7 not to reissue a license shall not be subject to judicial review. A license shall not be
8 reissued following a petition under subsection (6) of this section unless the former
9 license holder satisfies the board that he or she is presently of good moral character
10 and qualified both physically and mentally to resume the practice of acupuncture
11 without undue risk or danger to patients or the public.

12 (8) ~~If in the event~~ the board reissues a revoked license under the circumstances as
13 described in this section, the reissued license shall be under probation for a period
14 of not less than two (2) years nor more than five (5) years with conditions fixed by
15 the board, including a condition that any violation of the remaining conditions of
16 probation shall result in automatic revocation of the license.

17 ➔Section 58. KRS 311.700 is amended to read as follows:

18 (1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the license
19 of a genetic counselor, or may fine, reprimand, or place a genetic counselor on
20 probation for no more than five (5) years upon proof that a genetic counselor has:

21 (a) Knowingly made or presented or caused to be made or presented any false,
22 fraudulent, or forged statement, writing, certificate, diploma, or other
23 document relating to an application for licensure;

24 (b) Practiced, aided, or abetted in the practice of fraud, forgery, deception,
25 collusion, or conspiracy relating to an examination for licensure;

26 (c) Been convicted by any court of a misdemeanor offense involving moral
27 turpitude or been convicted of an act that is or would be a felony under the

- 1 laws of the Commonwealth of Kentucky or of the United States;
- 2 (d) Become addicted to or is an abuser of alcohol, drugs, or any illegal substance;
- 3 (e) Developed a physical or mental disability or other condition that presents a
4 danger in continuing to practice genetic counseling to patients, the public, or
5 other health care personnel;
- 6 (f) Knowingly made or caused to be made or aided or abetted in the making of a
7 false statement in any document executed in connection with the practice of
8 genetic counseling;
- 9 (g) Performed any act or service as a genetic counselor without designated
10 supervision;
- 11 (h) Exceeded the scope of practice for which the genetic counselor is licensed by
12 the board;
- 13 (i) Aided, assisted, or abetted the unlawful practice of genetic counseling;
- 14 (j) Willfully violated a confidential communication;
- 15 (k) Performed the services of a genetic counselor in an unprofessional,
16 incompetent, or grossly or chronically negligent manner;
- 17 (l) Been removed, suspended, expelled, or placed on probation by any health care
18 facility or professional society for unprofessional conduct, incompetence,
19 negligence, or violation of ~~any provision of~~ KRS 311.690 to 311.700;
- 20 (m) Violated any applicable ~~provision of~~ administrative regulations relating to
21 genetic counseling;
- 22 (n) Violated any term of probation or other discipline imposed by the board; or
- 23 (o) Failed to complete the required number of hours of approved continuing
24 education.
- 25 (2) All disciplinary proceedings against a genetic counselor shall be conducted in
26 accordance with KRS Chapter 13B. **Pursuant to KRS 13B.120(7), the executive**
27 **director shall hear and issue a final order regarding a decision of the board.** Any

1 party aggrieved by a final order of the executive director~~[board]~~ may appeal to the
2 Jefferson Circuit Court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 ~~(3)~~ The board chair shall establish an agenda to conduct business for each meeting. The
2 agenda shall be distributed to board members at least two (2) weeks prior to the
3 scheduled meeting. Specific items for consideration shall be submitted at least thirty
4 (30) days prior to the next board meeting.
- 5 ~~[(4) A majority of the board members shall constitute a quorum for the transaction of
6 necessary business.~~
- 7 ~~(5) Vacancies shall be filled in the manner of the original appointment for the length of
8 the unexpired portion of the term only. Appointment to a vacancy for more than two
9 (2) years shall constitute a full term of appointment.~~
- 10 ~~(6) Upon recommendation by a majority of the board members and after notice and a
11 hearing, the Governor may remove any member for failure to maintain the
12 qualifications as a board member, incompetence, neglect of duty, or malfeasance in
13 office. Any board member removed under this subsection shall be entitled to appeal
14 the removal in the Franklin Circuit Court.~~
- 15 ~~(7) There shall be no liability on the part of, and no action for damages against, any
16 current or former board member, representative, agent, or employee of the board,
17 when the person is acting with ordinary care, is functioning within the scope of
18 board duties, is acting without malice, and has the reasonable belief that the actions
19 taken by him or her are warranted by law.]~~
- 20 (2)~~[(8)]~~ Each member of the board shall receive~~[-, in addition to travel, hotel, and other
21 necessary expenses,]~~ a reasonable amount as determined by the board through the
22 promulgation of administrative regulations for each day the member is engaged in
23 the discharge of official duties at scheduled or called meetings of the board.
- 24 ➔Section 61. KRS 311B.070 is amended to read as follows:
- 25 (1) The administrative coordinator~~[executive director]~~ shall have demonstrated
26 administrative experience relative to budget, management, organizational abilities,
27 and professional communication. The administrative coordinator~~[executive~~

1 ~~director~~ shall:

- 2 (a) Be a licensed medical imaging technologist or radiation therapist;
- 3 (b) Have a minimum of a bachelor's degree; and
- 4 (c) Meet the qualifications of a board member as required under KRS
- 5 311B.030(2).

6 (2) The administrative coordinator~~executive director~~ shall implement and oversee

7 the licensure process of advanced imaging professionals, medical imaging

8 technologists, radiographers, radiation therapists, nuclear medicine technologists,

9 and limited X-ray machine operators as defined by the board. The administrative

10 coordinator~~executive director~~ shall, at a minimum:

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

26 (3) The administrative coordinator~~executive director~~ and other persons designated by

27 the board shall be bonded by the state in an amount as determined by the board to

1 be approved by the State Treasurer for the faithful performance of related duties.

2 ➔Section 62. KRS 311B.130 is amended to read as follows:

3 (1) On behalf of the board, the administrative coordinator~~[executive director]~~ shall
4 receive and account for all moneys collected pursuant to~~[the provisions of]~~ this
5 chapter, or the administrative regulations promulgated pursuant to this chapter, and
6 shall deposit all such moneys into the State Treasury, to be credited to a trust and
7 agency fund which is hereby created for the purpose of defraying the costs and
8 expenses of the administration of this chapter in the manner provided for other
9 similar licensure agencies and boards of the Commonwealth.

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

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

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

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

21 ➔Section 63. KRS 311B.170 is amended to read as follows:

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

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

27 (3) A licensee who fails to respond to a notice of a hearing or fails to attend the hearing

1 shall have the license revoked immediately.

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

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

5 (6) All actions and proceedings under this section shall be conducted in accordance
6 with KRS Chapter 13B. **Pursuant to KRS 13B.120(7), the executive director of the**
7 **Health and Restoration Authority within the Department of Professional**
8 **Licensing shall hear and issue a final order regarding any decision of the board.**

9 ➔Section 64. KRS 312.019 is amended to read as follows:

10 (1) The board shall administer ~~the provisions of~~ this chapter and the administrative
11 regulations promulgated by the board relating to the practice of chiropractic.

12 (2) The board shall pass upon the qualifications of applicants for a license, certification,
13 or registration to practice chiropractic. It shall examine, license, certify, register, and
14 renew the license, certification, or registration of duly qualified applicants.

15 (3) The board may deny, revoke, limit, impose probationary conditions, refuse to
16 renew, or suspend any license, certification, or registration issued by it.

17 (4) The board shall adopt a seal which shall be affixed to all licenses, certifications, and
18 registrations issued by the board and to any~~such~~ other documents as the board
19 deems necessary.

20 (5) The board shall regulate the practice of chiropractic by persons licensed or certified
21 by it and shall enforce ~~the provisions of~~ this chapter and the administrative
22 regulations of the board. The board may investigate violations and cause the
23 prosecution of persons violating ~~the provisions of~~ this chapter or the
24 administrative regulations promulgated by the board.

25 (6) The board may ~~employ such personnel and~~ incur any necessary~~such~~ expenses ~~as may be necessary~~
26 for the performance of its duties and the enforcement of this
27 chapter.

- 1 (7) The board may prescribe and collect reasonable fees for the issuance and renewal of
2 licenses, certifications, and registrations and the administration of examinations as
3 provided in KRS 312.095 and 312.175.
- 4 (8) The board may inspect at all reasonable times any chiropractic office or place where
5 chiropractic services are performed and inspect chiropractic records, a copy of
6 which may be obtained by the board, and question all persons.
- 7 (9) The board may promulgate~~[and from time to time amend]~~ administrative
8 regulations, consistent with~~[the provisions of]~~ this chapter and in accordance with~~[~~
9 ~~the provisions of]~~ KRS Chapter 13A, governing the practice of chiropractic and the
10 diagnosis and treatment of patients, the enforcement of this chapter and the proper
11 performance of its duties, including but not limited to:
- 12 (a) A code of ethical conduct governing the practice of chiropractic;
 - 13 (b) Requirements, standards, and examinations to determine the moral, physical,
14 intellectual, educational, scientific, technical, and professional qualifications
15 of applicants for licenses and certifications;
 - 16 (c) Matters pertaining to the content and conduct of examinations;
 - 17 (d) Matters pertaining to the operation and registration of chiropractic clinics;
 - 18 (e) Matters pertaining to the practice and certification of chiropractic specialties
19 by licensed doctors of chiropractic;
 - 20 (f) The type, character, and location of postgraduate study to be done by any
21 licensee in order to comply with~~[the provisions of]~~ KRS 312.175;
 - 22 (g) Regulation of forms of advertising or solicitation that are false, misleading,~~[~~
23 ~~or]~~ deceptive, or otherwise in violation of this chapter. The board may require
24 a seventy-two (72) hour rescission period for consumers responding to certain
25 forms of solicitation or advertising proposing or offering a series or course of
26 treatments. The board may require that advertisements or solicitations stating
27 coverage available from third-party payors include a conspicuous notice that

1 persons may be required to submit to an independent evaluation which may
2 result in a determination that the all or part of the services are unreasonable or
3 unnecessary;

4 (h) Establishing a recommended course of pre-chiropractic education to be
5 completed prior to entry into chiropractic college and the establishment of a
6 preceptorship program for students enrolled in accredited chiropractic colleges
7 that conform to KRS 312.085 to meet the standards of accreditation of the
8 Council on Chiropractic Education.

9 (i) Registration and regulation of chiropractic management consultants operating
10 in Kentucky. The board may impose annual registration fees not to exceed two
11 hundred dollars (\$200); and

12 (j) Establishing minimum standards for recordkeeping in chiropractic offices, the
13 issuance of itemized statements, and requiring that any record or report
14 include the name of the treating chiropractor.

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

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

25 ➔SECTION 65. KRS 312.055 IS REPEALED AND REENACTED TO READ
26 AS FOLLOWS:

27 **Members of the board shall receive a per diem not to exceed one hundred dollars**

1 *(\$100) for each day they actually spend in the discharge of their official duties.*

2 →Section 66. KRS 312.160 is amended to read as follows:

3 (1) *Pursuant to KRS 13B.120(7), the executive director of the Health and*
 4 *Restoration Authority within the Department of Professional Licensing shall*
 5 *hear and issue a final order regarding a decision of the board.*

6 (2) Any licensed person who has been disciplined after a hearing shall have the right to
 7 appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B. If the
 8 person who has been disciplined fails to appeal within thirty (30) days after the final
 9 order is mailed or personally served, the final order of the *executive director*~~[board]~~
 10 shall be final.

11 ~~(3)~~~~(2)~~ Any disciplinary matter shall be reported to the Healthcare Integrity and
 12 Protection Data Bank or to the board's authorized agent.

13 →Section 67. KRS 312.175 is amended to read as follows:

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

1 educational program at the proper time.

2 (2) The board shall send a written notice to every person holding a valid license to
 3 practice chiropractic within this state at least forty-five (45) days prior to the first
 4 day of March in each year, directed to the last known address of the licensee, and
 5 shall enclose with the notice proper blank forms for application for annual license
 6 renewal. The board shall, within thirty (30)~~forty five (45)~~ days, notify every
 7 person failing to renew a~~his~~ license after it is due that the person~~he~~ is delinquent
 8 and is subject to a late penalty of three hundred dollars (\$300). If the licensee fails
 9 to renew the~~his~~ license within forty-five (45) days after the mailing of the
 10 delinquent notice then the~~his~~ license shall be revoked for nonrenewal. Any
 11 licensee whose license has been revoked for failure to renew~~his license~~ may have
 12 the~~his~~ license restored upon:

13 (a) 1. ~~the~~ Payment of a restoration fee not to exceed five hundred dollars
 14 (\$500) for each full or partial delinquent year;

15 2. Payment of a~~or any part thereof in addition to the~~ renewal fee of not
 16 more than five hundred dollars (\$500); and

17 3. ~~and upon~~ Presentation of satisfactory evidence of postgraduate study of
 18 a standard approved by the state board; or

19 (b) ~~upon a~~ Showing that the licensee~~he~~ is an exception as authorized
 20 under~~provided for in~~ subsection (1) of this section.

21 (3) Any licensee whose license has been revoked for less than four (4) years, may not
 22 apply for a license pursuant to KRS 312.085. The licensee may only apply for
 23 restoration pursuant to subsection (2) of this section.

24 (4) Any licensee whose license has been revoked for more than four (4) years may
 25 apply for a license by examination, as long as the licensee pays a restoration fee not
 26 to exceed five hundred dollars (\$500) for each full or partial delinquent year~~, or~~
 27 ~~any part thereof,~~ in addition to the renewal fee of not less than five hundred dollars

1 (\$500) and not more than three thousand dollars (\$3,000).

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

- 3 (1) The Kentucky Board of Dentistry shall consist of ten (10) members, each appointed
4 by the Governor to a four (4) year term. Seven (7) members of the board shall be
5 licensed dentists appointed from a list of three (3) names recommended for each
6 board position by the resident licensed dentists of Kentucky at an annual election at
7 a time selected by the Kentucky Board of Dentistry. Two (2) members of the board
8 shall be dental hygienists licensed to practice dental hygiene in the Commonwealth.
9 Each appointment to the board of a licensed dental hygienist shall be made from a
10 list of three (3) names recommended for this position by the resident licensed dental
11 hygienists of Kentucky at an annual election at a time selected by the board. One (1)
12 member shall be a citizen at large who is not associated with or financially
13 interested in the practice or business regulated. One (1) nonvoting ex officio
14 representative from each the University of Kentucky and the University of
15 Louisville shall represent the dental schools' interests. One (1) nonvoting ex officio
16 representative from a hygiene program not associated with the University of
17 Kentucky or the University of Louisville shall represent the dental hygiene
18 programs' interests. The hygiene school seats shall rotate on a yearly basis. One (1)
19 nonvoting ex officio representative from the Department for Public Health shall
20 represent the department's interests.
- 21 (2) Individuals seeking board appointment, other than the citizen member, shall have
22 been an actual resident and licensed practicing dentist or dental hygienist of the
23 Commonwealth for not less than five (5) years immediately preceding his or her
24 appointment to the board, be in good standing with the board, and shall not have
25 been disciplined by the board in the past eight (8) years. A voting member shall not
26 receive compensation from or have a financial interest in any dental college or
27 dental department of any institution of learning, dental supply business, or any

1 entity over which the board has regulatory authority or sets standards for. For this
2 subsection alone, a private admonishment shall not count as discipline.

3 (3) No board member shall serve more than two (2) consecutive terms. A member
4 appointed to a partial term vacancy exceeding two (2) years shall be deemed to have
5 served one (1) full term. A former member may be reappointed following an
6 absence of one (1) term.

7 (4) The board shall annually:

8 (a) Meet at least four (4) times a year; and

9 ~~(b) [At the first meeting of the board after July 1, elect officers of the board by
10 majority vote of the members present; and~~

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

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

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

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

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

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

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

27 ~~(7) Each voting member of the board shall receive any necessary expenses incurred in~~

1 ~~attending its meetings.~~ Each voting member shall receive as compensation two
2 hundred dollars (\$200) for each day actually engaged in the duties of his or her
3 office.

4 ~~(6)~~~~(8)~~ Annual reports and recommendations from the board shall be sent by
5 ~~September~~~~February~~ 1 each year to the Governor and the Legislative Research
6 Commission~~General Assembly~~.

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

- 8 (1) The board shall:
- 9 (a) Exercise all of the administrative functions of the Commonwealth in the
10 regulation of the profession of dentistry, including but not limited to dentists,
11 dental hygienists, dental assistants, and dental laboratories;
- 12 (b) Subject to the provisions of this chapter, create levels of licensure or
13 registration as appropriate for individuals providing services under this
14 chapter. These shall consist of:
- 15 1. Dentist;
- 16 2. Dental hygienist; and
- 17 3. Dental assistant;
- 18 (c) The board shall promulgate administrative regulations in accordance with
19 KRS Chapter 13A for any license or registration the board may create. The
20 administrative regulations shall, at a minimum, address:
- 21 1. Requirements for students, if appropriate;
- 22 2. Requirements for education;
- 23 3. Eligibility for licensure or registration; and
- 24 4. Renewal requirements;
- 25 (d) Oversee the operations and establish the organizational structure of the Office
26 of the Kentucky Board of Dentistry, which is created and shall be attached to
27 the board for administrative purposes. The office shall be headed by the

- 1 *administrative coordinator*~~[executive director appointed under paragraph (e)~~
 2 ~~of this subsection]~~ and shall be responsible for:
- 3 1. ~~[Personnel and]~~Budget matters affecting the board;
 - 4 2. Fiscal activities of the board, including grant writing and disbursement
 5 of funds;
 - 6 3. Information technology, including the design and maintenance of
 7 databases;
 - 8 4. Licensure of dentists and dental hygienists;
 - 9 5. Registration of dental assistants;
 - 10 6. Investigation of complaints; and
 - 11 7. Other responsibilities which may be assigned to the *administrative*
 12 *coordinator*~~[executive director]~~ by the board;
- 13 (e) *Utilize the administrative coordinator to*~~[Employ an executive director and~~
 14 ~~fix his or her compensation. The executive director shall serve at the pleasure~~
 15 ~~of the board,]~~ administer the day-to-day operations of the Office of the
 16 Kentucky Board of Dentistry, and supervise all directives of the board. The
 17 *administrative coordinator*~~[executive director]~~ shall possess a baccalaureate
 18 degree and shall have no less than five (5) years of experience in public
 19 administration;
- 20 (f)~~[Employ or contract with an attorney licensed to practice law in Kentucky and~~
 21 ~~fix his or her compensation. The attorney shall serve at the pleasure of the~~
 22 ~~board and have primary assignment to the board;~~
- 23 (g)~~Employ or contract with personnel sufficient to carry out the statutory~~
 24 ~~responsibilities of the board;~~
- 25 (h)] Establish committees and subcommittees and *their*~~[the]~~ membership~~[~~
 26 ~~thereof]~~. Members of committees and subcommittees *may*~~[shall not need to]~~
 27 be members of the *public or the* board;

- 1 ~~(g)~~~~(i)~~ Provide for affiliation with the American Association of Dental Boards;
- 2 ~~(h)~~~~(j)~~ Select the subject matter and standards of proficiency for examinations
- 3 related to issuance of licenses or registrations issued under this chapter or
- 4 administrative regulations promulgated hereunder; and
- 5 ~~(i)~~~~(k)~~ Have the authority to issue advisory opinions and declaratory rulings
- 6 related to this chapter and the administrative regulations promulgated
- 7 thereunder as established by administrative regulation.

8 (2) The board may utilize ***or contract for*** materials, services, or facilities ***from***~~as may~~
9 ~~be made available to it by~~ other state agencies~~or may contract for materials,~~
10 ~~services, or facilities~~.

11 (3) The board shall develop a proposed biennial budget for all administrative and
12 operational functions and duties.

13 ➔Section 70. KRS 313.085 is amended to read as follows:

14 (1) The Law Enforcement Committee shall consist of three (3) members of the board,
15 including at least two (2) licensed dentists, appointed by the president of the board.

16 (2) The Law Enforcement Committee may, by a majority vote, issue an emergency
17 order for the immediate temporary suspension of a license or certificate against
18 which disciplinary action or an investigation is pending if the order is necessary to
19 protect the public.

20 (3) The emergency order shall be made in accordance with KRS 13B.125 and shall be
21 based upon a finding by the board that the emergency order is in the public interest
22 and there is substantial evidence of immediate danger to the health, welfare, and
23 safety of any patient or the general public.

24 (4) A licensee may appeal the emergency order by a written request to the board for an
25 emergency hearing in accordance with KRS 13B.125 within thirty (30) days after
26 receipt of the order.

27 (5) The appeal of an emergency order shall address only the necessity for the action and

1 shall not constitute an appeal of the merits of the underlying complaint or charge.

2 (6) The emergency order shall remain in effect until modified or vacated by the Law
3 Enforcement Committee or hearing officer or superseded by final disciplinary
4 action of the Law Enforcement Committee or hearing officer on the underlying
5 complaint or charge.

6 (7) The Law Enforcement Committee shall expedite disciplinary hearings in which a
7 license has been suspended under subsection (2) of this section.

8 (8) Pursuant to KRS 13B.120(7), the executive director of the Health and
9 Restoration Authority within the Department of Professional Licensing shall
10 hear and issue a final order regarding a decision of the board. Any party
11 aggrieved by a final order of the executive director~~[board]~~ may appeal the final
12 order to the Circuit Court of the county in which the licensee or certificate holder
13 resides after a written decision is rendered.

14 ➔Section 71. KRS 313.090 is amended to read as follows:

15 (1) In accordance with~~[the provisions of]~~ KRS Chapter 13B, all discipline for which
16 the board is authorized to conduct investigations, hold hearings, and impose
17 punishments is delegated to the administrative coordinator~~[the executive director,~~
18 ~~board attorney,]~~ and hearing panel as provided in this section.

19 (2) Any person may make a complaint to the administrative coordinator~~[executive~~
20 ~~director]~~ that a dentist, dental hygienist, dental assistant, or other person licensed or
21 registered by the board has violated~~[a provision of]~~ this chapter, an administrative
22 regulation promulgated pursuant to this chapter, a practice standard, or an order of
23 the board.

24 (3) Each complaint shall:

25 (a) Be in writing;

26 (b) Identify specifically the person or organization against whom the complaint is
27 made;

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

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

- 1 enforced by any Circuit Court for contempt. Any order or subpoena of the court
2 requiring the attendance and testimony of witnesses and the production of
3 documentary evidence may be enforced and shall be valid anywhere in this state.
- 4 (15) At all hearings the board attorney or, on request of the board, the Attorney General
5 of this state or one (1) of the assistant attorneys general designated, shall appear and
6 represent the board.
- 7 (16) The dentist, dental hygienist, or dental assistant who is the defendant in a hearing
8 shall be a party to the action and may appear and testify in the matter at any
9 deposition or hearing on the matter and may propose conclusions of law, findings of
10 fact, and penalties to the hearing panel.
- 11 (17) To make a finding or impose discipline, a majority of the members of the hearing
12 panel who are not the hearing officer shall agree on the finding or discipline.
- 13 (18) The **board's** final order in any disciplinary proceeding shall be prepared by the
14 hearing officer and sent to all parties in the manner prescribed by law. **Pursuant to**
15 **KRS 13B.120(7), the executive director of the Health and Restoration Authority**
16 **within the Department of Professional Licensing shall hear and issue a final**
17 **order regarding a decision of the board.**
- 18 (19) Any person or entity aggrieved by a final order of the **executive director**~~[board]~~ may
19 appeal the final order to the Circuit Court of the county in which the person or
20 entity resides in accordance with KRS Chapter 13B.
- 21 (20) Upon final disposition of a complaint which results in disciplinary action, the final
22 order shall be published on the Web site of the board, placed in the record of the
23 licensed or registered individual, and reported to the National Practitioner Database.
- 24 ➔Section 72. KRS 313.100 is amended to read as follows:
- 25 (1) If it is determined that an entity regulated by the board, a dentist, dental hygienist,
26 dental specialist, or dental assistant has violated a statute, administrative regulation,
27 or practice standard relating to serving as an entity regulated by the board, a dentist,

1 dental hygienist, dental specialist, or dental assistant, the Office of the Board may
2 impose any of the sanctions provided in subsection (2) of this section. Any party to
3 the complaint shall have the right to propose findings of fact and conclusions of
4 law, and to recommend sanctions.

5 (2) The Office of the Board shall require an acceptable plan of correction and may use
6 any one (1) or more of the following sanctions when disciplining a dentist, dental
7 hygienist, dental specialist, or dental assistant or any entity regulated by the board:

- 8 (a) Private admonishment;
- 9 (b) Public reprimand;
- 10 (c) Fines;
- 11 (d) Revocation of licensure or registration;
- 12 (e) Suspension of licensure or registration until a time certain;
- 13 (f) Suspension until a certain act or acts are performed;
- 14 (g) Limitation of practice permanently;
- 15 (h) Limitation of practice until a time certain;
- 16 (i) Limitation of practice until a certain act or acts are performed;
- 17 (j) Repassing a portion of the clinical examination;
- 18 (k) Probation for a specified time and conditions of probation; or
- 19 (l) Costs of the disciplinary action as defined by administrative regulation.

20 (3) A private admonishment shall not be subject to disclosure to the public under KRS
21 61.878(1)(l). A private admonishment shall not constitute disciplinary action but
22 may be used by the board for statistical purposes or in subsequent disciplinary
23 action against the same licensee, certificate holder, or applicant.

24 (4) The filing of criminal charges or a criminal conviction for violation of the
25 provisions of this chapter or the administrative regulations promulgated thereunder
26 shall not preclude the Office of the Board from instituting or imposing board
27 disciplinary action authorized by this chapter against any person or organization

- 1 violating this chapter or the administrative regulations promulgated thereunder.
- 2 (5) The institution or imposition of disciplinary action by the Office of the Board
3 against any person or organization violating the provisions of this chapter or the
4 administrative regulations promulgated thereunder shall not preclude the filing of
5 criminal charges against or a criminal conviction of any person or organization for
6 violation of the provisions of this chapter or the administrative regulations
7 promulgated thereunder.
- 8 (6) The board may maintain an action to enjoin the practice of or the attempt to practice
9 as a dentist, dental hygienist, or dental assistant without a license or registration to
10 do so.
- 11 (7) In case of a violation of any injunction granted under this section, the court may use
12 its inherent powers for adequate relief.
- 13 (8) (a) Any licensee or certificate holder who has received a private admonishment
14 may request in writing for the board to expunge the private admonishment
15 from the licensee or certificate holder's permanent record.
- 16 (b) The request for expungement may be filed no sooner than three (3) years after
17 the date on which the licensee or certificate holder has completed disciplinary
18 sanctions imposed and if the licensee or certificate holder has not been
19 disciplined for any subsequent violation of the same nature within this period
20 of time.
- 21 (c) No person may have his record expunged under this chapter more than once.
- 22 (9) If it is found the person who is licensed or registered by the board has been
23 convicted of, pled guilty to, or entered an Alford plea to a Class A, B, or C felony
24 offense, or has completed a diversion program for a Class A, B, or C felony offense,
25 the license or registration shall be revoked.
- 26 (10) A licensee subject to any disciplinary proceeding under this chapter shall be
27 afforded an administrative hearing conducted in accordance with KRS Chapter 13B.

1 **(11) Pursuant to KRS 13B.120(7), the executive director of the Health and**
2 **Restoration Authority within the Department of Professional Licensing shall**
3 **hear and issue a final order regarding a decision of the board. The licensee~~[and]~~**
4 may appeal any final order of the **executive director~~[board]~~** to the Franklin Circuit
5 Court.

6 ➔Section 73. KRS 314.091 is amended to read as follows:

7 (1) The board shall have power to reprimand, deny, limit, revoke, probate, or suspend
8 any license or credential to practice nursing issued by the board or applied for in
9 accordance with this chapter or the privilege to practice as a nurse recognized by the
10 board in accordance with this chapter, or to otherwise discipline a licensee,
11 credential holder, privilege holder, or applicant, or to deny admission to the
12 licensure examination, or to require evidence of evaluation and therapy upon proof
13 that the person:

14 (a) Is guilty of fraud or deceit in procuring or attempting to procure a license,
15 credential, or privilege to practice nursing;

16 (b) Has been convicted of any felony, or a misdemeanor involving drugs, alcohol,
17 fraud, deceit, falsification of records, a breach of trust, physical harm or
18 endangerment to others, or dishonesty, under the laws of any state or of the
19 United States, if in accordance with KRS Chapter 335B. The record of
20 conviction or a copy thereof, certified by the clerk of the court or by the judge
21 who presided over the conviction, shall be conclusive evidence;

22 (c) Has been convicted of a misdemeanor offense under KRS Chapter 510
23 involving a patient, or a felony offense under KRS Chapter 510,
24 530.064(1)(a), or 531.310, or has been found by the board to have had sexual
25 contact as defined in KRS 510.010(7) with a patient while the patient was
26 under the care of the nurse;

27 (d) Has negligently or willfully acted in a manner inconsistent with the practice of

- 1 nursing;
- 2 (e) Is unfit or incompetent to practice nursing by reason of negligence or other
3 causes, including but not limited to, being unable to practice nursing with
4 reasonable skill or safety;
- 5 (f) Abuses controlled substances, prescription medications, illegal substances, or
6 alcohol;
- 7 (g) Has misused or misappropriated any drugs placed in the custody of the nurse
8 for administration, or for use of others;
- 9 (h) Has falsified or in a negligent manner made incorrect entries or failed to make
10 essential entries on essential records;
- 11 (i) Has a license, privilege, or credential to practice as a nurse denied, limited,
12 suspended, probated, revoked, or otherwise disciplined in another jurisdiction
13 on grounds sufficient to cause a license or privilege to be denied, limited,
14 suspended, probated, revoked, or otherwise disciplined in this
15 Commonwealth, including action by another jurisdiction for failure to repay a
16 student loan;
- 17 (j) Has violated any of the provisions of this chapter;
- 18 (k) Has violated any lawful order or directive previously entered by the board;
- 19 (l) Has violated any administrative regulation promulgated by the board;
- 20 (m) Has been listed on the nurse aide abuse registry with a substantiated finding of
21 abuse, neglect, or misappropriation of property;
- 22 (n) Has violated the confidentiality of information or knowledge concerning any
23 patient, except as authorized or required by law;
- 24 (o) Used or possessed a Schedule I controlled substance; or
- 25 (p) Has used or been impaired as a consequence of the use of alcohol or drugs
26 while practicing as a nurse.
- 27 (2) All hearings shall be conducted in accordance with KRS Chapter 13B. A suspended

1 or revoked license, privilege, or credential may be reinstated at the discretion of the
2 board, and in accordance with ***administrative*** regulations promulgated by the board.

3 (3) The executive director may issue subpoenas to compel the attendance of witnesses
4 and the production of documents in the conduct of an investigation. The subpoenas
5 may be enforced by the Circuit Court as for contempt. Any order or subpoena of the
6 court 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 ~~(4) At all hearings on request of the board the Attorney General of this state or one (1)
9 of the assistant attorneys general designated by the Attorney General shall appear
10 and represent the board.~~

11 ~~(5)~~ A final order of the board shall be by majority vote thereof.

12 ~~(5)~~~~(6)~~ **Pursuant to KRS 13B.120(7), the executive director shall hear and issue a**
13 **final order regarding a decision of the board.** Any person adversely affected by
14 any final order of the ***executive director***~~[board]~~ may obtain a review thereof by
15 filing a written petition for review with the Circuit Court of the county in which the
16 ***executive director's***~~[board's]~~ offices are located in accordance with KRS Chapter
17 13B.

18 ~~(6)~~~~(7)~~ If the board substantiates that sexual contact occurred between a nurse and a
19 patient while the patient was under the care of or in a professional relationship with
20 the nurse, the nurse's license, privilege, or credential may be revoked or suspended
21 with mandatory treatment of the nurse as prescribed by the board. The board may
22 require the nurse to pay a specified amount for mental health services for the patient
23 which are needed as a result of the sexual contact.

24 ~~(7)~~~~(8)~~ The board may, by administrative regulation, provide for the recovery of the
25 costs of an administrative hearing.

26 ➔Section 74. KRS 314.111 is amended to read as follows:

27 (1) An institution desiring to conduct a school of nursing shall apply to the board and

1 submit evidence that it is prepared to carry out the minimum approved basic
2 curriculum in nursing and that it is prepared to fulfill other requirements of
3 standards which are established by KRS 314.011 to 314.161 and KRS 314.991 and
4 the administrative regulations promulgated by the board. No person shall operate a
5 nursing education program or school of nursing without complying with~~the~~
6 ~~provisions of~~ this section.

7 (2) A survey of the institution and its proposed education program shall be made by the
8 executive director,~~or an authorized employee of the board~~ who shall submit a
9 written report of the survey to the board. If in the opinion of the board the
10 requirements for an approved nursing education program or school of nursing are
11 met it shall approve the school.

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

16 (4) If the board determines that any approved school of nursing is not maintaining the
17 standards required by the statutes and the administrative regulations of the board or
18 is not complying with the requirements of the administrative regulations of the
19 board, notice of this determination~~thereof~~ in writing specifying their deficiencies
20 or compliance issues shall be given to the school. A school which fails to correct
21 these conditions to the satisfaction of the board or fails to comply with the
22 requirements of the administrative regulation may be fined up to five hundred
23 dollars (\$500) per day for each day that it fails to correct the deficiencies or fails to
24 comply with the requirements of the administrative regulations. A school may:

25 (a) Request an administrative hearing in accordance with KRS Chapter 13B to
26 contest any fine; and

27 (b) Be subject to an administrative hearing in accordance with KRS Chapter 13B

1 to determine whether the school shall be closed.

2 The board shall promulgate administrative regulations pursuant to KRS Chapter
3 13A to implement this subsection.

4 ➔Section 75. 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) Each appointment shall be for a term of four (4) years expiring on June 30 of the
20 fourth year. The cycle for appointments and expiration of terms shall be as follows:
- 21 (a) The first year of the four (4) year cycle, the terms for three (3) registered
22 nurses and one (1) licensed practical nurse shall expire;
- 23 (b) The second year of the four (4) year cycle, the terms for three (3) registered
24 nurses and one (1) citizen at large shall expire;
- 25 (c) The third year of the four (4) year cycle, the terms for two (2) registered
26 nurses, one (1) licensed practical nurse, and the one (1) member engaged in
27 practical nurse education who is a registered nurse shall expire; and

- 1 (d) The fourth year of the four (4) year cycle, the terms for two (2) registered
2 nurses, one (1) licensed practical nurse, and one (1) citizen at large shall
3 expire.
- 4 (3) (a) By March 1, the Kentucky Nurses Association shall submit to the Governor a
5 list of members qualified for appointment as R.N. members, in number not
6 less than twice the number of appointments to be made, from which list the
7 Governor shall make each appointment or appointments necessary by July 1.
- 8 (b) By March 1, Kentucky Licensed Practical Nurses Organization Incorporated
9 shall submit to the Governor a list of names qualified for appointment as
10 L.P.N. members, in number not less than twice the number of appointments to
11 be made, from which list the Governor shall make each appointment or
12 appointments as necessary by July 1.
- 13 (c) By March 1 of the year in which the nurse service administrator's term shall
14 expire, the Kentucky Organization of Nurse Leaders, an affiliate of the
15 Kentucky Hospital Association, shall submit to the Governor two (2) names of
16 qualified individuals for appointment as the nurse service administrator from
17 which list the Governor shall make an appointment as necessary by July 1.
- 18 (d) By March 1, LeadingAge Kentucky shall submit to the Governor two (2)
19 names of qualified individuals for appointments as its R.N. representative to
20 the board, from which the Governor shall make an appointment by July 1.
- 21 (e) By March 1 of the year in which the Kentucky Association of Health Care
22 Facilities representative's term shall expire, the Kentucky Association of
23 Health Care Facilities shall submit to the Governor two (2) names of qualified
24 individuals for appointment as its R.N. representative to the board, from
25 which list the Governor shall make an appointment as necessary by July 1.
- 26 (f) ~~Initially, the Governor shall appoint one (1) member to serve as the registered~~
27 ~~nurse who is engaged in practical nurse education to serve the term remaining~~

1 according to the cycle specified in subsection (2) of this section. By August 1,
2 1996, Kentucky Licensed Practical Nurses Organization Incorporated shall
3 submit to the Governor two (2) names of qualified individuals for the
4 appointment, from which list the Governor shall make the appointment by
5 September 1, 1996. Thereafter, }By March 1 of the year in which the practical
6 nurse educator's term expires, Kentucky Licensed Practical Nurses
7 Organization Incorporated shall submit to the Governor two (2) names of
8 qualified individuals for the appointment, from which list the Governor shall
9 make the appointment by July 1.

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

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

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

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

25 ~~(5)~~~~(7)}~~ Each L.P.N. member of the board shall be a citizen of the United States, a
26 resident of Kentucky, a graduate of an approved school of practical nursing or its
27 equivalent, licensed as a licensed practical nurse in this state, have at least five (5)

1 years of experience in nursing, three (3) of which shall immediately precede this
 2 appointment, and be currently engaged in nursing practice.

3 ➔Section 76. KRS 314.131 is amended to read as follows:

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

11 (2) The board shall:

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

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

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

17 **(d)** Approve providers of continuing education;

18 **(e)** Administer continuing education requirements;

19 **(f)** Issue advisory opinions or declaratory rulings dealing with the practice of
 20 nursing;

21 **(g)** Register and designate those persons qualified to engage in advanced nursing
 22 practice;

23 **(h)** ~~[and it shall]~~Conduct administrative hearings in accordance with KRS
 24 Chapter 13B upon charges calling for discipline of a licensee and cause the
 25 prosecution of all persons violating~~[any provisions of]~~ this chapter; **and**

26 **(i)** ~~[. It shall]~~Keep a record of all its proceedings and make an annual report to
 27 the Governor **and the Legislative Research Commission.**

- 1 (3) The board shall develop specific guidelines to follow upon receipt of an allegation
2 of sexual misconduct by a nurse licensed by the board. The guidelines shall include
3 investigation, inquiry, and hearing procedures which ensure that the process does
4 not revictimize the alleged victim or cause harm if a nurse is falsely accused.
- 5 (4) The board and investigators working for~~hired by~~ the board shall receive training
6 on the dynamics of sexual misconduct of professionals, including the nature of this
7 abuse of authority, characteristics of the offender, the impact on the victim, the
8 possibility and the impact of false accusations, investigative procedure in sex
9 offense cases, and effective intervention with victims and offenders.
- 10 ~~(5) The board shall employ a qualified person to serve as executive director to the~~
11 ~~board, and shall fix the compensation and define the duties of the executive~~
12 ~~director. It may employ other persons as may be necessary to carry on the work of~~
13 ~~the board.~~
- 14 ~~(6)~~ The executive director of the Nursing Authority shall have at least the
15 qualifications for board members, and a master's degree in nursing or equivalent and
16 shall have had at least two (2) years of experience in nursing administration
17 immediately preceding the time of appointment.
- 18 ~~(6)~~~~(7)~~ Each member of the board shall receive~~, in addition to traveling, hotel, and~~
19 ~~other necessary expenses,~~ one hundred fifty dollars (\$150) for each day the
20 member is actually engaged in the discharge of official duties.
- 21 ~~(7)~~~~(8)~~ The board may~~, in its discretion,~~ purchase liability insurance for board and
22 staff members against acts performed in good faith discharge of duties.
- 23 ~~(8)~~~~(9)~~ The board may, by administrative regulation issued pursuant to ~~the provisions~~
24 ~~of~~ KRS Chapter 13A, determine which disciplinary action records may be
25 expunged. Any records which are expunged shall be exempt from disclosure under
26 the Kentucky Open Records Law, KRS 61.870 to 61.884. The board shall not report
27 its disciplinary actions for any purpose other than statistical.

1 ~~(9)~~~~(10)~~ The board may reimburse any person appointed by direction of the board to
2 any committee, subcommittee, or task force created by the board for his or her
3 travel and subsistence expenses as established through the promulgation of
4 administrative regulations in accordance with KRS Chapter 13A.

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

- 6 (1) There is hereby created a Board of Respiratory Care which shall consist of seven (7)
7 voting members appointed by the Governor.
- 8 (a) Four (4) members shall be respiratory care practitioners holding a valid
9 mandatory certificate and practicing in Kentucky;
- 10 (b) Two (2) members shall be pulmonologists who are licensed and practicing
11 physicians in Kentucky; and
- 12 (c) One (1) member shall be a citizen at large who is not associated with or
13 financially interested in respiratory care.
- 14 (2) Members shall be appointed to the board for terms of three (3) years, expiring on
15 October 30 of the third year. No person shall be appointed to serve more than two
16 (2) consecutive terms.
- 17 (3) By May 30 of years in which respiratory care practitioner terms expire, the
18 Kentucky Society for Respiratory Care shall submit to the Governor a list of names
19 of candidates qualified for the appointment of respiratory care practitioner, in
20 numbers not less than twice the numbers of appointments to be made, ~~[, from which]~~
21 The Governor shall make each appointment or appointments by October 31 of that
22 year. The Governor shall also appoint the pulmonologist and citizen at-large
23 members by October 31 of any year in which a term expires.
- 24 ~~[(4) A vacancy on the board shall be filled by the Governor as provided under~~
25 ~~subsection (1) of this section. The appointment shall be for the remaining portion of~~
26 ~~the member's term.~~
- 27 ~~(5) The Governor or board may remove a member from the board for cause or as~~

1 provided under administrative regulations promulgated by the board in accordance
2 with KRS Chapter 13A.

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

9 ➔ Section 78. KRS 314A.210 is amended to read as follows:

10 **Pursuant to KRS 13B.120(7), the executive director of the Health and Restoration**
11 **Authority within the Department of Professional Licensing shall hear and issue a final**
12 **order regarding a decision of the board.** Any person aggrieved by a final order of the
13 **executive director**~~[board]~~ may obtain a review of the order by filing a petition in the
14 Franklin Circuit Court in accordance with KRS Chapter 13B. The commencement of
15 proceedings under this section does not, unless specifically ordered by the court, operate
16 as a stay of the **executive director's**~~[board's]~~ order.

17 ➔ Section 79. KRS 314A.215 is amended to read as follows:

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

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

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

1 collected by the board.

2 ➔Section 80. KRS 315.110 is amended to read as follows:

3 (1) Each license to practice pharmacy, unless sooner suspended or revoked, shall expire
4 on February 28 following its date of issuance. Every pharmacist who desires to
5 continue to practice pharmacy shall pay to the executive director of the **Pharmacy**
6 **Authority**~~board~~ a reasonable renewal fee to be set by administrative regulation of
7 the board, but not to exceed one hundred seventy-five dollars (\$175) annually or
8 increase more than twenty-five dollars (\$25) per year, and shall file with the board
9 an application in ~~a~~^a~~such~~ form and containing~~such~~ data **required by**~~as~~ the board~~to~~
10 ~~may require~~ for renewal of the license. A delinquent renewal penalty fee not to
11 exceed the renewal fee may be assessed and set by administrative regulation for
12 each renewal period the licensee fails to renew the license after expiration.

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

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

20 ➔Section 81. KRS 315.131 is amended to read as follows:

21 (1) Every proceeding imposing a fine or for probation, suspension, or revocation of a
22 license, permit, or certificate issued pursuant to this chapter shall be conducted in
23 accordance with KRS Chapter 13B. Upon failure of the licensee, permit holder, or
24 certificate holder to respond to the complaint at or before the time of the hearing,
25 the allegations set forth in the complaint shall be taken by the board as confessed.

26 (2) All decisions revoking or suspending a license, permit, or certificate or placing a
27 licensee, permit holder, or certificate holder on probation or imposing a fine shall be

1 made by the board.

2 (3) The board may when in its opinion the continued practice of the licensee or
3 certificate holder or the continued operation of the permit holder would be
4 dangerous to the health, welfare, and safety of the general public, issue an
5 emergency order as provided in KRS 13B.125.

6 (4) A licensee, permit holder, or certificate holder aggrieved by a final order of the
7 board may within ten (10) days after notice thereof move the board to reconsider
8 this order. A motion to reconsider based on newly-discovered material evidence
9 must be made within one (1) year of the entry of the order.

10 (5) **Pursuant to KRS 13B.120(7), the executive director shall hear and issue a final**
11 **order regarding a decision of the board.** A licensee, permit holder, or certificate
12 holder aggrieved by a final order of the **executive director**~~[board]~~ may appeal to the
13 Franklin Circuit Court in accordance with KRS Chapter 13B.

14 (6) The board may, without benefit of a hearing, temporarily suspend a license,
15 certificate, or permit for not more than sixty (60) days if the president of the board
16 finds on the basis of reasonable evidence that a licensee, certificate holder, or permit
17 holder:

18 (a) Has violated a statute or administrative regulation the board is empowered to
19 enforce, and continued practice or operation by the licensee, certificate holder,
20 or permit holder would create imminent risk of harm to the public; or

21 (b) Suffers a mental or physical condition that through continued practice or
22 operation could create an imminent risk of harm to the public.

23 The emergency suspension shall take effect upon receipt by the licensee, certificate
24 holder, or permit holder of written notice, delivered by certified mail or in person,
25 specifying the statute or administrative regulation violated. At the time the
26 emergency suspension order issues, the board shall schedule a disciplinary hearing
27 to be held in accordance with the provisions of KRS Chapter 13B within sixty (60)

1 days thereafter.

2 ➔Section 82. KRS 315.138 is amended to read as follows:

3 (1) Every pharmacy technician who wishes to renew his or her registration shall pay to
4 the executive director of the Pharmacy Authority~~board~~ an annual renewal fee of
5 twenty-five dollars (\$25) and shall file with the board an application in a~~such~~
6 form and containing~~such~~ information that the board requires~~reasonably~~
7 ~~determines necessary~~ to renew the registration. Each pharmacy technician's
8 registration shall expire on March 31 of each year. A delinquent renewal penalty fee
9 not to exceed twenty-five dollars (\$25) may be assessed for each renewal period the
10 registrant fails to remove his or her registration after the expiration of the
11 registration.

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

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

19 ➔Section 83. KRS 315.150 is amended to read as follows:

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

24 (2) In any calendar year scheduled to be the last full calendar year of a member's regular
25 term in office, the association shall select and submit to the Governor a list of five
26 (5) pharmacists, each of whom has had at least five (5) years' experience in the
27 practice of pharmacy, is a resident of the state, and is in good standing with the

1 board. On or before March 1 of the same year, the society, other state pharmacy
 2 organizations, or individuals may submit recommendations to the association for its
 3 consideration in selecting the list to be submitted. The Governor shall, before
 4 October 1 of the same year, appoint no more than two (2) persons from each list so
 5 submitted, to take office on January 1 the following year. The citizen member shall
 6 be appointed by the Governor. No two (2) pharmacist members of the board shall be
 7 residents of the same county.

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

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

16 (5) Each member shall take and subscribe to an oath before a competent officer to
 17 perform the duties of the office faithfully and impartially. The oath shall be
 18 inscribed upon the member's commission.

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

20 ➔Section 84. KRS 315.155 is amended to read as follows:

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

1 ~~(2)~~ Any person may file a complaint with the executive director of the **Pharmacy**
 2 **Authority**~~[board]~~ against a board member alleging specific facts which constitute
 3 grounds for removal from the board. The executive director shall transmit a copy of
 4 ~~the~~~~[any such]~~ complaint to the Governor, the president of the board, and the
 5 accused board member. Upon a written recommendation of the Governor or two-
 6 thirds (2/3) of the members of the board, a hearing shall be conducted before an
 7 impartial hearing officer pursuant to KRS Chapter 13B.

8 ~~(2)~~~~(3)~~ The hearing officer shall submit a transcript of the hearing to the Governor
 9 with a recommendation based on evidence presented in the hearing. The Governor
 10 shall review the transcript to determine if the evidence supports the
 11 recommendation, and ~~the Governor~~~~[he]~~ shall enter a finding in accordance with
 12 ~~this~~~~[such]~~ determination.

13 ~~(3)~~~~(4)~~ ~~If~~~~[In the event]~~ a board member is removed, his **or her** removal shall be
 14 effective as of the date of the Governor's finding and a vacancy shall be deemed to
 15 exist. Any board member~~[so]~~ removed **under this section** shall be entitled to
 16 appeal the removal in the Franklin Circuit Court.

17 ➔Section 85. KRS 315.160 is amended to read as follows:

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

22 ~~(2) The board shall employ a pharmacist to serve as a full time employee of the board~~
 23 ~~in the position of executive director.]~~The executive director **of the Pharmacy**
 24 **Authority** shall be **a pharmacist and shall be** responsible for the performance of the
 25 administrative functions of the board and ~~any~~~~[such]~~ other duties **to assist**~~[as]~~ the
 26 board~~[may direct. The board may employ, upon recommendation of the executive~~
 27 ~~director, such additional assistance as necessary for the proper conduct of board~~

1 ~~business and in accordance with the rules and regulations of the Kentucky~~
 2 ~~Personnel Cabinet].~~

3 ~~(2)~~~~(3)~~ The board shall meet at least four (4) times a year to transact business~~[- at~~
 4 ~~such place as it may determine].~~ The board may also meet at the call of the
 5 president or a majority of the board members. Each board member shall be given
 6 adequate prior notice of any board meeting.

7 **(3) Each member of the board shall receive not more than one hundred dollars**
 8 **(\$100) for each day the member is actively engaged in the service of the board.**

9 ➔Section 86. KRS 315.193 is amended to read as follows:

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

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

18 ➔Section 87. KRS 315.230 is amended to read as follows:

19 (1) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the
 20 board **may**~~[is hereby authorized to]~~ institute and maintain actions to restrain and
 21 enjoin any violation of this chapter, or the rules and **administrative** regulations of
 22 the board.

23 (2) City, county, and Commonwealth's attorneys, and the Attorney General, shall within
 24 their respective jurisdictions represent the board, its officers, agents, and
 25 inspectors~~[,]~~ in the enforcement of~~[the provisions of]~~ this chapter, and the rules and
 26 **administrative** regulations of the board~~[- but when the board deems it necessary, it~~
 27 ~~may employ at its discretion, special attorneys to assist the board, or its officers,~~

1 ~~agents, or inspectors, and may pay reasonable compensation, fees and other costs~~
2 ~~from any unexpended funds].~~

3 ➔Section 88. KRS 316.155 is amended to read as follows:

4 (1) The board shall, before revoking, suspending, or imposing probationary conditions
5 on any license or registration issued pursuant to this chapter, or before issuing a
6 written reprimand or imposing a fine, set the matter for a hearing to be conducted in
7 accordance with KRS Chapter 13B.

8 (2) After denying an application for a license or a registration for an apprentice, the
9 board shall set the matter for a hearing in accordance with KRS Chapter 13B upon
10 written request of the applicant if the request is made within thirty (30) days of the
11 mailing of a letter of denial.

12 (3) **Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing**
13 **Authority within the Department of Professional Licensing shall hear and issue a**
14 **final order regarding a decision of the board.** Any final order of the **executive**
15 **director**~~[board]~~ may be appealed to Franklin Circuit Court in accordance with KRS
16 Chapter 13B.

17 ➔Section 89. KRS 316.170 is amended to read as follows:

18 (1) The board shall consist of five (5) members who shall be residents of the
19 Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed
20 embalmers and Kentucky-licensed funeral directors actively practicing embalming
21 and funeral directing in a Kentucky funeral establishment and shall have a
22 minimum of ten (10) years' consecutive experience in the practice of embalming
23 and funeral directing in Kentucky immediately preceding their appointment. One (1)
24 member shall be a citizen at large who is not associated with or financially
25 interested in the practice or business regulated.

26 (2) The Governor shall make all appointments to the board. The four (4) embalmer and
27 funeral director members shall be appointed from a list of three (3) names submitted

1 by the Funeral Directors Association of Kentucky and from a list of three (3) names
2 submitted by the Kentucky Association of Morticians, Inc., for each position to be
3 filled.

4 (3) The term of each member shall be four (4) years. Each member shall serve until a
5 successor is appointed and qualified.

6 (4) ~~[Vacancies on the board shall be filled in the same manner for the unexpired terms.~~

7 (5) ~~(a) Until January 1, 2015, each board member shall receive one hundred dollars
8 (\$100); and~~

9 ~~(b) On January 1, 2015, and thereafter,]~~Each board member shall receive
10 compensation as set forth in administrative regulation, not to exceed two
11 hundred dollars (\$200) [;

12 ~~—]for each day of service actually given in carrying out the board's duties[and
13 shall be reimbursed for necessary traveling expenses and other necessary
14 expenses incurred in attending board meetings and carrying out the board's
15 duties.~~

16 (6) ~~The board shall elect annually a president from its members.~~

17 (7) ~~The board shall meet as often as necessary to discharge its duties, but not less than
18 once a year.~~

19 (8) ~~Three (3) members shall constitute a quorum].~~

20 ➔Section 90. KRS 316.210 is amended to read as follows:

21 (1) The board shall administer and enforce~~[the provisions of]~~ this chapter and may
22 promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
23 and enforce~~[the provisions of]~~ this chapter.

24 (2) The board shall keep records and minutes necessary to carry out~~[the provisions of]~~
25 this chapter.

26 (3) The board may administer oaths and may issue subpoenas to compel the attendance
27 of witnesses and the production of documents.

1 (4) The board may seek injunctive relief in Franklin Circuit Court to restrain or enjoin a
2 violation of this chapter.

3 ~~[(5) The board may employ persons as necessary to carry out the requirements of this
4 chapter.]~~

5 ➔Section 91. KRS 316.260 is amended to read as follows:

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

18 ➔Section 92. KRS 317.430 is amended to read as follows:

19 (1) There is hereby created an~~[-independent]~~ agency of the state government to be
20 known as the Kentucky Board of Barbering, which shall have complete supervision
21 over the administration~~[-of the provisions]~~ of this chapter relating to barbers,
22 barbering, barber shops, independent contract owners, barber schools, and the
23 teaching of barbering.

24 (2) The board shall be composed of five (5) members appointed by the Governor. Four
25 (4) members shall be barbers holding a valid license and practicing in Kentucky.
26 One (1) member shall be a citizen at large who is not associated with or financially
27 interested in barbering. At all times in the filling of vacancies of membership on the

1 barber board, this balance of representation shall be maintained.

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

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

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

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

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

15 (5)~~{(8)}~~ No member of the board shall be financially interested in, or have any
16 financial connection with, any barber or cosmetology school, wholesale cosmetic or
17 barber supply or equipment business, nor shall any member of the barber board
18 teach barbering, cosmetology, or manicuring for monetary considerations.

19 (6)~~{(9)}~~ Each member of the board shall receive a compensation of one hundred
20 dollars (\$100) per day for each day of attendance at a meeting of the board~~{, and~~
21 ~~shall be reimbursed for necessary traveling expenses.~~

22 (10) ~~{The board shall hold its meetings within the state and when deemed necessary by~~
23 ~~the board to discharge its duties}.~~

24 ➔Section 93. KRS 317.460 is amended to read as follows:

25 (1) The board shall hold hearings upon the request of any person directly affected by
26 the board's decision to refuse a license; deny or revoke a license; or suspend or
27 place a licensee on probation. Hearings shall be conducted in accordance with KRS

1 Chapter 13B.

2 (2) For the purpose of enforcing the provisions of this chapter, officers, agents, and
 3 inspectors of the board may enter upon premises of all facilities issued a permit or
 4 license by the board, at all reasonable times and during periods when those premises
 5 are otherwise open to the public, and make inspections to determine compliance
 6 with this chapter and the administrative regulations promulgated by the board, and
 7 inspect books, papers, or records pertaining to licensed activity, a copy of which
 8 may be obtained by the board officer, agent, or inspector.

9 (3) Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing
 10 Authority within the Department of Professional Licensing shall hear and issue a
 11 final order regarding a decision of the board. Final orders of the executive
 12 director~~[board]~~ as a result of any hearing may be appealed to the Franklin Circuit
 13 Court in accordance with KRS Chapter 13B.

14 ➔Section 94. KRS 317.470 is amended to read as follows:

15 (1) The board may be served by~~[employ such personnel as may be reasonably necessary~~
 16 ~~to carry out the provisions of this chapter, whose compensation shall be established~~
 17 ~~by the Personnel Cabinet. The board shall by appropriate order employ]~~ an
 18 administrator who shall be responsible for~~[charged with responsibility of]~~
 19 ~~administering [the provisions of]~~ this chapter, and the policies of the board relating
 20 to barbering~~[. The administrator may receive compensation as may be established~~
 21 ~~by classification of the position by the Personnel Cabinet].~~

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

23 (3)~~] The board shall publish or electronically provide copies of its rules and~~
 24 administrative regulations and any proposed amendments to all persons licensed by
 25 it and to any other persons, places, or agencies as may be required by law or deemed
 26 by it reasonably necessary in the administration of~~[the provisions of]~~ this chapter.

27 ➔Section 95. KRS 317.530 is amended to read as follows:

- 1 (1) There is hereby established in the State Treasury the Kentucky Board of Barbering
2 trust and agency fund.
- 3 (2) The fund shall be administered by the board.
- 4 (3) (a) All fees collected by the board shall be deposited into the fund and shall be
5 used only for the purpose of administering~~[the provisions of]~~ this chapter as it
6 relates to the board.
- 7 (b) The cost and expenses of administering~~[the provisions of]~~ this chapter
8 including compensation to members of the board and its officers~~[and~~
9 ~~employees]~~ shall be paid out of the State Treasury upon warrants of the
10 secretary of the Finance and Administration Cabinet according to law.
11 However, the total expense of administering these provisions shall not exceed
12 the fees and other charges collected by the board and available in the fund.
- 13 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
14 year shall not lapse but shall be carried forward into the next fiscal year.
- 15 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- 16 (6) Moneys deposited into the fund are hereby appropriated for the purposes set forth in
17 this section and shall not be appropriated or transferred by the General Assembly
18 for any other purpose.
- 19 ➔Section 96. KRS 317A.030 is amended to read as follows:
- 20 (1) There is created an~~[independent]~~ agency of the state government to be known as
21 the Kentucky Board of Cosmetology, which shall have complete supervision over
22 the administration of~~[the provisions of]~~ this chapter relating to cosmetology,
23 cosmetologists, schools of cosmetology, or esthetic practices or nail technology,
24 students, estheticians, nail technicians, instructors of cosmetology, instructors of
25 esthetic practices, or instructors of nail technology, cosmetology salons, esthetic
26 salons, and nail salons.
- 27 (2) The board shall be composed of five (5) members appointed by the Governor as

1 follows:

- 2 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to
3 their appointment and shall reside in Kentucky:
- 4 1. Two (2) of whom shall be cosmetology salon owners;
 - 5 2. One (1) of whom shall be a cosmetology teacher in public education and
6 shall not own any interest in a cosmetology salon; and
 - 7 3. One (1) of whom shall be an owner of or one who shall have a financial
8 interest in a licensed cosmetology school and shall be a member of a
9 nationally recognized association of cosmetologists;
- 10 (b) One (1) member shall be a citizen at large who is not associated with or
11 financially interested in the practices or businesses regulated; and
- 12 (c) None of whom nor the administrator shall be financially interested in, or have
13 any financial connection with, wholesale cosmetic supply or equipment
14 businesses.

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

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

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

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

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

22 ~~(7) Each member of the board shall receive one hundred dollars (\$100) per day for each
23 day of attendance at board meetings, and shall be reimbursed for necessary
24 traveling expenses and necessary expenses incurred in the performance of duties
25 pertaining to official business of the board.~~

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

1 ➔Section 97. KRS 317A.040 is amended to read as follows:

- 2 (1) The board may utilize~~employ~~ inspectors and any other personnel reasonably
3 necessary to carry out~~the provisions of~~ this chapter~~, whose compensations shall~~
4 ~~be established within budgetary limits by the Personnel Cabinet. The board may~~
5 ~~delegate staffing decisions to the administrator~~.
- 6 (2) The board shall be served by~~appropriate order employ~~ an administrator who shall
7 be responsible for~~charged with the responsibility of~~ administering~~the provisions~~
8 ~~of~~ this chapter, and the policies and administrative regulations of the board relating
9 to cosmetology and esthetic practices.
- 10 (3) No person shall serve~~be employed~~ as an administrator unless the person is a
11 licensed cosmetologist.
- 12 (4)~~The administrator may receive a salary as may be established by classification of the~~
13 ~~position by the Personnel Cabinet.~~
- 14 (5)~~The board shall publish or electronically provide copies of its administrative~~
15 regulations and any proposed amendments to all persons licensed by it and to any
16 other persons, places, or agencies as may be required by law or deemed by it
17 reasonably necessary to the administration of~~the provisions of~~ this chapter.

18 ➔Section 98. KRS 317A.070 is amended to read as follows:

- 19 (1) The board shall hold hearings upon the request of any licensee or applicant directly
20 affected by the board's decision to refuse to issue or renew a license or permit, or to
21 deny, suspend, probate, fine, or revoke a license or permit. A licensee or applicant
22 shall request a hearing within thirty (30) days of the board's notice that it seeks to
23 refuse to issue or renew a license or permit, or to deny, suspend, probate, fine, or
24 revoke a license or permit. The hearing shall be conducted in accordance with KRS
25 Chapter 13B.
- 26 (2) *Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing*
27 *Authority within the Department of Professional Licensing shall hear and issue a*

1 *final order regarding a decision of the board. A final order of the executive*
2 *director*~~[Rulings of the board as a result of any hearing]~~ may be appealed to the
3 Franklin Circuit Court in accordance with KRS Chapter 13B.

4 ➔Section 99. KRS 317A.080 is amended to read as follows:

- 5 (1) There is hereby established in the State Treasury the Kentucky Board of
6 Cosmetology trust and agency fund.
- 7 (2) The fund shall be administered by the board.
- 8 (3) (a) All fees collected by the board shall be deposited into the fund and shall be
9 used only for the purpose of administering~~[the provisions of]~~ this chapter as it
10 relates to the board.
- 11 (b) The cost and expenses of administering~~[the provisions of]~~ this chapter
12 including compensation to members of the board and its officers~~[and~~
13 employees] shall be paid out of the State Treasury upon warrants of the
14 secretary of the Finance and Administration Cabinet according to law.
15 However, the total expense of administering these provisions shall not exceed
16 the fees and other charges collected by the board and available in the fund;
- 17 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
18 year shall not lapse but shall be carried forward into the next fiscal year.
- 19 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- 20 (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth in
21 this section and shall not be appropriated or transferred by the General Assembly
22 for any other purposes.

23 ➔Section 100. KRS 319.020 is amended to read as follows:

- 24 (1) The board shall consist of nine (9) members appointed by the Governor. Six (6)
25 members shall be licensed psychologists. Two (2) members shall be credentialed by
26 the board as certified psychologists, licensed psychological practitioners, or licensed
27 psychological associates. One (1) member shall be a citizen at large who is not

- 1 associated with or financially interested in the practice or business regulated.
- 2 (2) Licensed psychologist members shall be appointed by the Governor from a group
3 consisting of the three (3) nominees receiving the most votes for each position to be
4 filled, the nominees to be selected by all licensed psychologists credentialed under
5 this chapter from a list of eligible candidates prepared by the Kentucky
6 Psychological Association. Candidates shall be solicited from all licensed
7 psychologists credentialed under~~[according to the provisions of]~~ this chapter and
8 each nominee shall be a licensed psychologist credentialed under~~[according to the
9 provisions of]~~ this chapter. Each licensed psychologist member shall be a resident
10 of this state and shall have engaged in the practice or teaching of psychology as a
11 licensed psychologist for at least three (3) years in this state.
- 12 (3) Certified psychologist, licensed psychological practitioner, or licensed
13 psychological associate members shall be appointed by the Governor from a group
14 consisting of the three (3) nominees receiving the most votes for each position to be
15 filled, the nominees to be selected by all certified psychologists, licensed
16 psychological practitioners, and licensed psychological associates credentialed
17 under this chapter from a list of eligible candidates prepared by the Kentucky
18 Psychological Association. Candidates shall be solicited from all certified
19 psychologists, licensed psychological practitioners, and licensed psychological
20 associates credentialed under~~[according to the provisions of]~~ this chapter. Each
21 nominee shall be a resident of this state, licensed under~~[according to the provisions
22 of]~~ this chapter, and shall have engaged in the practice or teaching of psychology as
23 a certified psychologist, licensed psychological practitioner, or licensed
24 psychological associate for at least three (3) years in this state.
- 25 (4) The term of each board member shall be four (4) years and until a successor is
26 appointed and qualified. No member shall serve more than two (2) consecutive full
27 terms~~[. The Governor shall fill any vacancy occurring in the board in the manner~~

1 ~~prescribed in subsection (2) of this section. Upon recommendation by a majority of~~
 2 ~~the board members and after notice and a hearing, the Governor shall remove any~~
 3 ~~member for incompetence, neglect of duty, or malfeasance in office].~~

4 (5) ~~[Five (5) members of the board shall constitute a quorum.]Each **board** member~~
 5 ~~shall receive one hundred dollars (\$100) per day for attending each meeting[and~~
 6 ~~shall receive his necessary expenses incurred in the performance of the duties~~
 7 ~~required by this chapter. Annually the board shall elect one (1) of its licensed~~
 8 ~~members as chairperson for a term of one (1) year. No person shall serve more than~~
 9 ~~two (2) consecutive full terms as chairperson. The board shall meet at least twice~~
 10 ~~annually and at other times as it determines necessary. Special meetings may be~~
 11 ~~called by the chairperson and shall be called upon the written request of two (2)~~
 12 ~~members].~~

13 ➔Section 101. KRS 319.030 is amended to read as follows:

14 (1) On September 1~~[June 30]~~ of each year the board shall submit to the Governor and
 15 the Legislative Research Commission a written report including the names of all
 16 persons to whom licenses have been granted under~~[as provided in]~~ this chapter and
 17 any cases heard and decisions rendered.

18 (2) The board may locate its principal office, meet, or conduct any of its business at any
 19 place in this state.

20 (3) The board shall keep a record of its proceedings and a register of licensed and
 21 certified psychologists, licensed psychological practitioners, and licensed
 22 psychological associates. The books and records of the board shall be prima facie
 23 evidence of the matters they contain~~[therein contained].~~

24 ➔Section 102. KRS 319.092 is amended to read as follows:

25 (1) In every proceeding for probation, suspension, or revocation of a license, an
 26 administrative hearing shall be conducted in accordance with KRS Chapter 13B.
 27 The board or a hearing officer appointed by the board shall conduct the hearing.

- 1 (2) All decisions revoking or suspending a license or placing a credential holder on
2 probation shall be made by the board.
- 3 (3) If, after a hearing, a majority of the board finds that a credential holder has violated
4 any provision of this chapter, the board may:
- 5 (a) Revoke or suspend the license;
- 6 (b) Impose a monetary penalty not to exceed two thousand dollars (\$2,000) per
7 violation;
- 8 (c) Revoke or suspend the license or impose a monetary penalty, but suspend
9 enforcement thereof by placing the credential holder on probation, which shall
10 be revocable if the board finds the conditions of the probation order are not
11 being followed by the credential holder;
- 12 (d) Require the credential holder, as a condition of probation, to submit to care,
13 counseling, or treatment by a professional designated by the board, or require
14 the credential holder to be supervised by a licensed psychologist designated by
15 the board. The expense of this action shall be borne by the credential holder
16 on probation;
- 17 (e) Modify the conditions of the probation, with good cause, and may include
18 among them any reasonable condition for the purpose of the protection of the
19 public, or for the purpose of the rehabilitation of the probationer, or both;
- 20 (f) Require restitution; and
- 21 (g) Assess the costs of the disciplinary proceeding.
- 22 (4) If the board substantiates that sexual contact occurred between a credential holder
23 and a patient while the patient was under the care or in a professional relationship
24 with the credential holder, the credential holder's license may be revoked or
25 suspended with mandatory treatment of that individual as prescribed by the board.
26 The board may require the credential holder to pay a specified amount for mental
27 health services for the patient which are needed as a result of the sexual contact.

- 1 (5) *Pursuant to KRS 13B.120(7), the executive director of the Health and*
 2 *Restoration Authority within the Department of Professional Licensing shall*
 3 *hear and issue a final order regarding a decision of the board.* Final orders of the
 4 *executive director*~~[board]~~ suspending or revoking a license or placing a credential
 5 holder on probation shall become effective immediately after written notice is
 6 served on the credential holder and the credential holder shall not, after notice of
 7 same, engage or continue to engage in the practice of psychology unless the
 8 *executive director's*~~[board's]~~ final order is revoked or modified by the court after
 9 judicial review.
- 10 (6) The *executive director*~~[board]~~ shall make public *the*~~[its]~~ final order in all
 11 disciplinary actions.
- 12 (7) Any person aggrieved by a final order of the *executive director*~~[board]~~ may appeal
 13 to the Franklin Circuit Court in accordance with KRS Chapter 13B.

14 ➔Section 103. KRS 319A.030 is amended to read as follows:

15 The terms of the members shall be for three (3) years and until their successors are
 16 appointed and qualified~~[, except of those first appointed one (1) shall serve for one (1)~~
 17 ~~year, two (2) shall serve for two (2) years and two (2) shall serve for three (3) years].~~
 18 Vacancies shall be filled in the manner of the original appointment for the unexpired
 19 portion of the term only~~[. The Governor, after notice and opportunity for a hearing, may~~
 20 ~~remove any member of the board for malfeasance, neglect of duty, incompetency, or~~
 21 ~~revocation or suspension of a license. Members of the board shall receive no salary but~~
 22 ~~shall be allowed usual mileage, subsistence and per diem as provided by law for members~~
 23 ~~of state boards, commissions, and committees].~~ No member shall serve more than two (2)
 24 consecutive terms.

25 ➔Section 104. KRS 319A.070 is amended to read as follows:

- 26 (1) The board shall administer and enforce~~[the provisions of]~~ this chapter and shall
 27 *evaluate*~~[have the responsibility of evaluating]~~ the qualifications of applicants for

1 licensure.

2 (2) The board may issue subpoenas, examine witnesses, administer oaths, and
3 investigate allegations of practices violating~~the provisions of~~ this chapter.

4 (3) The board may:

5 (a) Promulgate administrative regulations, pursuant to KRS Chapter 13A, relating
6 to professional conduct to carry out~~the provisions of~~ this chapter, including
7 but not limited to administrative regulations relating to professional licensure
8 and holding a license to practice occupational therapy or assist in the practice
9 of occupational therapy in the Commonwealth;

10 (b) Conduct administrative hearings in accordance with KRS Chapter 13B;

11 (c) Evaluate the qualifications and authorize the issuance of licenses to qualified
12 occupational therapists and occupational therapy assistants;

13 (d) Issue and renew licenses based on evidence of initial and continued
14 competence of persons subject to this chapter;

15 (e) Suspend or revoke licenses;

16 (f) Require the continuing professional education of persons subject to this
17 chapter;

18 (g) Keep a record of its proceedings and a register of all persons licensed as
19 occupational therapists or occupational therapy assistants. The register shall
20 show the name of every licensee, the licensee's last known place of business
21 and last known place of residence, and the date and number of the license of
22 each licensed occupational therapist or occupational therapy assistant. The
23 board shall, during the month of January of every year, compile and make
24 available a list of licensed occupational therapists and occupational therapy
25 assistants authorized to practice in the Commonwealth. Any citizen of the
26 Commonwealth may obtain a copy of the list upon application to the board
27 and payment of an amount to be fixed by the board, which shall not exceed its

- 1 cost;
- 2 (h) Make an annual report to the Governor and the **Legislative Research**
 3 **Commission that**~~[General Assembly which]~~ shall contain an account of duties
 4 performed, actions taken, and appropriate recommendations;
- 5 (i) Institute and maintain actions to restrain or enjoin any violation of this chapter
 6 and administrative regulations notwithstanding the existence or pursuit of
 7 other civil or criminal penalties;
- 8 (j) Approve an examination for occupational therapists and occupational therapy
 9 assistants and establish standards for acceptable performance;
- 10 (k) Seek an injunction in Franklin Circuit Court against any individual who
 11 practices occupational therapy in the Commonwealth without a license; and
- 12 (l) Promulgate administrative regulations to define appropriate supervision of
 13 assistants, aides, and unlicensed personnel that are delivering occupational
 14 therapy services.

15 ➔Section 105. KRS 319A.200 is amended to read as follows:

16 **Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
 17 **Wellness Authority within the Department of Professional Licensing shall hear and**
 18 **issue a final order regarding a decision of the board.** Any person aggrieved by an order
 19 of the **executive director**~~[board]~~ denying, suspending, or revoking **the person's**~~[his]~~
 20 license may appeal to the Franklin Circuit Court within thirty (30) days after entry of
 21 **the**~~[said]~~ order, for appropriate relief. On **this**~~[such]~~ appeal the scope of review shall be
 22 limited to an examination of the record of the **executive director's**~~[board's]~~ action for the
 23 purpose of determining whether the **executive director**~~[board]~~ abused **his or her**~~[its]~~
 24 discretion. The appellant shall furnish the court with a properly certified transcript of any
 25 evidence heard by the **executive director**~~[board]~~, and the court may refuse to review any
 26 findings of fact made by the **executive director**~~[board]~~ unless **this**~~[such a]~~ transcript is
 27 filed within sixty (60) days after the filing of the appeal.

1 ➔Section 106. KRS 319B.020 is amended to read as follows:

2 The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The
3 board shall consist of five (5) members who shall be appointed by the Governor.

4 (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic,
5 or pedorthic professional services and is not affiliated with and does not have more
6 than five percent (5%) financial interest in any one (1) health care profession or
7 business.

8 (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or
9 licensed pedorthists. These members may be licensed in more than one (1)
10 discipline and at least one (1) board member shall be a licensed pedorthist.
11 Membership of the board shall reasonably reflect representation from the
12 geographic areas in the Commonwealth.

13 (3) Each member of the board shall serve a term of three (3) years~~[-, except that of the~~
14 ~~initial appointments to the board, two (2) members shall be appointed for two (2)~~
15 ~~years, two (2) members shall be appointed for three (3) years, and one (1) member~~
16 ~~shall be appointed for one (1) year].~~ No member of the board shall serve more than
17 the greater of eight (8) consecutive years or two (2) full terms~~[-. The Governor may~~
18 ~~remove any member of the board for misconduct, incompetence, or neglect of duty.~~

19 ~~(4) The board shall meet at least annually and may meet at other times if necessary to~~
20 ~~complete required business. A quorum of the board shall consist of a majority of~~
21 ~~board members currently appointed. The board shall annually elect a chairperson~~
22 ~~and vice chairperson who shall be licensed under this chapter.~~

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

1 ~~(6) Members of the board shall receive a per diem reimbursement of reasonable~~
 2 ~~expenses incurred as determined by the board in consultation with the Department~~
 3 ~~of Professional Licensing for each day actually engaged in the duties of the office].~~

4 ➔Section 107. KRS 319B.040 is amended to read as follows:

5 The board may:

6 ~~(1) Employ needed personnel and contract with the Department of Professional~~
 7 ~~Licensing within the Public Protection Cabinet for the provision of administrative~~
 8 ~~services;~~

9 ~~(2)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,
 10 and investigate allegations of practices violating~~[the provisions of]~~ this chapter;

11 ~~(2)~~~~(3)~~ Seek injunctive relief in the Circuit Court of the county where the violation
 12 occurred to stop the unlawful practice of prosthetics, orthotics, and pedorthics by
 13 unlicensed persons;

14 ~~(3)~~~~(4)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes
 15 necessary to carry out the functions of this chapter;

16 ~~(4)~~~~(5)~~ Suspend or revoke licenses, impose supervisory or probationary conditions
 17 upon licensees, impose administrative disciplinary fines, issue written reprimands
 18 or admonishments, or impose any combination of these penalties;

19 ~~(5)~~~~(6)~~ Grant retired or inactive licensure status under conditions set forth by the
 20 board by the promulgation of administrative regulations; and

21 ~~(6)~~~~(7)~~ Issue advisory private letter rulings ***at the request of***~~[to]~~ any affected licensee~~[~~
 22 ~~who makes such a request]~~ regarding any matters within the board's primary
 23 jurisdiction. Any private letter ruling shall affect only the person making the inquiry
 24 and shall have no precedential value for any other inquiry or future contested case
 25 that might come before the board. Any dispute regarding a private letter ruling
 26 may~~[, if the board chooses to do so,]~~ be resolved pursuant to KRS Chapter 13B.

27 ➔Section 108. KRS 319B.140 is amended to read as follows:

- 1 (1) The board may deny or refuse to renew a license, may suspend or revoke a license,
2 or may impose probationary conditions where the licensee or applicant for licensure
3 has engaged in unprofessional conduct which has endangered or is likely to
4 endanger the health, welfare, or safety of the public. Unprofessional conduct shall
5 include:
- 6 (a) Obtaining a license by means of fraud, misrepresentation, or concealment of
7 material facts;
 - 8 (b) Unprofessional conduct as defined by administrative regulations promulgated
9 by the board or violation of the code of ethics promulgated by the board
10 through administrative regulations;
 - 11 (c) Being convicted of a felony in any court if the act or acts for which the
12 applicant or licensee was convicted are found by the board to have a direct
13 bearing on whether he or she should be entrusted to serve the public in the
14 capacity of the licensed profession, if in accordance with KRS Chapter 335B;
 - 15 (d) Violating any lawful order or administrative regulation rendered or
16 promulgated by the board; or
 - 17 (e) Violating any provision of this chapter.
- 18 (2) A denial, refusal to renew, suspension, revocation, or imposition of probationary
19 conditions upon an applicant or licensee may be ordered by the board in a decision
20 made after an administrative hearing conducted in accordance with KRS Chapter
21 13B and administrative regulations promulgated by the board. The board may
22 accept or reject an application for reinstatement following an administrative hearing
23 conducted in accordance with KRS Chapter 13B.
- 24 (3) **Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing**
25 **Authority within the Department of Professional Licensing shall hear and issue a**
26 **final order regarding any decision of the board.**
- 27 (4) The surrender of a license shall not serve to deprive the board of jurisdiction to

1 proceed with disciplinary actions under this chapter.

2 ➔Section 109. KRS 319C.030 is amended to read as follows:

3 (1)~~[(a)]~~ There is hereby created the Kentucky Applied Behavior Analysis Licensing
4 Board. The board shall consist of seven (7) members appointed by the Governor.

5 (2)~~[(b)]~~ ~~[The initial]~~Board members shall be appointed as follows:

6 ~~1. Four (4) members shall be credentialed behavior analysts nominated by a~~
7 ~~credentialed behavior analyst practicing in the state;~~

8 ~~2. One (1) member shall be a psychologist licensed in the state, the majority of~~
9 ~~whose practice is related to the treatment of behavior disorders, including but~~
10 ~~not limited to autism spectrum disorders. The psychologist member shall be~~
11 ~~nominated by a credentialed behavior analyst practicing in the state; and~~

12 ~~3. Two (2) members shall be the parent of a child diagnosed with and treated for~~
13 ~~a behavior disorder, including but not limited to an autism spectrum disorder,~~
14 ~~selected from the state at large.~~

15 ~~(c) Subsequent board members shall be appointed by the Governor as follows:}]~~

16 (a)~~[(1)]~~ Four (4) members shall be licensed behavior analysts nominated by a
17 licensed behavior analyst practicing in the state;

18 (b)~~[(2)]~~ One (1) member shall be a psychologist licensed in the state, the
19 majority of whose practice is related to the treatment of behavior disorders,
20 including but not limited to autism spectrum disorders. The psychologist
21 member shall be nominated by a licensed behavior analyst practicing in the
22 state; and

23 (c)~~[(3)]~~ Two (2) members shall be the parent of a child diagnosed with and
24 treated for a behavior` disorder, including but not limited to an autism
25 spectrum disorder, selected from the state at large.

26 (3)~~[(2)]~~ ~~[The terms of the board members shall be as follows:]~~

27 ~~(a) The initial board members shall be appointed as determined by the Governor~~

1 for the following terms:

2 1.— ~~Two (2) behavior analysts shall serve for one (1) year;~~

3 2.— ~~Two (2) behavior analysts shall serve for three (3) years;~~

4 3.— ~~A psychologist shall serve for two (2) years;~~

5 4.— ~~One (1) parent shall serve for one (1) year; and~~

6 5.— ~~One (1) parent shall serve for two (2) years;~~

7 ~~(b)—]The terms of[subsequent] board members shall be for three (3) years[; and~~

8 ~~(c)—A vacancy of any board member shall be filled in the manner of the original~~
9 ~~appointment for the unexpired portion of the term only or as provided by KRS~~
10 ~~12.070. The Governor, after notice and opportunity for a hearing, may remove~~
11 ~~any member of the board for malfeasance, neglect of duty, incompetency, or~~
12 ~~revocation or suspension of a license.~~

13 ~~(3)—Members of the board shall not receive a salary but shall be allowed the usual~~
14 ~~mileage, subsistence, and per diem as provided for members of state boards,~~
15 ~~commissions, and committees]. No member shall serve more than two (2)~~
16 ~~consecutive terms.~~

17 ~~[(4)—The board may request the removal of a board member by the Governor.~~

18 ~~(5)—The board shall annually elect a chair, vice chair, and secretary.~~

19 ~~(6)—There shall be no liability on the part of, and no action for damages against, any~~
20 ~~current or former board member, representative, agent, or employee of the board,~~
21 ~~when the person is functioning within the scope of board duties, acting without~~
22 ~~malice and with the reasonable belief that the actions taken by him or her are~~
23 ~~warranted by law.]~~

24 ➔Section 110. KRS 319C.040 is amended to read as follows:

25 ~~(1)[—The board shall meet at least twice annually and may meet at such other times as~~
26 ~~necessary to complete the business required. A majority of the members of the~~
27 ~~board shall constitute a quorum for the transaction of business.~~

1 ~~(2)~~ The board may ~~employ an executive secretary and such clerical or other assistants~~
 2 ~~as are necessary for the performance of its work and may~~ make expenditures of its
 3 funds for any purpose which in the opinion of the board is necessary for proper
 4 performance of its duties~~, including compensation of the executive secretary and~~
 5 ~~the premium on his or her bond~~.

6 ~~(2)~~~~(3)~~ The ***administrative coordinator*** ~~executive secretary or any other person so~~
 7 ~~designated by the board shall give bond to the state in such sum as determined by~~
 8 ~~the board, to be approved by the State Treasurer for the faithful performance of his~~
 9 ~~or her duties. The executive secretary~~ shall receive and account for all moneys
 10 derived under this chapter and shall pay ***these*** ~~such~~ moneys to the State Treasurer
 11 who shall maintain them in the manner provided for other ~~such~~ agencies and
 12 boards of the Commonwealth.

13 ➔Section 111. KRS 319C.120 is amended to read as follows:

14 (1) The board may, within three (3) years, reinstate a license which has lapsed, upon
 15 payment of the prescribed renewal fee and, in addition, the payment of a
 16 reinstatement fee to be established by the board by administrative regulation.

17 (2) The board may reinstate a license which has been lapsed for more than three (3)
 18 years, upon showing that the applicant is certified and upon payment of a
 19 reinstatement fee.

20 (3) The board may reinstate a license which has been suspended or revoked under KRS
 21 319C.110 if, after a hearing conducted in accordance with KRS Chapter 13B, the
 22 board determines that the applicant is able to practice his or her profession with
 23 reasonable competency and is able to maintain the ethical code and standards of
 24 practice promulgated by administrative regulation. As a condition of reinstatement,
 25 the board may impose reasonable restrictions under which the licensee shall
 26 practice.

27 (4) ***Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and***

1 **Wellness Authority within the Department of Professional Licensing shall hear**
2 **and issue a final order regarding a decision of the board.** Any person aggrieved by
3 a final order of the **executive director**~~[board]~~ denying, suspending, or revoking his
4 or her license may appeal to the Franklin Circuit Court in accordance with KRS
5 Chapter 13B.

6 ➔Section 112. KRS 319C.130 is amended to read as follows:

7 (1) All fees received by the board and collected under KRS 319C.060 and 319C.090,
8 the administrative regulations promulgated in accordance with KRS 319C.080, and
9 all penalties assessed in accordance with KRS 319C.110 or 319C.990 shall be
10 deposited in the State Treasury and credited to a trust and agency fund to be used by
11 the board in defraying the costs and expenses of the board's administration of this
12 chapter. Notwithstanding KRS 45.229, no part of this fund shall revert to the
13 general fund of the Commonwealth.

14 (2) The board may~~[employ personnel and may]~~ purchase **any**~~[such]~~ materials and
15 supplies as it may deem necessary for the proper discharge of its duties.

16 ➔Section 113. KRS 320.230 is amended to read as follows:

17 (1) The Kentucky Board of Optometric Examiners shall consist of five (5) members
18 appointed by the Governor. Four (4) members shall be Kentucky licensed practicing
19 optometrists **who are licensed at the fullest scope of practice in Kentucky and**
20 **whose licenses are in good standing. **These four (4) members shall be****~~[and who~~
21 ~~are]~~ appointed by the Governor from a list containing three (3) names for each
22 appointment recommended by the Kentucky Optometric Association. One (1)
23 member shall be a citizen at large who is not associated with or financially
24 interested in the practice or business regulated. The members shall serve for a term
25 of four (4) years and until their successors are appointed and qualified. They shall
26 receive per diem compensation to be determined by administrative regulations
27 promulgated by the board, not to exceed one hundred twenty-five dollars (\$125) per

1 day for attending board meetings~~]. Members shall be reimbursed for actual~~
2 ~~expenses incurred in the performance of their duties under this chapter].~~

3 (2) Each optometrist member shall be a Kentucky licensed practicing optometrist in
4 good standing for not less than five (5) years immediately preceding his or her
5 appointment to the board. The member shall not be in any way connected with or
6 interested in any optometric school, college, or institution of learning or optometric
7 supply business.

8 ~~[(3) Any vacancy occurring on the board as the result of a member not completing the~~
9 ~~term for which he or she was appointed shall be filled, for the unexpired term, in the~~
10 ~~same manner as is provided in subsection (1) of this section for the appointment of~~
11 ~~members.~~

12 ~~(4) A majority of the members of the board shall constitute a quorum for the transaction~~
13 ~~of business.]~~

14 ➔Section 114. KRS 320.240 is amended to read as follows:

15 (1) ~~[The board shall meet at least once each year, at which time it shall choose from~~
16 ~~among its members the president, vice president, and secretary treasurer. In~~
17 ~~addition, the board, upon call of its officers, may hold meetings at any time as it~~
18 ~~deems necessary.]~~A full record of the board's proceedings shall be kept in the office
19 of the board and shall be open to inspection at all reasonable times.

20 (2) The board shall keep a register containing the name, address, and license number of
21 every person licensed to practice optometry in this state.

22 ~~(3) [The Attorney General shall render to the board legal services as it may require in~~
23 ~~carrying out and enforcing the provisions of this chapter.~~

24 ~~(4)]~~ Subject to and consistent with ~~[the provisions of]~~ this chapter, the board shall
25 promulgate reasonable administrative regulations and ***conduct any activity***~~[do any~~
26 ~~and all things that it may deem necessary or proper]~~ for the effective enforcement of
27 this chapter and for the full and efficient performance of its duties ***under this***

1 chapter~~[hereunder]~~ and the reasonable regulation of the profession of optometry
2 and the practice of optometry~~[thereof]~~ by licensed optometrists. The administrative
3 regulations shall include the classification and licensure of optometrists by
4 examination or credentials, retirement of a license, and reinstatement of a license.

5 ~~(4)~~~~(5)~~ An optometrist shall not administer drugs, prescribe drugs, or perform laser or
6 nonlaser surgery procedures until he or she is licensed by the board. Any
7 therapeutically licensed optometrist authorized to practice under this section shall
8 meet the educational and competence criteria set forth by the board in order to
9 perform expanded therapeutic procedures. Evidence of proof of continuing
10 competency shall be determined by the board.

11 ~~(5)~~~~(6)~~ Nothing in this chapter shall be construed as allowing any agency, board, or
12 other entity of this state other than the Kentucky Board of Optometric Examiners to
13 determine what constitutes the practice of optometry.

14 ~~(6)~~~~(7)~~ The board shall have the sole authority to determine what constitutes the
15 practice of optometry and sole jurisdiction to exercise any other powers and duties
16 under this chapter.

17 (7) The board may issue advisory opinions and declaratory rulings related to this
18 chapter and the administrative regulations promulgated under this chapter.

19 (8) The board shall have:

20 (a) A common seal;

21 (b) The right to determine what acts on the part of any person licensed as an
22 optometrist in this state shall constitute unprofessional conduct under this
23 chapter; and

24 (c) Other powers and duties as authorized by this chapter.

25 (9) The board may administer oaths and require the attendance of witnesses, the
26 production of books, records, and papers pertinent to any matters coming before the
27 board by the issuance of process that shall be served and returned in the same

- 1 manner as in civil actions and for the disobedience of which the board shall have
2 the power to invoke the same rights as are provided for disobedience of a subpoena
3 or subpoena duces tecum in a civil action.
- 4 (10) The board may assist in the prosecution of any violation of this chapter and in the
5 enforcement of ~~any of the provisions of~~ this chapter.
- 6 (11) The board shall report its proceedings to the Governor ***and the Legislative***
7 ***Research Commission*** on or about ***September*** ~~January~~ 1 of each year, including an
8 accounting of all moneys received and disbursed.
- 9 (12) The board may permit persons engaging in the practice of optometry under ~~the~~
10 ~~provisions of~~ this chapter to administer diagnostic pharmaceutical agents limited to
11 miotics for emergency use only, mydriatics, cycloplegics, and anesthetics applied
12 topically only, but excluding any drug classified as a controlled substance pursuant
13 to KRS Chapter 218A. These pharmaceutical agents shall be applied in diagnostic
14 procedures only as part of an eye examination. The application of the diagnostic
15 pharmaceutical agents shall be limited to those persons who have sufficient
16 education and professional competence as determined by the board and who have
17 earned transcript credits of at least six (6) semester hours in a course or courses in
18 general and ocular pharmacology, with particular emphasis on diagnostic
19 pharmaceutical agents applied topically to the eye, from a college or university
20 accredited by a regional or professional accreditation organization which is
21 recognized or approved by the council on postsecondary accreditation or by the
22 United States Department of Education.
- 23 (13) The board may authorize only those persons who have qualified for use of
24 diagnostic pharmaceutical agents as set out in subsection (12) of this section to
25 utilize and prescribe therapeutic pharmaceutical agents in the examination or
26 treatment of any condition of the eye or its appendages. Any therapeutically
27 certified optometrist licensed under the provisions of this subsection shall be

1 authorized to prescribe oral medications, except any controlled substances classified
2 in Schedule I and any controlled substances classified in Schedule II other than
3 hydrocodone combination products as defined in KRS 218A.010, for any condition
4 which an optometrist is authorized to treat under~~[the provisions of]~~ this chapter.
5 The use of injections for other than treatment of the human eye and its appendages
6 shall be limited to the administration of benadryl, epinephrine, or equivalent
7 medication to counteract anaphylaxis or anaphylactic reaction. In a public health
8 emergency, the commissioner of health may authorize therapeutically licensed
9 optometrists to administer inoculation for systemic health reasons. The authority to
10 prescribe a Schedule II hydrocodone combination product as defined in KRS
11 218A.010 and a Schedule III, IV, or V controlled substance shall be limited to
12 prescriptions for a quantity sufficient to provide treatment for up to seventy-two
13 (72) hours. No refills of prescriptions for controlled substances shall be allowed.
14 The utilization or prescribing of therapeutic pharmaceutical agents shall be limited
15 to those persons who have sufficient education and professional competence as
16 determined by the board and who have earned transcript credits of at least six (6)
17 semester hours in a course or courses in general and ocular pathology and therapy,
18 with particular emphasis on utilization of therapeutic pharmaceutical agents from a
19 college or university accredited by a regional or professional accreditation
20 organization which is recognized or approved by the council on postsecondary
21 accreditation or by the United States Department of Education. These six (6)
22 semester hours are in addition to the six (6) semester hours required by subsection
23 (12) of this section, making a total of twelve (12) semester hours.

24 (14) Any optometrist authorized by the board to utilize diagnostic pharmaceutical agents
25 may~~[shall be permitted to]~~ purchase for use in the practice of optometry diagnostic
26 pharmaceutical agents limited to miotics for emergency use only, mydriatics,
27 cycloplegics, and anesthetics. Any optometrist authorized by the board to utilize

1 therapeutic pharmaceutical agents ~~may~~~~[shall be permitted to]~~ prescribe in the
2 practice of optometry therapeutic pharmaceutical agents. Optometrists~~[—so]~~
3 authorized by the board to purchase pharmaceutical agents shall obtain them from
4 licensed drug suppliers or pharmacists on written orders placed in the same or
5 similar manner as any physician or other practitioner authorized by KRS Chapter
6 217. Purchases shall be limited to those pharmaceutical agents specified in this
7 subsection and in subsection (12) of this section, based upon the authority conferred
8 upon the optometrist by the board consistent with the educational qualifications of
9 the optometrist as set out in this chapter~~[herein]~~.

10 ➔Section 115. KRS 320.331 is amended to read as follows:

11 *Pursuant to KRS 13B.120(7), the executive director of the Health and Restoration*
12 *Authority within the Department of Professional Licensing shall hear and issue a final*
13 *order regarding a decision of the board.* An optometrist who, by final order of the
14 *executive director*~~[board]~~ has been subjected to any disciplinary action may file an
15 appeal. The action on appeal shall be filed with the Circuit Court of the county in which
16 the violation occurred in accordance with KRS Chapter 13B. The commencement of
17 proceedings under this section shall not operate as a stay on the *executive*
18 *director's*~~[board's]~~ order, unless specifically ordered otherwise by the court.

19 ➔Section 116. KRS 320.360 is amended to read as follows:

20 All fees imposed and collected under~~[the provisions of]~~ this chapter shall be paid to the
21 board for the use of the board, and shall be deposited in the State Treasury to the credit of
22 an agency fund for the use of the board. The board may make~~[such]~~ expenditures from
23 the fund~~[as may, in the opinion of the board, serve]~~ to further the purposes of this
24 chapter~~[, including payment for professional services]~~.

25 ➔Section 117. KRS 322.160 is amended to read as follows:

26 (1) Licenses for individuals and permits for business entities shall be valid for not more
27 than two (2) years from the date of issuance, unless renewed.

- 1 (2) The administrative coordinator~~[executive director]~~ shall notify every licensee and
2 permit holder at least one (1) month in advance of the pending expiration date.
- 3 (a) All license renewals shall be completed on or before June 30 of the year of
4 expiration.
- 5 (b) All permit renewals shall be completed on or before December 31 of the year
6 of expiration.
- 7 (c) Each licensee or permit holder is responsible for notifying the board of any
8 address change.
- 9 (d) The responsibility for the timely renewal of a license or permit rests with the
10 licensee or permit holder.
- 11 (3) The failure to renew shall not deprive a licensee or permit holder of the right of
12 renewal, but the fee to be paid for the renewal shall be increased ten percent (10%)
13 for each month or fraction of a month that payment of renewal is delayed. Any
14 licensee or permit holder who fails to renew within one (1) year after expiration
15 shall furnish the board with:
- 16 (a) Satisfactory evidence of qualification of continued practice. However, the
17 board may require reexamination; and
- 18 (b) Evidence of completion of continuing education hours as required by KRS
19 322.290.
- 20 (4) No licensee shall be required to pay renewal fees to the board during the time the
21 licensee is on active duty in the Armed Forces of the United States.
- 22 (a) Any licensee who has previously paid any renewal fee covering a period of
23 time spent on active duty shall, upon filing with the board a copy of his or her
24 discharge, be granted a license renewal without the payment of any fee.
- 25 (b) The free renewal shall be for as many license years as the licensee was on
26 active duty and which were covered in whole or in part by the previous
27 payment of a renewal fee.

1 (c) The continuing education requirement under KRS 322.290 shall be waived for
2 those years the licensee was on active duty.

3 ➔Section 118. KRS 322.190 is amended to read as follows:

4 (1) Any person or organization, including the board upon its own volition, may file
5 with the administrative coordinator~~executive director~~ of the board a written
6 complaint alleging violation of ~~any provision of~~ this chapter. The administrative
7 coordinator~~executive director~~ shall cause the complaint to be investigated.

8 (2)~~(1)~~ If the investigation reveals that the alleged violation did occur but was not of a
9 serious nature, the board may issue a written admonishment to the licensee. A copy
10 of the admonishment shall be placed in the permanent file of the licensee. The
11 licensee shall have the right to file a response to the admonishment within thirty
12 (30) days of its receipt and to have the response placed in the permanent licensure
13 file. The licensee may alternatively, within thirty (30) days of the receipt, file a
14 request for hearing with the board. Upon receipt of this request, the board shall set
15 aside the written admonishment and set the matter for hearing in accordance with ~~the~~
16 ~~provisions of~~ KRS Chapter 13B.

17 (3) (a)~~(2)~~ If the investigation reveals evidence supporting the complaint, the
18 administrative coordinator~~executive director~~ shall set the matter for hearing
19 in accordance with ~~the provisions of~~ KRS Chapter 13B before refusing to
20 renew, suspending, revoking, reprimanding, imposing probation or an
21 administrative fine, or any combination of actions regarding any license
22 under ~~the provisions of~~ this chapter.

23 (b)~~(a)~~ At any time during the investigation or hearing process, the board may
24 accept a written assurance of voluntary compliance from the licensee which
25 effectively deals with the complaint.

26 (c)~~(b)~~ When the board issues a written reprimand to the licensee, a copy of the
27 reprimand shall be placed in the permanent file of the licensee. The licensee

1 shall have the right to submit a response within thirty (30) days of its receipt
2 and to have that response filed in the permanent file.

3 ~~(4)~~~~(3)~~ After denying an application under ~~the provisions of~~ this chapter, the board
4 may grant a hearing to the denied applicant in accordance with ~~the provisions of~~
5 KRS Chapter 13B.

6 ~~(5)~~~~(4)~~ The board may reconsider, modify, or reverse its decision on any disciplinary
7 action.

8 ~~(6)~~~~(5)~~ **Pursuant to KRS 13B.120(7), the executive director of the Land**
9 **Development Authority within the Department of Professional Licensing shall**
10 **hear and issue a final order regarding a decision of the board.** Any party
11 aggrieved by a **final order** ~~disciplinary action~~ of the **executive director** ~~board~~ may
12 bring an action in Franklin Circuit Court in accordance with ~~the provisions of~~
13 KRS Chapter 13B.

14 ➔Section 119. KRS 322.230 is amended to read as follows:

15 (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall
16 consist of nine (9) members appointed by the Governor and two (2) ex officio
17 members, each with full voting rights. The ex officio members shall be the dean of
18 the College of Engineering of the University of Kentucky and the dean of the J.B.
19 Speed School of Engineering of the University of Louisville.

20 (2) The term of each member of the board shall be four (4) years. Each member shall
21 hold office until the expiration of the term or until a successor has been appointed
22 and has qualified.

23 (3) Before beginning a term of office, every member shall file with the Secretary of
24 State a written oath for the faithful discharge of official duties.

25 ~~[(4) No member of the board shall serve as an employee of the board.]~~

26 ➔Section 120. KRS 322.240 is amended to read as follows:

27 (1) Each appointed member of the board shall:

- 1 (a) Be a citizen of the United States;
- 2 (b) Have been a resident of this state for at least five (5) years; and
- 3 (c) Be a resident of this state at the time of appointment and for the term of the
- 4 appointment.
- 5 (2) One (1) member of the board shall be a citizen at large who is not associated with or
- 6 financially interested in the practice of engineering or land surveying.
- 7 (3) Eight (8) members of the board shall be a professional engineer or a professional
- 8 land surveyor engaged in the respective practice for at least twelve (12) years and
- 9 shall have been in responsible charge of important engineering or land surveying
- 10 work for at least five (5) years.
- 11 (a) At least five (5) members of the board shall be professional engineers licensed
- 12 in Kentucky for at least four (4) years prior to the date of their appointment;
- 13 (b) At least three (3) members of the board shall be professional land surveyors
- 14 licensed in Kentucky for at least four (4) years prior to the date of their
- 15 appointment; and
- 16 (c) The eight (8) members shall remain professional engineers or professional
- 17 land surveyors licensed in Kentucky during the term of their appointments~~[-If~~
- 18 ~~a member's license is surrendered, suspended, revoked, or placed in inactive~~
- 19 ~~or retired status, that member shall automatically be removed from the board~~
- 20 ~~and the vacancy filled under KRS 322.250(5)].~~

21 ➔Section 121. KRS 322.250 is amended to read as follows:

- 22 (1) ~~[Except as provided for in subsection (5) of this section,]~~Each land surveyor
- 23 appointment to the board shall be made from a list of not less than three (3)
- 24 nominees to be submitted to the Governor jointly by the Kentucky Society of
- 25 Professional Engineers and the Kentucky Association of Professional Surveyors,
- 26 with input from other professional societies. All other appointments to the board
- 27 shall be made from a list of not less than three (3) nominees to be submitted to the

1 Governor by the Kentucky Society of Professional Engineers with input from other
2 professional societies.

3 (2) The nominations shall be submitted to the Governor at least sixty (60) days prior to
4 the appointment date.

5 (3) The term of office for all full-term appointments shall begin January 1.

6 (4) Board members shall be allowed to succeed themselves but shall be limited to not
7 more than two (2) consecutive terms. A former member may be reappointed to the
8 board if the member has not served in the preceding four (4) years.

9 ~~(5) If a vacancy on the board occurs for any reason resulting in an unexpired term, if
10 not filled within three (3) months by official action of the Governor, the board may
11 appoint a provisional member to serve in the interim until the Governor acts.~~

12 ~~(6)~~ Every unexpired term shall be filled only for the remainder of that term.

13 ➔Section 122. KRS 322.270 is amended to read as follows:

14 Each member shall receive compensation as promulgated by administrative regulation of
15 the board and approved by the appropriate legislative body. Official duties include
16 meetings of committees of the board and time spent in necessary travel~~[. Further,
17 members shall be reimbursed for costs for all actual and necessary expenses incurred in
18 carrying out their official duties as board members].~~

19 ➔Section 123. KRS 322.280 is amended to read as follows:

20 ~~{(1)}~~The board shall hold at least four (4) regular meetings each year. Special meetings
21 shall be held if the bylaws provide. Notice of all meetings shall be given in the manner
22 provided by the bylaws.

23 ~~{(2) Six (6) members shall constitute a quorum.}~~

24 ➔Section 124. KRS 322.290 is amended to read as follows:

25 The board shall:

26 (1) Administer this chapter;

27 (2) Adopt an official seal;

- 1 ~~(3) Provide suitable office quarters at its own expense;~~
- 2 ~~(4)~~ Adopt and amend all bylaws and rules of procedure, and promulgate administrative
3 regulations, consistent with the Constitution and laws of the state and reasonably
4 necessary for the proper performance of its duties and the regulation and fair
5 conduct of the proceedings before it;
- 6 ~~[(5) Appoint an executive director and assistant executive directors and fix their
7 compensation;~~
- 8 ~~(6) Employ any clerk or other assistants necessary for the proper performance of its
9 work;~~
- 10 ~~(7) Appoint a general counsel and any assistant general counsel as it deems necessary
11 and fix their compensation;~~
- 12 ~~(8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;]~~
- 13 (4)~~[(9)]~~ Appoint committees of licensees, as it deems necessary, to review issues
14 before the board and make recommendations to the board;
- 15 (5)~~[(10)]~~ Make expenditures, as it deems necessary, for any purpose that it considers
16 reasonably necessary for the proper performance of its duties, including paying the
17 expenses of the board's delegates to national conventions of and membership dues
18 to the National Council of Examiners for Engineering and Surveying or other
19 affiliated national boards or societies;
- 20 (6)~~[(11)]~~ Adopt and promulgate by administrative regulation a code of professional
21 practice and conduct, which shall be based upon generally recognized principles of
22 professional ethical conduct and binding upon persons licensed under this chapter.
23 A code of professional practice and conduct shall be made known to all licensees
24 and applicants and shall include but not be limited to the following objectives:
- 25 (a) The protection of the public health, safety, and welfare;
- 26 (b) The maintenance of standards of objectivity, truthfulness, and reliability in
27 public statements;

- 1 (c) The avoidance of conflicts of interest;
- 2 (d) The prohibition of solicitation or acceptance of engineering or land surveying
3 work on any basis other than qualifications for the work offered;
- 4 (e) The prohibition of association with any person engaging in illegal or dishonest
5 activities; and
- 6 (f) The limitation of professional service to the area of competence of the
7 licensee;
- 8 ~~(7)~~~~(12)~~ Adopt appropriate standards of practice;
- 9 ~~(8)~~~~(13)~~ Promulgate administrative regulations in accordance with KRS Chapter 13A
10 to establish rules for the use of stamps, seals, and signatures in electronic
11 transactions;
- 12 ~~(9)~~~~(14)~~ Bring, in its name, injunctive proceedings in the Franklin Circuit Court to
13 enjoin any person, business entity, or combination thereof in violation of KRS
14 322.020 or KRS 322.060;
- 15 ~~(10)~~~~(15)~~ Adopt a program for continuing education for its individual land surveyor
16 licensees. No individual land surveyor licensee shall be permitted to renew his or
17 her license unless the minimum annual continuing education requirements are met,
18 in addition to any other requirement for renewal. The program for continuing
19 education shall not exceed a total of eight (8) credit clock hours per year and shall
20 not include testing or examination of the licensee in any manner; and
- 21 ~~(11)~~~~(16)~~ Adopt a program for continuing education for its individual engineer
22 licensees.
- 23 (a) The program for continuing education shall not exceed a total of fifteen (15)
24 credit clock hours per year and shall not include testing or examination of the
25 licensee in any manner.
- 26 (b) No individual engineer licensee shall be permitted to renew his or her license
27 unless the minimum annual continuing education requirements are met,

1 except as provided in paragraph (c) of this subsection, in addition to any other
2 requirement for renewal.

3 (c) Any person licensed under this chapter as a professional engineer prior to
4 January 1, 1972, who has maintained his or her license in good standing since
5 becoming licensed shall not be subject to any continuing education
6 requirements.

7 ➔Section 125. KRS 322.320 is amended to read as follows:

8 (1) In carrying this chapter into effect, the board, under the hand of its chairman or
9 administrative coordinator~~[executive director]~~ and under its seal, may, during the
10 investigation or an administrative hearing procedure, in cases involving the
11 revocation of a license or practicing or offering to practice without a license,
12 subpoena witnesses and compel their attendance and require the production of
13 books, papers, and documents. Any member may administer oaths to witnesses
14 appearing before the board.

15 (2) If any person refuses to obey any subpoena~~[so issued]~~ or refuses to testify or
16 produce any books, papers, or documents, the board may present its petition to any
17 authority having jurisdiction, setting forth the facts. That authority shall, in a proper
18 case, issue its subpoena to the person, requiring the person~~[him]~~ to attend and
19 testify or produce books, papers, and documents considered necessary and pertinent
20 by the board.

21 ~~[(3) Board members and agents and staff of the board shall be held free of any personal
22 liability as a result of board actions.]~~

23 ➔Section 126. KRS 322.340 is amended to read as follows:

24 (1) Each professional engineer or professional land surveyor shall, upon licensure,
25 obtain a seal or stamp of the design authorized by the board, bearing his or her
26 name, license number, and the words "Licensed Professional Engineer" or
27 "Licensed Professional Land Surveyor."

- 1 (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted
2 in accordance with administrative regulations promulgated by the board under
3 subsection (8) of Section 124 of this Act~~[KRS 322.290(13)]~~.
- 4 (3) The seal or stamp, signature, and the date shall be used to provide certification for
5 all reports, specifications, drawings, and plans, if presented to a client or any public
6 or governmental agency. Reproduction of original signatures shall be adequate to
7 meet the requirements of this subsection.
- 8 (4) The seal or stamp and signature shall be used by licensees only if the work being
9 stamped was under the licensee's complete direction and control.
- 10 (5) Every survey plat and physical description prepared by a professional land surveyor
11 and submitted to a client or any public or governmental agency shall display the
12 certification by the professional land surveyor under whose supervision the plat or
13 description was prepared.
- 14 (6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal,
15 stamp, or signature to any document described in subsection (3) or (5) of this
16 section:
- 17 (a) After the expiration of a license; or
18 (b) For the purpose of aiding or abetting any other person to evade or attempt to
19 evade any provisions of this chapter.
- 20 (7) A professional engineer shall check and have complete dominion and control of the
21 design and engineering work of any engineer not licensed to practice in this state.
22 Complete dominion and control shall include possession of the sealed and signed
23 reproducible construction documents with all supporting design calculations,
24 indicating all changes in the design.
- 25 ➔Section 127. KRS 322A.020 is amended to read as follows:
- 26 (1) There is created and established the Board of Registration for Professional
27 Geologists, which shall administer~~[the provisions of]~~ this chapter. All board

1 members shall be residents of Kentucky and be appointed by the Governor. The
2 board shall consist of five (5) members, including four (4) registered geologists, one
3 (1) of whom shall be the state geologist or his or her designee, and one (1) member
4 representing the public at large. ~~Except for~~ The state geologist or his or her
5 designee **shall be an ex officio voting member of the board.** The term of the
6 **other** members of the board shall always be for four (4) years and until their
7 successors are appointed and qualified.

8 ~~[(2)]~~ Board members may succeed themselves. ~~The Governor may remove any member~~
9 ~~from the board for misconduct, incompetence, neglect of duty, or for any good and~~
10 ~~sufficient cause, in the manner prescribed by law. Vacancies in the membership of~~
11 ~~the board shall be filled for the unexpired term by appointment by the Governor.~~

12 ~~(2)~~ ~~[(3)]~~ — Three (3) members of the board shall constitute a quorum.

13 ~~(4)~~ — There shall be no liability on the part of and no cause of action of any nature shall
14 arise against the board, or its agents, for any action taken in the performance of the
15 board's powers and duties under this chapter.

16 ~~(5)~~ — The board shall elect from its members a chair and secretary each year.

17 ~~(6)~~ At least thirty (30) days prior to the appointment date each year, the Governor shall
18 receive a list of not more than three (3) nominations for board members from a joint
19 committee of the Geological Society of Kentucky and the Kentucky Section of the
20 American Institute of Professional Geologists. The appointed members on the board
21 shall be selected from the list submitted to the Governor by the joint committee.

22 ~~[(7)]~~ While discharging duties associated with the board, including meetings of the board
23 and its committees and necessary travel, each member shall receive compensation
24 as established by administrative regulation of the board promulgated in accordance
25 with KRS Chapter 13A. Members of the board shall be reimbursed for costs for
26 actual travel and for incidental, clerical, and all other actual and necessary expenses
27 incurred in the discharge of official duties associated with the board.]

1 ➔Section 128. KRS 322A.030 is amended to read as follows:

- 2 (1) The board shall meet at least twice~~once~~ each calendar year and at other times
3 deemed necessary by the chair or a quorum of the board upon being given ten (10)
4 days' notice.
- 5 (2) A roster showing the names and places of business of all registered professional
6 geologists shall be published by the secretary of the board each year. Copies of this
7 roster shall be made available to each person registered, placed on file with the
8 secretary of the board, and furnished to the public upon request.
- 9 (3) The board shall pass upon the qualifications of applicants for registration.
- 10 (4) The board shall require from applicants for registration evidence of their
11 qualifications and shall judge each applicant on evidence of the applicant's
12 professional competency and integrity in accordance with administrative regulations
13 promulgated by the board.
- 14 (5) The board may promulgate administrative regulations consistent with~~the~~
15 ~~provisions of~~ this chapter that are appropriate and necessary to the conduct of its
16 responsibilities and duties.
- 17 (6) The board shall promulgate by administrative regulation a code of professional
18 conduct, a copy of which shall be distributed to every registered geologist. Mailing
19 of a copy of this code to persons listed in the roster maintained under subsection (2)
20 of this section shall constitute due notice to all registrants. The board may revise
21 and amend the code of ethics~~from time to time~~, subject to the consent of the
22 majority of the registrants, and shall notify each registrant in writing of any
23 revisions or amendments.
- 24 (7) The board may take appropriate disciplinary action under~~as provided for in~~ KRS
25 322A.100, but only after written notice has been given the person concerned and the
26 person is afforded an opportunity for a hearing to be conducted in accordance with
27 KRS Chapter 13B.

- 1 (8) Any person or organization may prefer charges of fraud, deceit, gross negligence, or
 2 misconduct against any registrant. The charges shall be in writing, shall be sworn to
 3 by the person or officer of the organization making them, and shall then be filed
 4 with the board.
- 5 (9) *Pursuant to KRS 13B.120(7), the executive director of the Land Development*
 6 *Authority within the Department of Professional Licensing shall hear and issue a*
 7 *final order regarding a decision of the board.* Any Kentucky resident who feels
 8 aggrieved by any final order of the *executive director*~~[board]~~ may appeal to the
 9 Circuit Court of the county where the person resides or where the person has his or
 10 her principal office in accordance with KRS Chapter 13B. Any out-of-state resident
 11 who feels aggrieved by any final order of the *executive director*~~[board]~~ may appeal
 12 to the Franklin Circuit Court in accordance with KRS Chapter 13B.
- 13 ~~(10) [The Attorney General or any assistants designated by him or her shall act as legal~~
 14 ~~advisers to the board and render legal assistance as the board may from time to time~~
 15 ~~require. The board may employ private counsel at its discretion. The cost of private~~
 16 ~~counsel shall be paid exclusively from funds of the board.~~
- 17 ~~(11) [The board shall establish and maintain necessary offices within this~~
 18 ~~Commonwealth, employ personnel as necessary, and prescribe their duties and~~
 19 ~~compensation].~~
- 20 *(11)*~~(12) [For the purposes of enforcing the provisions of] this chapter, investigating~~
 21 ~~complaints or suspected violations of this chapter, and notifying proper law~~
 22 ~~enforcement authorities, the board may:~~
- 23 (a) Administer oaths;
 24 (b) Receive evidence;
 25 (c) Interview persons;
 26 (d) Issue subpoenas; and
 27 (e) Require production of books, papers, documents, or other evidence.

1 ➔Section 129. KRS 322A.050 is amended to read as follows:

2 An applicant for registration shall pay a nonrefundable fee established by administrative
3 regulation of the board. If the board declines to issue registration to any applicant, the
4 initial fee paid by the applicant shall be retained as an application fee. All fees paid to and
5 collected by the board under~~[the provisions of]~~ this section and KRS 322A.070 shall be
6 deposited in a revolving trust and agency account under the jurisdiction of the board. The
7 officers~~[or employees]~~ of the board who are~~[shall be]~~ designated to collect and disburse
8 funds represented by these fees shall be required to execute a bond, with corporate surety,
9 in an amount to be determined by the board.

10 ➔Section 130. KRS 323.130 is amended to read as follows:

11 (1) In any action taken pursuant to KRS 323.120, the board shall conduct a hearing in
12 accordance with~~[the provisions of]~~ this chapter and KRS Chapter 13B. The hearing
13 may be conducted by the full board or at its designation, a member thereof, a panel
14 of the board, a hearing officer, or a combination of the foregoing.~~[;]~~

15 (2) If the hearing is conducted by less than a majority of the full board, or by a hearing
16 officer, the board members or hearing officer, as the case may be, may only issue a
17 recommended order, and the recommended order shall be subject to review by a
18 majority of the full board, which shall issue a final order.~~[; and]~~

19 (3) The board may proceed against a licensee on its own initiative, on the basis of either
20 information contained in its own records or information obtained through its
21 informal investigation. If a formal complaint verified by affidavit is filed with the
22 board by a responsible citizen or organization, containing allegations that if true
23 would warrant action pursuant to KRS 323.120, the board may proceed against the
24 licensee.

25 (4) Pursuant to KRS 13B.120(7), the executive director of the Land Development
26 Authority within the Department of Professional Licensing shall hear and issue a
27 final order regarding a decision of the board. Any final order of the executive

1 ~~director~~^[board] may be appealed to Franklin Circuit Court in accordance with KRS
2 Chapter 13B.

3 ➔Section 131. KRS 323.170 is amended to read as follows:

4 (1) Five (5) members of the board appointed by the Governor shall be architects
5 registered in the Commonwealth of Kentucky and shall have been in the active
6 practice of architecture for at least ten (10) years immediately preceding their
7 appointment, and shall have been residents of this Commonwealth for at least five
8 (5) years immediately preceding their appointment. Two (2) of these five (5)
9 appointments shall be made from a list of not fewer than three (3) nominees for
10 each appointment submitted to the Governor by the Kentucky Society of
11 Architects.

12 (2) One (1) member of the board shall be a certified interior designer in the
13 Commonwealth of Kentucky, shall have been providing interior design services for
14 at least ten (10) years, and shall have been a resident of the Commonwealth for at
15 least five (5) years immediately preceding the appointment.

16 (3) One (1) member of the board shall be a citizen at large who is not associated with
17 or financially interested in the practice or business regulated.

18 ➔Section 132. KRS 323.190 is amended to read as follows:

19 Each member of the board shall receive an amount not to exceed one hundred dollars
20 (\$100) for each day or part of the day spent in the performance of the member's~~[his]~~
21 official duties, including time spent in necessary travel~~, and in addition, shall be~~
22 ~~reimbursed for all proper traveling and incidental expenses incurred in connection with~~
23 ~~those duties~~.

24 ➔Section 133. KRS 323.210 is amended to read as follows:

25 (1) The board shall:

26 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board
27 of Architects" with the coat of arms of the state in the center;

- 1 (b) Promulgate all necessary administrative regulations concerning the contents
2 and conduct of examinations, the method and time for filing applications for
3 examinations, and the time within which an applicant shall be examined after
4 his or her application has been filed;
- 5 (c) Keep a complete record of its proceedings and an accurate list of all
6 applications made, licenses issued, and licenses revoked; and
- 7 (d) Make a general report including finances to the Governor and the Legislative
8 Research Commission annually.
- 9 (2) The board may promulgate all reasonable administrative regulations not
10 inconsistent with this chapter that are necessary to carry into effect the purposes of
11 this chapter.
- 12 (3) (a) The board may promulgate appropriate administrative regulations requiring
13 mandatory continuing education for architects licensed to practice within the
14 Commonwealth as a condition for obtaining their annual renewal certificates.
15 The board shall establish the minimal requirement for obtaining and reporting
16 continuing education, the means by which any requirements shall be enforced,
17 and the criteria for the accreditation of course sponsors, programs, and other
18 activities.
- 19 (b) The board may promulgate appropriate administrative regulations to create the
20 licensing category of architect emeritus and may promulgate continuing
21 education requirements and renewal fees for the architect emeritus license.
- 22 (4) The board may administer oaths, receive evidence, interview persons, issue
23 subpoenas, and require the production of books, papers, documents, or other
24 evidence for the purpose of enforcing this chapter and investigating complaints or
25 suspected violations of this chapter.
- 26 (5) The board may promulgate administrative regulations in accordance with KRS
27 Chapter 13A to establish rules for the use of seals and signatures in electronic

1 transactions.

2 ~~(6) (a) The board may employ staff, obtain office space, and acquire furniture,~~
3 ~~supplies, and services reasonably necessary to effectuate the purposes of this~~
4 ~~chapter.~~

5 ~~(b) The board shall outline the duties of all personnel and fix their compensation~~
6 ~~in accordance with KRS Chapter 18A.~~

7 ~~(c) The board may retain its own legal counsel for advice and assistance, in~~
8 ~~addition to such advice and assistance provided by the Attorney General.~~

9 ~~(7)~~ The board may assess reasonable administrative fees for copies of documents,
10 mailing lists, duplicate forms, and other media consistent with KRS 61.870 to
11 61.884.

12 ➔Section 134. KRS 323A.120 is amended to read as follows:

13 (1) No licensee shall be disciplined without an opportunity for a hearing. Hearings of
14 the board shall be conducted in accordance with KRS Chapter 13B.

15 (2) **Pursuant to KRS 13B.120(7), the executive director of the Land Development**
16 **Authority within the Department of Professional Licensing shall hear and issue a**
17 **final order regarding a decision of the board.** Any disciplined licensee may appeal
18 the final order to Franklin Circuit Court in accordance with KRS Chapter 13B.

19 ➔Section 135. KRS 323A.170 is amended to read as follows:

20 **The board shall consist of five (5) members, to be appointed by the Governor.** Four (4)
21 members of the board ~~appointed by the Governor~~ shall be landscape architects licensed
22 in the Commonwealth of Kentucky, and shall have been residents of this Commonwealth
23 for at least five (5) years immediately preceding their appointment. One (1) member shall
24 be a citizen at large who is not associated with or financially interested in the practice or
25 business regulated. Each member shall serve for a term of three (3) years, and until a
26 successor is appointed and qualified.

27 ➔Section 136. KRS 323A.190 is amended to read as follows:

1 Each member of the board shall receive an amount not to exceed two hundred dollars
2 (\$200) for each full or partial day~~[or part thereof]~~ spent in the performance of official
3 duties, including time spent in necessary travel~~[. In addition, each member of the board~~
4 ~~shall be reimbursed for all necessary and proper traveling and incidental expenses~~
5 ~~incurred in connection with these duties].~~

6 ➔Section 137. KRS 323A.210 is amended to read as follows:

- 7 (1) The board shall:
- 8 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board
9 of Landscape Architects" with the coat of arms of the state in the center;
- 10 (b) Keep a complete record of its proceedings and an accurate list of all
11 applications made, licenses issued, inactive and retired licenses, and licenses
12 disciplined; and
- 13 (c) Make a general report including finances to the Governor and the Legislative
14 Research Commission annually~~[-; and~~
- 15 ~~(d) Employ legal counsel or contract for legal services it considers necessary].~~

- 16 (2) The board may:
- 17 (a) Promulgate administrative regulations necessary to maintain a program of
18 continuing education for licensees. Continuing education requirements shall
19 be determined by administrative regulation of the board. No requirement for
20 continuing education shall exceed fifteen (15) hours per year; and
- 21 (b) Adopt all reasonable administrative regulations consistent with this chapter
22 that are necessary to carry into effect the purposes of this chapter.

23 ➔Section 138. KRS 324.281 is amended to read as follows:

- 24 (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall
25 appoint five (5) persons, at least four (4) of whom, immediately prior to the date of
26 their appointment have been residents of the state for ten (10) years and whose
27 vocation for a period of at least ten (10) years shall have been that of an active real

1 estate licensee. One (1) member shall be a citizen at large who is not associated
2 with or financially interested in the practice or business regulated. The term of the
3 members of the commission shall be for three (3) years and until their successors
4 are appointed and qualify, except as provided in subsections (2) and (3) of this
5 section~~[. A majority of the commission shall constitute a quorum for the transaction~~
6 ~~of business].~~

7 (2) All appointments shall be for the specified three (3) year term. No person appointed
8 after July 14, 2000, shall serve more than two (2) consecutive terms.

9 (3) For each appointment or vacancy, the Kentucky Association of Realtors shall within
10 sixty (60) days supply a list of not less than three (3) names of licensees to the
11 Governor each year from which the broker or sales associate appointments shall be
12 made. The Governor may reject the list of three (3) names and request that the
13 Kentucky Association of Realtors submit a new list of three (3) names within sixty
14 (60) days of the Governor's request. If the Kentucky Association of Realtors fails to
15 timely submit this list to the Governor, the Governor may immediately appoint a
16 qualified person to fill this vacancy. The Governor may otherwise fill vacancies
17 arising in the middle of the year from those remaining on the list or from a new list
18 supplied by the association.

19 (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 (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 (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 (7) The commission shall require all actively-licensed agents, except for those agents
19 who were licensed prior to June 19, 1976, to successfully complete mandatory
20 continuing education as a condition of license renewal.

21 (8) The commission shall, by the promulgation of administrative regulations, develop a
22 review process by which continuing education courses may be approved for credit.
23 An applicant may seek the commission's approval for credit for courses not
24 previously approved by the commission by submitting sufficient information
25 describing the course to the commission for review.

26 (9) The Governor shall set the compensation of the members of the commission, but
27 voting members of the commission shall be compensated no less than three hundred

1 dollars (\$300) per day for official business, subject to an annual maximum of six
2 thousand dollars (\$6,000)~~]. Members shall be reimbursed for all expenses paid and~~
3 ~~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 139. 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 140. KRS 324.286 is amended to read as follows:

17 (1) Except for the fees and charges paid by the licensees to the commission and
18 deposited in the real estate education, research, and recovery fund, all fees and
19 charges collected by the commission under~~[the provisions of]~~ this chapter shall be
20 paid into the general fund in the State Treasury.

21 (2) All expenses incurred by the commission under~~[the provisions of]~~ this chapter,
22 including compensations to members~~[, secretaries, clerks, and assistants],~~ except
23 those expenses designated for payment out of the real estate education, research,
24 and recovery fund, shall be paid out of the general fund in the State Treasury upon
25 warrants of the secretary for finance and administration as warrants generally are
26 required to be drawn by the statutes governing such respective offices from time to
27 time, when vouchers therefor are exhibited and approved by the commission.~~;~~

1 ~~provided, that~~ The total expense for every purpose incurred shall not exceed the
 2 total fees, charges, fines, and penalties imposed under~~the provisions of~~ this
 3 chapter and paid into the State Treasury.

4 **(3)** All expenses incurred by the commission and designated for payment out of the real
 5 estate education, research, and recovery fund, including payments to aggrieved
 6 parties and the expenses of carrying on the educational and research requirements of
 7 KRS 324.410, shall be paid out of the real estate education, research, and recovery
 8 fund in the same manner as required in this section for payments out of the general
 9 fund.~~;~~ ~~provided, that~~ The total expenses and payments for every purpose incurred
 10 and designated for payment out of the real estate education, research, and recovery
 11 fund shall not exceed the total fees, charges, and interest received by the
 12 commission and paid into the real estate education, research, and recovery fund of
 13 the State Treasury.

14 ➔Section 141. KRS 324.287 is amended to read as follows:

15 The commission shall set, charge, and collect the following fees:

- 16 (1) Examination fee, not to exceed one hundred dollars (\$100).
- 17 (2) Broker's and sales associate's original license fee, not to exceed thirty dollars (\$30).
- 18 (3) Broker's and sales associate's renewal fee, not to exceed thirty dollars (\$30).
- 19 (4) Transfer from one (1) principal broker to another, not to exceed ten dollars (\$10).
- 20 (5) Certification of status with the commission, ten dollars (\$10).
- 21 (6) Request for any change, not to exceed ten dollars (\$10).
- 22 (7) Recovery fund, not to exceed thirty dollars (\$30).
- 23 (8) Broker's and associate's applicant license criminal record check fee, not to exceed
 24 **the actual cost of the criminal record check**~~[thirty dollars (\$30)]~~.

25 ➔Section 142. KRS 324A.015 is amended to read as follows:

- 26 (1) There is created a Real Estate Appraisers Board consisting of five (5) members, two
 27 (2) of whom shall be certified real estate appraisers, one (1) of whom shall represent

1 the public and shall not be associated with or financially interested in the practice of
2 real estate appraisals, and two (2) of whom shall be employed in the lending
3 industry. The board shall administer~~[the provisions of]~~ this chapter and may
4 promulgate administrative regulations necessary to effectuate the provisions of KRS
5 324A.010 to 324A.090.

- 6 (2) (a) The board members shall be appointed by the Governor. Not more than one
7 (1) board member shall be from any one (1) county within Kentucky.
8 Members shall be appointed by the Governor for staggered terms of three (3)
9 years. No person shall serve more than two (2) full consecutive terms.
- 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 (3) The appraiser appointees to the board shall be certified and shall have engaged in
15 the appraisal of real estate in Kentucky on a continuing basis for at least ten (10)
16 years.
- 17 ~~(4) A board member shall be automatically removed from the board and a vacancy shall~~
18 ~~occur when:~~
- 19 ~~(a) An appraiser member of the board ceases to be certified;~~
20 ~~(b) A consumer member of the board acquires a certification as an appraiser;~~
21 ~~(c) A lending industry member ceases to be employed in the lending industry;~~
22 ~~(d) A board member enters a plea of guilty to, or has been found guilty of, a~~
23 ~~felony and the time for appeal has passed or the judgment of conviction has~~
24 ~~been finally affirmed on appeal;~~
- 25 ~~(e) A board member ceases to be a bona fide resident of the Commonwealth of~~
26 ~~Kentucky;~~
- 27 ~~(f) A board member displays incompetence, neglect of duty, or unprofessional~~

1 conduct;

2 ~~(g) A board member fails to adhere to a duly adopted code of ethics of the board.~~

3 ~~Failure to adhere to this code shall be determined by official action of the~~

4 ~~board; or~~

5 ~~(h) A board member misses three (3) consecutive meetings or misses more than~~

6 ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~

7 ~~month period.~~

8 (5) The board shall adopt a seal with the design it prescribes, by which it shall
9 authenticate its proceedings. Copies of all records and papers in the office of the
10 board, duly certified and authenticated by the seal of the board, shall be received in
11 evidence in all courts equally and with like effect as the original. All records kept in
12 the office of the board under the authority of this chapter shall be open to public
13 inspection in accordance with KRS 61.820 to 61.884 and consistent with
14 regulations prescribed by the board.

15 **(5) The board shall meet at least once each calendar quarter.**

16 (6) The Governor shall set the compensation of the members of the board, but voting
17 members of the board shall be compensated no more than three hundred dollars
18 (\$300) per day for official business, subject to an annual maximum of six thousand
19 dollars (\$6,000). ~~Members shall be reimbursed for all expenses paid and incurred~~
20 ~~in the discharge of official business consistent with the reimbursement policy for~~
21 ~~state employees].~~ With the approval of the executive director of the Kentucky Real
22 Estate Authority within the Department of Professional Licensing, board members
23 and board staff may attend and travel to and from meetings and events relevant to
24 the board or the industry the board represents.

25 ➔Section 143. KRS 324A.065 is amended to read as follows:

26 (1) The board shall establish by ***administrative*** regulation and collect the following fees
27 for certification or licensure as an appraiser for:

- 1 (a) Federally related transactions:
- 2 1. Initial application fee in an amount not to exceed two hundred twelve
- 3 dollars (\$212), which shall include a fee for the current edition of the
- 4 Uniform Standards of Professional Practice;
- 5 2. Examination fee in an amount not to exceed two hundred dollars (\$200);
- 6 3. a. An annual certificate or licensure fee in an amount not to exceed
- 7 two hundred twelve dollars (\$212), which shall include a fee for
- 8 the current edition of the Uniform Standards of Professional
- 9 Appraisal Practice;
- 10 b. Duplicate certificate fee in an amount not to exceed ten dollars
- 11 (\$10); and
- 12 c. Certificate correction fee in an amount not to exceed ten dollars
- 13 (\$10); and
- 14 4. Roster fee not to exceed fifty dollars (\$50); and
- 15 (b) Nonfederally related transactions:
- 16 1. Initial application fee in an amount not to exceed one hundred dollars
- 17 (\$100);
- 18 2. Examination fee in an amount not to exceed one hundred dollars (\$100);
- 19 3. a. An annual certificate or licensure renewal fee in an amount not to
- 20 exceed one hundred dollars (\$100);
- 21 b. Duplicate certificate fee in an amount not to exceed five dollars
- 22 (\$5); and
- 23 c. Certificate correction fee in an amount not to exceed five dollars
- 24 (\$5); and
- 25 4. Roster fee not to exceed twenty-five dollars (\$25).
- 26 (2) (a) All fees and charges collected by the board under ~~the provisions of~~ this
- 27 chapter shall be paid into the Real Estate Appraisers Board's trust and agency

1 account in the State Treasury.

2 (b) All expenses incurred by the board under~~[the provisions of]~~ this chapter,
3 including compensation to the board members~~[and staff]~~, shall be paid out of
4 this account, subject to approval of the board.

5 (c) ~~[The provisions of]~~This subsection shall not apply to the fee charged pursuant
6 to KRS 324A.155, which is required to be included in the appraisal
7 management company recovery fund and which shall be paid into that fund.

8 ➔Section 144. KRS 324A.160 is amended to read as follows:

9 (1) The **administrative coordinator**~~[executive director]~~ of the board shall keep a
10 register of all applicants for registration which shall include:

- 11 (a) The date of the application;
12 (b) The applicant's name;
13 (c) The applicant's business address; and
14 (d) The current status of the registration.

15 (2) The register shall be prima facie evidence of all matters contained in the register.

16 (3) The register shall be kept on file in the office of the board and shall be open for
17 public inspection in accordance with KRS 61.870 to 61.884.

18 ➔Section 145. KRS 325.230 is amended to read as follows:

19 (1) There is hereby created **within the Public Protection Cabinet, Department of**
20 **Financial Institutions**, a State Board of Accountancy. The board shall consist of
21 seven (7) members, appointed by the Governor. Six (6) of the members shall be
22 certified public accountants. One (1) of the members shall be a citizen at large who
23 is not a certified public accountant~~[. Members serving on the board as of July 15,~~
24 ~~1994, shall retain their appointments until their terms expire]~~. Whenever an
25 appointment is to be made, the Kentucky Society of Certified Public Accountants
26 shall submit to the Governor the names of three (3) persons for each vacancy to be
27 filled. All persons recommended shall be qualified for membership on the board,

1 and the Governor shall appoint one (1) of the three (3) recommended. Members of
 2 the board shall be citizens of the United States and residents of this state and the
 3 certified public accountant members shall hold licenses to practice issued under~~the~~
 4 ~~provisions of~~ this chapter.~~Of the new members appointed to the board, as~~
 5 ~~provided by this section, one (1) member shall be appointed for a term of one (1)~~
 6 ~~year and one (1) member shall be appointed for a term of four (4) years from June~~
 7 ~~19, 1976. Succeeding~~ Appointments to the board shall be for a term of four (4)
 8 years. Vacancies occurring during a term shall be filled by appointment for the
 9 unexpired term. Upon the expiration of a member's~~his~~ term of office, that~~a~~
 10 member shall continue to serve until a~~his~~ successor has~~shall have~~ been
 11 appointed and has~~shall have~~ qualified. The Governor shall remove from the board
 12 any member whose license to practice is not renewed or which has become void,
 13 revoked, or suspended, and may, after hearing, remove any member of the board for
 14 neglect of duty or other just cause.

15 (2) Each member of the board shall be paid the amount established by an administrative
 16 regulation promulgated by the board, not to exceed two hundred dollars (\$200) for
 17 each day spent in the discharge of the member's~~his~~ official duties~~, and shall be~~
 18 ~~reimbursed for his actual and necessary expenses therein incurred~~.

19 ➔Section 146. KRS 325.240 is amended to read as follows:

20 (1) (a)~~The board shall elect annually a president and such other officers as it deems~~
 21 ~~necessary.~~

22 ~~(2)~~ The board may promulgate~~,~~ and amend ~~from time to time,~~ administrative
 23 regulations, in accordance with~~the provisions of~~ KRS Chapter 13A, for the
 24 orderly conduct of its affairs, for the administration of this chapter, and to
 25 establish and maintain a high standard of integrity and dignity in the
 26 profession of public accounting.

27 (b) Pursuant to KRS 13A.120(3), the board shall submit an administrative

1 regulation to the commissioner of the Department of Financial Institutions
 2 prior to the board filing the administrative regulation. The commissioner
 3 shall review the proposed administrative regulation to determine whether it
 4 complies with clearly articulated state policy as provided by the General
 5 Assembly and is narrowly tailored to avoid unnecessary barriers to market
 6 entry. The secretary of the Public Protection Cabinet may act in the absence
 7 of the commissioner. A proposed administrative regulation that does not
 8 comply with clearly articulated state policy as provided by the General
 9 Assembly or is not narrowly tailored to avoid unnecessary barriers to
 10 market entry, both as determined by the commissioner, shall not be filed.

11 (c) When a board completes the regulatory impact analysis required by KRS
 12 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall
 13 include a brief narrative summary of:

- 14 1. How the administrative regulation complies with clearly articulated
 15 state policy as provided by the General Assembly;
- 16 2. Why the administrative regulation is necessary to protect the public
 17 health, safety, and welfare; and
- 18 3. How the administrative regulation is narrowly tailored to avoid
 19 unnecessary barriers to market entry.

20 ~~[(3) A majority of the board shall constitute a quorum for the transaction of business.]~~

21 ~~(2)[(4)]~~ The board shall have a seal which shall be judicially noticed. The board shall
 22 keep records of its proceedings, and in any proceeding in court, civil or criminal,
 23 arising out of or founded upon ~~any provision of~~ this chapter, copies of said records
 24 certified as correct under the seal of the board shall be admissible in evidence as
 25 tending to prove the content of said records.

26 ~~(3)[(5)]~~ The board shall appoint an executive director with the consent of the
 27 secretary of the Public Protection Cabinet. The board may ~~employ an executive~~

1 ~~director and such other personnel as it deems necessary in its administration and~~
2 ~~enforcement of this chapter. It may~~ appoint ***other*** ~~such~~ committees or persons~~]~~
3 to advise or assist it in the administration and enforcement ***of this chapter***~~, as it~~
4 ~~may see fit. It may retain its own counsel to advise and assist it, in addition to such~~
5 ~~advice and assistance as is provided by the Attorney General of this state].~~

6 ~~(4)~~~~(6)~~ The board may join or participate in professional organizations and
7 associations that promote improvement of the practice of accounting for the
8 protection of the public or to facilitate the activities of the board.

9 ~~(5)~~~~(7)~~ The board may expend funds from its account created by KRS 325.250 to
10 assist with accounting educational programs proposed or offered in the primary and
11 secondary schools in this state. The amount of the expenditure shall not interfere
12 with the performance of the board's other responsibilities.

13 ~~(6)~~~~(8)~~ The board may purchase professional liability insurance for its members, staff,
14 and investigators. The purchase of or failure to purchase insurance shall not be
15 deemed a waiver of any immunity already conferred on the board, its members,
16 staff, and investigators.

17 ➔Section 147. KRS 325.360 is amended to read as follows:

18 (1) The board may conduct investigations of suspected violations of this chapter or the
19 administrative regulations promulgated by the board to determine whether there is
20 probable cause to institute proceedings against any person or firm for any violation
21 under this chapter, but an investigation under this section shall not be a prerequisite
22 to proceedings. In aid of these investigations, the board or its designee may issue
23 subpoenas to compel witnesses to testify and to produce evidence. Subpoenas may
24 be served in person or by certified mail, return receipt requested.

25 (2) The board may designate a member, or any other person of appropriate competence,
26 to serve as investigating officer to conduct an investigation. Upon completion of an
27 investigation, the investigating officer shall report to the board. The board shall then

1 find probable cause or lack of probable cause, or it shall request that the
2 investigating officer investigate further. Until there has been a determination of
3 probable cause, the findings of the investigating officer, the testimony and
4 documents gathered in the investigation, and the fact of pendency of the
5 investigation shall be treated as confidential information and shall not be disclosed
6 to any person except law enforcement authorities and, to the extent deemed
7 necessary in order to conduct the investigation, the subject of the investigation,
8 persons whose complaints are being investigated, and witnesses questioned in the
9 course of the investigation.

10 (3) Upon a finding of probable cause, the board shall direct that a complaint be issued
11 pursuant to this section setting forth appropriate charges and a date for a hearing
12 that shall be conducted in accordance with KRS Chapter 13B. Upon a finding of a
13 lack of probable cause, the board shall dismiss the matter either with or without
14 prejudice.

15 (4) In any case where probable cause has been determined pursuant to this section, the
16 board may request the affected party to informally resolve the matter through
17 mediation or otherwise.

18 (5) A person or firm, after having been served with the notice of hearing and complaint
19 as provided for in subsection (3) of this section, shall file a written response within
20 twenty (20) days from the date of service. If the respondent licensee fails to file a
21 timely response or fails to appear at the hearing, the board may hear evidence
22 against the respondent and may enter a final order as ~~shall be~~ justified by the
23 evidence.

24 (6) In a hearing under this section, the respondent may appear in person or, in the case
25 of a firm, through a partner, shareholder, or other person with an ownership interest.

26 (7) The evidence supporting the complaint shall be presented by the investigating
27 officer, by a board member designated for that purpose, or by counsel. A board

1 member who presents the evidence, or who has conducted the investigation of the
2 matter under this section, shall not participate in the board's decision of the matter.

3 (8) In a hearing under this section before the board or in acting upon the recommended
4 order of a hearing officer, a vote of a majority of all members of the board then in
5 office, other than a member disqualified by reason of subsection (7) of this section,
6 shall be required to sustain any charge and to impose any penalty with respect
7 thereto.

8 (9) **Pursuant to KRS 13B.120(7), the commissioner of the Department of Financial**
9 **Institutions shall hear and issue a final order regarding a decision of the board.**

10 Any person adversely affected by any order of the commissioner~~[board]~~ may obtain
11 a review thereof by filing a written petition for review with the Franklin Circuit
12 Court in accordance with KRS Chapter 13B.

13 (10) **When the commissioner renders**~~[On rendering]~~ a final order, the board shall
14 examine its records to determine whether the respondent is authorized or licensed to
15 practice as a certified public accountant in any other state. If the board determines
16 that the respondent is authorized or licensed to practice in any other state, the board
17 shall notify the board of accountancy of the other state of this~~[its]~~ action by mail
18 within thirty (30) days of the commissioner rendering the final order.

19 (11) The board may exchange information relating to proceedings resulting in
20 disciplinary action against licensees with the boards of accountancy of other states
21 and with other public authorities or private organizations having an interest in the
22 information.

23 ➔Section 148. KRS 326.020 is amended to read as follows:

24 (1) There is hereby created a board of ophthalmic dispensers to be known as the
25 "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to
26 be appointed by the Governor, one (1) member of which shall be a licensed medical
27 physician or osteopath experienced in the treatment and examination of eyes and

1 one (1) member of which shall be a licensed optometrist. Two (2) members shall be
2 licensed ophthalmic dispensers. One (1) member shall be a citizen at large who is
3 not associated with or financially interested in the practice or business regulated.
4 They shall not pass upon their own qualifications~~]. The board shall elect one (1) of~~
5 ~~its members chairman and one (1) member secretary treasurer. These officers shall~~
6 ~~serve at the pleasure of the board].~~

7 (2) Members shall serve for a period of four (4) years from the date of their
8 appointment and qualification. At the expiration of the term of office of any
9 member, the Governor shall appoint a successor for a term of four (4) years.

10 (3) (a) The board may promulgate administrative regulations to carry out the
11 purposes~~and provisions]~~ of this chapter, including the licensing of apprentice
12 ophthalmic dispensers and the adoption of a program for continuing education
13 for all licensees.

14 (b) No licensee shall be permitted to renew his or her license, unless the
15 minimum annual continuing education requirements have been completed. No
16 program for continuing education shall contain, as a prerequisite for license
17 renewal, a requirement for more than a total of six (6) credit hours per year for
18 ophthalmic dispenser licensees, or four (4) credit hours per year for apprentice
19 ophthalmic dispenser licensees.

20 (4) Board members shall receive fifty dollars (\$50) per day for attending board
21 meetings~~]. Board members shall also be reimbursed for reasonable and necessary~~
22 ~~expenses incurred in the performance of their duties].~~

23 (5) The board may:

24 (a) Revoke, suspend, or refuse to issue or renew licenses; impose probationary or
25 supervisory conditions upon licensee; or issue written reprimands to licensees,
26 in accordance with KRS 326.090;

27 (b) Impose administrative fines in accordance with KRS 326.100; or

1 (c) Take any other action or combination of actions regarding licenses, licensees,
2 or apprenticeships authorized by this chapter.

3 (6) For the purpose of enforcing~~[the provisions of]~~ this chapter, the board may
4 administer oaths, receive evidence, interview persons, issue subpoenas, and require
5 the production of books, papers, documents, or other evidence.

6 (7) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of
7 KRS 326.030.

8 ➔Section 149. KRS 326.100 is amended to read as follows:

9 (1) The board, before suspending, revoking, imposing probationary, or supervisory
10 conditions upon, imposing an administrative fine, issuing a written reprimand, or
11 taking any combination of these actions regarding any person under this chapter,
12 shall conduct a hearing under the provisions of KRS Chapter 13B, upon the request
13 of that person.

14 (2) After denying an application under~~[the provisions of]~~ this chapter, the board shall
15 grant a hearing to the denied applicant under~~[the provisions of]~~ KRS Chapter 13B.

16 (3) **Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
17 **Wellness Authority within the Department of Professional Licensing shall hear**
18 **and issue a final order regarding a decision of the board.** Any applicant aggrieved
19 by a disciplinary action of the **executive director**~~[board]~~ may appeal the final order
20 of the **executive director**~~[board]~~ to the Circuit Court in the county in which the
21 licensee is practicing in accordance with KRS Chapter 13B.

22 ➔Section 150. KRS 327.030 is amended to read as follows:

23 There is hereby established a Board of Physical Therapy which shall consist of seven (7)
24 members who shall be appointed by the Governor.

25 (1) One (1) board member shall be a resident of Kentucky who is not affiliated with or
26 does not have more than five percent (5%) financial interest in any health care
27 profession or business.

- 1 (2) All other board members shall:
- 2 (a) Be residents of Kentucky;
- 3 (b) Have engaged in the practice of physical therapy in Kentucky for the past five
- 4 (5) years; and
- 5 (c) Not have been disciplined by the board, or have been under any disciplinary
- 6 action, in the past two (2) years.
- 7 (3) All vacancies shall be filled by the Governor from a list of three (3) persons per
- 8 position submitted by the Kentucky Physical Therapy Association or as provided by
- 9 KRS 12.070.
- 10 (4) ~~All~~For appointments to the board~~[after December 31, 2008, the first two (2)~~
- 11 ~~appointments shall be for a term of two (2) years. The third appointment shall be for~~
- 12 ~~a term of three (3) years. All other subsequent appointments]~~ shall be for a term of
- 13 four (4) years. All members shall serve until their successors are appointed and
- 14 qualify. No member shall serve for more than two (2) consecutive terms.
- 15 (5)~~[The Governor may remove any member of the board for misconduct, incompetence,~~
- 16 ~~or neglect of duty.~~
- 17 (6)~~[The board may request the removal of a board member by the Governor.~~
- 18 (7)~~[The board shall annually elect a chair and chair elect.~~
- 19 (8)~~] The board shall provide orientation to all new board members regarding the duties~~
- 20 ~~of the board.~~
- 21 ~~[(9) There shall be no liability on the part of, and no action for damages against, any~~
- 22 ~~current or former board member, representative, agent, or employee of the board,~~
- 23 ~~when the person is functioning within the scope of board duties, acting without~~
- 24 ~~malice and with the reasonable belief that the actions taken by him or her are~~
- 25 ~~warranted by law.]~~
- 26 (6)~~[(10)] Each board member shall receive[, in addition to travel, lodging, and other~~
- 27 ~~actual and necessary expenses,] a per diem not to exceed one hundred twenty~~

1 dollars (\$120) for each day the member is actually engaged in the discharge of
2 official duties approved by the board. The board shall, by promulgation of
3 administrative regulations, set the amount of the per diem.

4 ➔Section 151. KRS 327.040 is amended to read as follows:

5 (1) ~~It shall be the duty of~~ The State Board of Physical Therapy ~~shall~~^{to} receive
6 applications from persons desiring to become physical therapists and ~~shall~~^{to}
7 determine whether ~~these~~^{said} applicants meet the qualifications and standards
8 required by this chapter of all physical therapists. The board shall also ~~enforce~~^{be}
9 ~~charged with enforcement of the provisions of~~ this chapter.

10 (2) The board is an agency of state government with the power to institute criminal
11 proceedings in the name of the Commonwealth against violators of this chapter, and
12 to institute civil proceedings to enjoin any violation of this chapter. The board shall
13 investigate every alleged violation of this chapter coming to its notice and shall take
14 action as it may deem appropriate. ~~It shall be the duty of~~ The Attorney General,
15 the Commonwealth's attorneys, and the county attorneys ~~shall~~^{to} assist the board in
16 prosecuting all violations of this chapter.

17 (3) The board shall meet at least once each quarter at ~~a~~^{such} place in this state ~~as may~~
18 ~~be~~ selected by the board. ~~Four (4) members of the board shall constitute a quorum~~
19 ~~for the transaction of business.~~ All meetings shall be held at the call of the
20 chairman or at a call of a quorum of members upon not less than ten (10) days'
21 written notice, unless notice ~~is~~^{shall be} waived. The presence of any member at any
22 meeting of the board shall constitute a waiver of notice ~~of the meeting~~^{thereof} by
23 the member.

24 (4) The board may conduct investigations and schedule and conduct administrative
25 hearings in accordance with KRS Chapter 13B, to enforce ~~the provisions of~~ this
26 chapter or administrative regulations promulgated pursuant to this chapter. The
27 board ~~may~~^{shall have the authority to} administer oaths, receive evidence, interview

1 persons, issue subpoenas, and require the production of books, papers, documents,
2 or other evidence. In case of disobedience to a subpoena, the board may invoke the
3 aid of the Franklin Circuit Court. Any order or subpoena of the court requiring the
4 attendance or testimony of witnesses or the production of documentary evidence
5 may be enforced and shall be valid anywhere in the Commonwealth.

6 (5) The board shall keep a minute book containing a record of all meetings of the
7 board.

8 (6) The board shall maintain a register of all persons licensed or certified under this
9 chapter. This register shall show the name of every licensee or certificate holder in
10 this state, the person's~~his~~ current business and residence address and telephone
11 numbers, and the date and number of the person's~~his~~ license or certificate. A
12 licensee or certificate holder shall notify the board of a change of name, address, or
13 telephone number, within thirty (30) days of the change.

14 (7) The board's records shall be updated annually.

15 (8) The board shall publish annually and make available, a current directory of all
16 licensed physical therapists and certified physical therapists' assistants.

17 (9) The board shall adopt a seal which shall be affixed to every license and certificate
18 granted by it.

19 (10) The board may promulgate administrative regulations establishing a measure of
20 continued competency as a condition of license renewal.

21 (11) The board may promulgate and enforce reasonable administrative regulations
22 relating to~~for the effectuation of the purposes of~~ this chapter pursuant to~~the~~
23 ~~provisions of~~ KRS Chapter 13A.

24 (12) The board shall promulgate by administrative regulation a code of ethical standards
25 and standards of practice.

26 (13) The board may~~shall have the right to~~ regulate physical therapists' assistants and
27 may promulgate reasonable administrative regulations regarding certification,

1 limitations of activities, supervision, and educational qualifications for physical
2 therapists' assistants. The board may establish reasonable fees for the certification,
3 renewal, and endorsement of physical therapists' assistants. The fees shall not
4 exceed corresponding fees for physical therapists.

5 (14) The board shall promulgate administrative regulations governing the physical and
6 mental examination of physical therapists, physical therapists' assistants, or
7 applicants, who may be impaired by reason of a mental, physical, or other condition
8 that impedes their ability to practice competently. For purposes of enforcing this
9 section, the board may~~[shall have the power to]~~ order an immediate temporary
10 suspension in accordance with KRS 13B.125 if there is a reasonable cause to
11 believe that a physical therapist, physical therapist's assistant, or applicant may be
12 impaired by reason of a mental, physical, or other condition that impedes his or her
13 ability to practice competently.

14 ➔Section 152. KRS 327.075 is amended to read as follows:

15 (1) The board may reinstate within three (3) years a license or certificate which has
16 lapsed, upon payment of the prescribed renewal fee and, in addition, the payment of
17 a reinstatement fee to be promulgated by the board by administrative regulations.

18 (2) The board may reinstate a license or certificate which has been lapsed for more than
19 three (3) years, upon showing that the applicant is able to practice with reasonable
20 competency. In determining competency, the board may require the applicant to
21 successfully complete all or any part of the required examination.

22 (3) The board may reinstate a license which has been suspended or revoked under~~[~~
23 ~~provisions of]~~ this chapter if, after a hearing conducted in accordance with KRS
24 Chapter 13B, the board determines the applicant is able to practice the profession
25 with reasonable competency and is able to maintain the ethical code and standards
26 of practice promulgated by administrative regulation. As a condition of
27 reinstatement, the board may impose reasonable restrictions under which the

1 licensee or certificate holder shall practice.

2 (4) **Pursuant to KRS 13B.120(7), the executive director of the Health and**
3 **Restoration Authority within the Department of Professional Licensing shall**
4 **hear and issue a final order regarding a decision of the board.** Any person
5 aggrieved by a final order of the **executive director**~~[board]~~ denying, suspending, or
6 revoking **the person's**~~[his]~~ license or certificate may appeal to the Franklin Circuit
7 Court in accordance with KRS Chapter 13B.

8 ➔Section 153. KRS 327.080 is amended to read as follows:

9 ~~[(1)]~~All fees received by the board and collected under this chapter or the
10 administrative regulations adopted in accordance with this chapter shall be deposited with
11 the State Treasurer and credited to the revolving fund of the board, a trust and agency
12 fund, to be used by the board in defraying the costs and expenses of the board in the
13 administration of ~~the provisions of~~ this chapter. No part of this fund shall revert to the
14 general fund of the Commonwealth.

15 ~~[(2)]~~The board may employ an executive director and other personnel and may purchase
16 such materials and supplies as it may deem necessary for the proper discharge of its
17 duties.]

18 ➔Section 154. KRS 329A.020 is amended to read as follows:

19 (1) The Kentucky Board of Licensure for Private Investigators is hereby created.

20 (2) The board shall consist of seven (7) members appointed by the Governor.

21 (a) One (1) member shall be an attorney from the Office of the Attorney General
22 to be designated by the Attorney General;

23 (b) One (1) member shall be a municipal police officer of the rank of captain or
24 above;

25 (c) One (1) member shall be a county sheriff;

26 (d) Three (3) members shall each have been private investigators for at least five
27 (5) years prior to the date of their appointment and shall be of recognized

1 business standing; and

2 (e) One (1) member shall be a citizen at large who is not associated with or
3 financially interested in the practice of private investigating.

4 (3) All members shall be residents of this state and possess good moral character.

5 (4) ~~{The original members of the board shall be appointed by no later than January 1,~~
6 ~~2003, as follows:~~

7 (a) ~~One (1) member to a one (1) year term;~~

8 (b) ~~Two (2) members to a two (2) year term;~~

9 (c) ~~Two (2) members to a three (3) year term; and~~

10 (d) ~~Two (2) members to a four (4) year term.~~

11 (5) ~~After the initial appointments to the board, }~~All members shall serve a two (2) year
12 term.

13 ~~{(6) Any vacancy occurring on the board shall be filled by the Governor.~~

14 (7) ~~]~~No member may serve more than two (2) full consecutive terms.

15 ~~(5){(8) No member shall continue to serve if the member no longer meets the~~
16 ~~qualifications required under subsections (2) and (3) of this section.~~

17 (9) ~~{~~The three (3) board members who are private investigators and the member at large
18 shall receive the sum of one hundred dollars (\$100) per day for each day the board
19 meets~~[. All members shall receive reimbursement for actual and necessary expenses~~
20 ~~incurred in the performance of their official duties.~~

21 (10) ~~The board shall annually elect a chairman, a vice chairman, and a secretary-treasurer~~
22 ~~from the membership of the board.~~

23 (11) ~~The board shall hold at least two (2) meetings annually and additional meetings as~~
24 ~~the board may deem necessary. Additional meetings may be held upon call of the~~
25 ~~chairman or upon written request of a quorum. Four (4) members of the board shall~~
26 ~~constitute a quorum to conduct business.~~

27 (12) ~~Upon recommendation of the board, the Governor may remove any member of the~~

1 ~~board for neglect of duty or malfeasance in office].~~

2 ~~(6)(13)~~ The board may purchase professional liability insurance for the board
3 members and agents and staff of the board.

4 ➔Section 155. KRS 329A.025 is amended to read as follows:

5 (1) The board shall administer and enforce~~[the provisions of]~~ KRS 329A.010 to
6 329A.090 and shall evaluate the qualifications of applicants for licensure and issue
7 licenses.

8 (2) The board shall:

9 (a) Implement~~[the provisions of]~~ KRS 329A.010 to 329A.090 through the
10 promulgation of administrative regulations in accordance with~~[the provisions]~~
11 ~~of]~~ KRS Chapter 13A;

12 (b) Promulgate administrative regulations to establish fees which shall not exceed
13 the amounts necessary to generate sufficient funds to effectively carry out and
14 enforce~~[the provisions of]~~ KRS 329A.010 to 329A.090;

15 (c) Promulgate by administrative regulation an examination to be administered at
16 least twice annually to license applicants. The examination shall be designed
17 to measure knowledge and competence in private investigating, including but
18 not limited to the following subject areas:

- 19 1. Federal and state constitutional principles;
- 20 2. Court decisions related to activities which could result in liability for the
21 invasion of privacy or other activities;
- 22 3. Eavesdropping and related offenses, assault and related offenses, search
23 and seizure laws, and laws regarding unlawful access to a computer;
- 24 4. General weapons use and concealed weapons laws;
- 25 5. Additional state criminal laws and related procedures that are relevant to
26 the practice of private investigating; and
- 27 6. Additional subject areas as determined by the board; and

- 1 (d) Promulgate by administrative regulation a code of professional practice and
2 conduct that shall be based upon generally recognized principles of
3 professional ethical conduct and be binding upon all licensees.
- 4 (3) The board may:
- 5 (a) ~~Contract with the Department of Professional Licensing within the Public~~
6 ~~Protection Cabinet for the provision of administrative services;~~
- 7 (b) ~~Employ any persons it deems necessary to carry on the work of the board. The~~
8 ~~board may define their duties and fix their compensation;~~
- 9 (c) ~~Develop or sponsor at least six (6) hours of continuing professional education~~
10 ~~annually;~~
- 11 (d) ~~Approve and certify a forty (40) hour training class covering the subject~~
12 ~~areas of the licensing examination;~~
- 13 (e) ~~Renew licenses and require continuing professional education as a~~
14 ~~condition for renewal;~~
- 15 (f) ~~Waive the examination requirement for any applicant licensed in a~~
16 ~~reciprocal state as prescribed in paragraph (k) of this subsection ~~(3)(m) of~~
17 ~~this section~~], who is licensed in good standing in that state and meets all of the
18 other requirements of KRS 329A.035;~~
- 19 (g) ~~Suspend or revoke licenses, impose supervisory or probationary~~
20 ~~conditions upon licensees, impose administrative disciplinary fines, or issue~~
21 ~~written admonishments or reprimands, or any combination of these~~
22 ~~actions thereof];~~
- 23 (h) ~~Issue subpoenas, examine witnesses, pay appropriate witness fees,~~
24 ~~administer oaths, and investigate allegations of practices violating the~~
25 ~~provisions of KRS 329A.010 to 329A.090;~~
- 26 (i) ~~Conduct hearings pursuant to KRS Chapter 13B and keep records and~~
27 ~~minutes necessary to carry out the board's functions;~~

1 ~~(h)~~~~(j)~~ Organize itself into two (2) panels to separate the functions of inquiry
 2 and hearings. Each panel shall have the power to act as either an inquiry or
 3 hearing panel. No member serving on the inquiry panel shall serve on the
 4 hearing panel for any one (1) particular case. Any final decision of the hearing
 5 panel shall be considered as the final decision of the board and the hearing
 6 panel may exercise all powers granted to the board pursuant to KRS Chapter
 7 13B;

8 ~~(i)~~~~(k)~~ Utilize mediation as a technique to resolve disciplinary matters;

9 ~~(j)~~~~(l)~~ Seek injunctive relief in the Circuit Court of the county where the
 10 alleged unlawful practice occurred to stop the unlawful practice of private
 11 investigating by unlicensed persons or companies; and

12 ~~(k)~~~~(m)~~ Negotiate and enter into reciprocal agreements with appropriate officials
 13 in other states to permit licensed investigation companies and private
 14 investigators who meet or exceed the qualifications established in KRS
 15 329A.010 to 329A.090 to operate across state lines under mutually acceptable
 16 terms.

17 ➔Section 156. KRS 329A.030 is amended to read as follows:

18 (1) All fees and other moneys received by the board pursuant to ~~[the provisions of]~~
 19 KRS 329A.010 to 329A.090 shall be deposited in the State Treasury to the credit of
 20 a revolving fund for the use of the board.

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

23 (3) The revolving fund may be used to pay for:

24 ~~(a) [The compensation and reimbursement of board members for actual and~~
 25 ~~necessary expenses incurred in the performance of official duties;~~

26 ~~(b) The compensation of all of the employees of the board;~~

27 ~~(c)~~ Those operational and capital expenses incurred in fulfilling the board's duties

1 as described in KRS 329A.010 to 329A.090 and in administrative regulations;
2 and

3 ~~(b)~~~~(d)~~ The development or sponsorship of at least six (6) hours of continuing
4 education courses annually, to be conducted in various areas of the state.

5 ➔Section 157. KRS 329A.065 is amended to read as follows:

- 6 (1) The board may refuse to issue a license, or suspend, revoke, impose probationary
7 conditions, impose an administrative fine, issue a written reprimand, or any
8 combination thereof regarding any licensee upon proof that the licensee or applicant
9 has:
- 10 (a) Violated any provision of KRS 329A.010 to 329A.090 or any administrative
11 regulation promulgated by the board;
 - 12 (b) Knowingly and willfully made a material misstatement in connection with an
13 application for license or renewal;
 - 14 (c) Been convicted of a felony, if in accordance with KRS Chapter 335B;
 - 15 (d) Practiced fraud, deceit, or misrepresentation;
 - 16 (e) Committed any act that would have been cause for refusal to issue the license
17 had it existed and been known to the board at the time of issuance;
 - 18 (f) Been incompetent or negligent in the practice of private investigating; or
 - 19 (g) Violated the code of ethics promulgated by administrative regulation by the
20 board.
- 21 (2) In addition to or in lieu of any other lawful disciplinary action under this section, the
22 board may assess a civil penalty not exceeding two thousand dollars (\$2,000).
- 23 (3) When the board issues a written reprimand to the licensee a copy of the reprimand
24 shall be placed in the permanent file of the licensee. The licensee shall have the
25 right to submit a response within thirty (30) days of its receipt and to have that
26 response filed in the permanent file.
- 27 (4) At any time during the investigative or hearing processes, the board may accept an

1 assurance of voluntary compliance from the licensee if the assurance effectively
2 deals with the complaint.

3 (5) The board may reconsider, modify, or reverse its probation, suspension, or other
4 disciplinary action.

5 (6) **Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing**
6 **Authority within the Department of Professional Licensing shall hear and issue a**
7 **final order regarding a decision of the board.** Any party aggrieved by a
8 disciplinary action of the **executive director**~~[board]~~ may bring an action in Franklin
9 Circuit Court pursuant to~~[the provisions of]~~ KRS Chapter 13B.

10 (7) A license shall be subject to expiration and renewal during any period in which the
11 license is suspended.

12 ➔Section 158. KRS 330.050 is amended to read as follows:

13 (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board
14 consisting of five (5) members, all of whom immediately prior to the date of their
15 appointment have been residents of the Commonwealth of Kentucky for five (5)
16 years, and four (4) whose vocation for a period of at least five (5) years has been
17 that of an auctioneer. One (1) member shall be a citizen at large who is not
18 associated with or financially interested in the practice or business regulated. The
19 term of the members of the board shall be for three (3) years and until their
20 successors are appointed and qualified. Members to fill vacancies shall be appointed
21 for the unexpired term.

22 (2) At no time shall there be more than two (2) auctioneer members of the same
23 political party on the board. Whenever there is an auctioneer vacancy on the board,
24 within sixty (60) days the Kentucky Auctioneer Association shall recommend to the
25 Governor at least three (3) names for each auctioneer vacancy, and **the**~~[such]~~
26 appointment or appointments shall be made from the recommendations of the
27 association, unless the Governor rejects the list of three (3) names and requests that

1 the Kentucky Auctioneer Association submit a new list of three (3) names within
2 sixty (60) days of the Governor's request. If the Kentucky Auctioneer Association
3 fails to timely submit its recommendations to the Governor, the Governor may
4 immediately appoint a qualified auctioneer to fill this vacancy.

5 ~~(3) The board, immediately upon qualification of the member appointed in each year,~~
6 ~~shall organize by selecting from its members a chairman.~~

7 ~~(4)~~ (a) No member of the board shall reside in the same county as another member.

8 ~~(b) A majority of the board shall constitute a quorum for the transaction of~~
9 ~~business.~~

10 ~~(c)~~ No member may serve on the board for more than six (6) consecutive years. A
11 member may serve on the board for six (6) consecutive years on more than
12 one (1) occasion if that person is not a member of the board for at least two
13 (2) years between periods of board service.

14 ~~[(5) (a) The board shall obtain office space, furniture, stationery, and any other proper~~
15 ~~supplies and conveniences reasonably necessary to carry out the provisions of~~
16 ~~this chapter. If any items deemed to be reasonably necessary by or which are~~
17 ~~required by the board are available through vendors under contract with the~~
18 ~~Commonwealth of Kentucky at less cost than if obtained otherwise, then the~~
19 ~~items shall be acquired pursuant to the contract.]~~

20 ~~(4)~~~~(b)~~ The board *may*~~[shall have full authority to]~~ obtain for its members~~[-, staff, and~~
21 ~~employees]~~ complete insurance coverage, including, but not limited to, liability and
22 errors and omissions insurance, so long as the insurance concerns the business of
23 the board.

24 ~~(5)~~~~(6)~~ All fees and charges collected by the board under~~[the provisions of]~~ this
25 chapter shall be paid into the State Treasury through the Finance and
26 Administration Cabinet and shall be credited to an agency fund account for the
27 Board of Auctioneers under~~[the provisions of]~~ KRS 45.253 and shall be withdrawn

1 or expended as provided in that section, if ~~the~~^{such} payment, credit, withdrawal, or
2 expense provisions do not conflict with ~~any provision of~~ this chapter.

3 (a) The board may establish and collect reasonable fees relating to the
4 administration and enforcement of this chapter for application or other
5 processing costs, on-line service, continuing education provider services, copy
6 and mailing services, or other fees necessary to offset the licensing and
7 processing costs.

8 (b) The total expenses for all purposes and obligations of the board shall not
9 exceed the total fees, charges, fines, penalties, and other income imposed
10 under ~~the provisions of~~ this chapter and paid into the state treasury.

11 (c) The board shall be financially self-sustaining, and if funds permit it may
12 underwrite, within its financial limitations, educational programs for the
13 enlightenment and benefit of all licensees who have paid fees pursuant to this
14 chapter.

15 ~~(6)~~⁽⁷⁾ The board shall maintain annually a list of the names and addresses of all
16 licensees regulated by the board. This list shall also contain the names of all persons
17 whose licenses have been suspended or revoked within the preceding year, as well
18 as any other information relative to the enforcement of ~~the provisions of~~ this
19 chapter that the board may deem of interest to the public.

20 ~~(7)~~⁽⁸⁾ The board may promulgate administrative regulations with the approval of the
21 executive director of the Kentucky Real Estate Authority in accordance with KRS
22 Chapter 13A as required to fulfill the duties and functions assigned to the board by
23 this chapter.

24 ~~(9) A board member shall be automatically removed from the board and a vacancy shall~~
25 ~~occur when:~~

26 ~~(a) An auctioneer member of the board ceases to be a licensed auctioneer;~~

27 ~~(b) A nonlicensed member of the board acquires a license regulated by the board;~~

- 1 ~~(c) A board member enters a plea of guilty, an Alford plea, a plea of no contest to,~~
2 ~~or has been convicted of, any felony, and the time for appeal has passed or the~~
3 ~~judgment of conviction has been finally affirmed on appeal;~~
- 4 ~~(d) A board member ceases to be a resident of the Commonwealth of Kentucky;~~
- 5 ~~(e) The member displays incompetence, neglect of duty, or unprofessional~~
6 ~~conduct;~~
- 7 ~~(f) The member fails to adhere to a duly adopted code of ethics of the board.~~
8 ~~Failure to adhere to this code shall be determined by official action of the~~
9 ~~board;~~
- 10 ~~(g) The member enters a plea of guilty to, or has been found guilty of, a felony~~
11 ~~and the time for appeal has passed or the judgment of conviction has been~~
12 ~~finally affirmed on appeal; or~~
- 13 ~~(h) The member misses three (3) consecutive meetings or misses more than~~
14 ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~
15 ~~month period.]~~

16 ~~(8)~~~~(10)~~ The Governor shall set the compensation of the members of the board, but
17 voting members of the board shall be compensated no less than three hundred
18 dollars (\$300) per day for official business, subject to an annual maximum of six
19 thousand dollars (\$6,000)~~]. Members shall be reimbursed for all expenses paid and~~
20 ~~incurred in the discharge of official business consistent with the reimbursement~~
21 ~~policy for state employees].~~ With the approval of the executive director of the
22 Kentucky Real Estate Authority within the Department of Professional Licensing,
23 board members and board staff may attend and travel to and from meetings and
24 events relevant to the board and the industry the board represents.

25 ➔Section 159. KRS 330.110 is amended to read as follows:

26 The board may suspend for a period up to five (5) years or revoke the license of any
27 licensee, or levy fines not to exceed two thousand dollars (\$2,000), with a maximum fine

1 of five thousand dollars (\$5,000) per year arising from any single incident or complaint,
2 against any licensee, or place any licensee on probation for a period of up to five (5)
3 years, or require successful passage of any examination administered by the board, or
4 require successful completion of any course of auction study or auction seminars
5 designated by the board, or issue a formal reprimand, or order any combination of the
6 above, for violation of this chapter~~[by any licensee of any of the provisions of this~~
7 ~~chapter]~~, or for any of the following causes:

- 8 (1) Obtaining a license through false or fraudulent representation;
- 9 (2) Making any substantial misrepresentation;
- 10 (3) Pursuing a continued and flagrant course of misrepresentation or intentionally
11 making false promises or disseminating misleading information through agents or
12 advertising or otherwise;
- 13 (4) Accepting valuable consideration as an apprentice auctioneer for the performance of
14 any of the acts specified in this chapter, from any person, except his or her principal
15 auctioneer;
- 16 (5) Failing to account for or remit, within a reasonable time, any money belonging to
17 others that comes into the licensee's possession, commingling funds of others with
18 the licensee's own funds, or failing to keep the funds of others in an escrow or
19 trustee account;
- 20 (6) Paying valuable consideration to any person for services performed in violation of
21 this chapter, or procuring, permitting, aiding, or abetting any unlicensed person
22 acting in violation~~[of any of the provisions]~~ of this chapter;
- 23 (7) Entering a plea of guilty, an Alford plea, a plea of no contest to, or being convicted
24 of, any felony, and the time for appeal has passed or the judgment of conviction has
25 been finally affirmed on appeal;
- 26 (8) Violation~~[of any provision]~~ of this chapter or any administrative regulation
27 promulgated by the board;

- 1 (9) Failure to furnish voluntarily at the time of execution, copies of all written
2 instruments prepared by any licensee to each signatory of the written instrument;
- 3 (10) Any conduct of a licensee which demonstrates bad faith, dishonesty, incompetence,
4 or untruthfulness;
- 5 (11) Any other conduct that constitutes improper, fraudulent, dishonest, or negligent
6 dealings;
- 7 (12) Failure to enter into a binding written auction listing contract with the seller or with
8 the seller's duly authorized agent prior to advertising, promoting, or offering any
9 real or personal property by or at auction;
- 10 (13) Failure to provide a receipt to all persons consigning personal property with any
11 licensee for auction;
- 12 (14) Failure to establish and maintain, for a minimum of five (5) years from final
13 settlement, complete and correct written or electronic records and accounts of all
14 auction transactions, including:
- 15 (a) Listing contracts, including the name and address of the seller;
- 16 (b) Written purchase contracts;
- 17 (c) Descriptive inventory and final bid amounts of all items or lots offered;
- 18 (d) Buyer registration records; and
- 19 (e) Settlement records, including all moneys received and disbursed and escrow
20 account activity;
- 21 (15) Failure of any licensee to present any auction-related information, including but not
22 limited to advertisements, listing contracts, purchase contracts, clerking records,
23 buyer registration records, settlement records, escrow account information, license,
24 or any other auction-related information, subsequent to a request by the board's
25 administrative coordinator~~[executive director]~~, a board compliance officer, or
26 board counsel; or
- 27 (16) Failure of a principal auctioneer to provide supervision to his or her apprentice

1 auctioneers.

2 ➔Section 160. KRS 330.192 is amended to read as follows:

- 3 (1) (a) There is hereby created and established in the State Treasury the auctioneer's
4 education, research, and recovery fund.
- 5 (b) In addition to the license fees established in KRS 330.070, and KRS 330.095,
6 the board may assess each licensee a renewal recovery fee established by
7 administrative regulations promulgated by the board in accordance with KRS
8 Chapter 13A. Each initial applicant shall pay an initial recovery fee
9 established by administrative regulations promulgated by the board in
10 accordance with KRS Chapter 13A.
- 11 (2) The purposes of the auctioneer's education, research, and recovery fund shall be as
12 follows:
- 13 (a) When a licensee has been duly found guilty of violating one (1) or more of the
14 provisions of this chapter, or one (1) or more of the administrative regulations
15 duly promulgated by the board, and upon the conclusion of a final order
16 entered by the board or by the courts, if appealed, the board is authorized to
17 pay to the aggrieved party an amount not to exceed fifty thousand dollars
18 (\$50,000) against any one (1) licensee, if the licensee has refused to pay the
19 claim within twenty (20) days of entry of a final order and provided further
20 that the amount or amounts of money in question are certain and liquidated.
- 21 (b) The board shall maintain a minimum of two hundred fifty thousand dollars
22 (\$250,000) for recovery and guaranty purposes. These funds may be invested
23 and reinvested in the same manner as funds of the State Employees'
24 Retirement System and the interest from said investments shall be deposited
25 to the credit of the research and recovery fund, or, in the discretion of the
26 board, to the agency fund account as set out in subsection (5) of Section 158
27 of this Act ~~[KRS 330.050(6)]~~. Sufficient liquidity, however, shall be

1 maintained so that money is available to satisfy all claims which may be
2 processed through the board by means of administrative hearing as outlined in
3 this chapter.

4 (c) The board may use funds in excess of two hundred fifty thousand dollars
5 (\$250,000), whether from the auctioneer's education, research, and recovery
6 fund fees or accrued interest thereon, for any of the following purposes:

- 7 1. To advance education and research in the auction field for the benefit of
8 those seeking an auctioneer license, those licensed under ~~the provisions~~
9 ~~of~~ this chapter and to improve and make more efficient the auction
10 industry;
- 11 2. To underwrite educational seminars, caravans, and other forms of
12 educational projects for the general benefit of licensees;
- 13 3. To establish an auction chair or courses at Kentucky state institutions of
14 higher learning for the purpose of making college or university level
15 courses available to licensees and the general public;
- 16 4. To contract for a particular research project in the auction field for the
17 Commonwealth of Kentucky;
- 18 5. To sponsor, contract for, and to underwrite all other educational and
19 research projects that contribute to the advancement of the auction field
20 in Kentucky;
- 21 6. To cooperate with associations of auctioneers and any other groups for
22 the enlightenment and advancement of Kentucky licensees;
- 23 7. To increase the level of the auctioneer's education, research, and
24 recovery fund above two hundred fifty thousand dollars (\$250,000); and
- 25 8. To augment the regular trust and agency account of the board for
26 purposes of addressing cash flow shortfalls, budget deficits, and for
27 reimbursement of ~~personnel,~~ administrative, operational, and capital

1 expenses incurred by the trust and agency account pursuant to the
2 purposes of the education, research, and recovery fund as provided in
3 this section, an amount not to exceed two hundred fifty thousand dollars
4 (\$250,000) annually.

5 (d) Within one hundred twenty (120) days after the end of each fiscal year, the
6 board shall make public, through its Web site or other public media, a
7 statement of income and expenses of the auctioneer's education, research, and
8 recovery fund, the details of which are in accordance with state financial
9 reporting requirements.

10 (3) (a) If a licensee is found guilty of one (1) or more provisions of this chapter or of
11 violating one (1) or more of the administrative regulations of the board, and if
12 the amount of the money lost by the aggrieved party or parties is in dispute or
13 cannot be determined accurately, then the amount of damages shall be
14 determined by the Circuit Court in the county where the alleged violation took
15 place, ~~if provided that~~ the board has previously determined that a violation of
16 the license laws or of the administrative regulations has occurred and a final
17 order has been entered.

18 (b) If an order has been entered and the license rights of the licensee have been
19 finally adjudicated, then the local Circuit Court shall determine the monetary
20 damages due from the licensee's ~~aforsaid~~ violation or violations.

21 (c) When a final order has been entered by the Circuit Court, Court of Appeals, or
22 Supreme Court, and upon certification to the board, the aggrieved party or
23 parties shall be paid an amount not to exceed fifty thousand dollars (\$50,000)
24 by the board, and the license held by the licensee against whom the claim was
25 made by the aggrieved party shall be suspended at least until the licensee has
26 reimbursed the auctioneer's education, research, and recovery fund for all
27 amounts paid to the aggrieved party due to the violation of the licensee.

- 1 (d) When, upon the final order of the court, the board has paid from the
2 auctioneer's education, research, and recovery fund any sum to the aggrieved
3 party, the board shall be subrogated to all of the rights of the aggrieved party
4 to the extent of the payment and the aggrieved party shall, to the extent of the
5 payment, assign his or her right, title, and interest in the judgment to the
6 board.
- 7 (e) All claims for monetary damages or relief from the auctioneer's education,
8 research, and recovery fund shall be made in writing and submitted to the
9 board within twelve (12) months of the act of the auctioneer giving rise to the
10 loss. Failure to file a claim within the twelve (12) month period shall bar the
11 claim. Additional evidence shall be submitted by the claimant if required by
12 the board.
- 13 (f) Notwithstanding any other provisions of this chapter, no unreimbursed
14 amount greater than fifty thousand dollars (\$50,000) shall be paid by the board
15 on account of any one (1) licensee, no matter over how long a time, or for how
16 many claims, and no matter ~~what~~ the number of claimants ~~be~~ or the size of
17 the~~such~~ claims, individually or in the aggregate. Should the licensee
18 reimburse the fund for all amounts paid, then future claims timely filed with
19 the board concerning different matters may be received pursuant to this
20 section.
- 21 (g) No claims shall be approved under this section for amounts which, in the
22 aggregate, exceed the maximum payable on account of any one (1) licensee in
23 effect at the time of the act or acts of the licensee giving rise to the claims,
24 except to the extent of that~~said~~ maximum. Statutory increases in the
25 maximum set out in this section do not apply retroactively.
- 26 (4) All categories of licensees under this chapter are covered under ~~the provisions of~~
27 this section for the benefit and protection of the public.

1 (5) This section is not intended to substitute for, circumvent, or duplicate other
2 remedies existing at law or otherwise for claimants or potential claimants, but
3 constitutes a last resort for aggrieved persons who would not, but for ~~the provisions~~
4 ~~of~~ this section, be able to recover their losses by any other means available. The
5 board shall have full discretion to require that claimants exhaust all other remedies
6 prior to proceeding under this section, including but not limited to the remedy of
7 obtaining a judgment by all diligent and appropriate means.

8 ➔Section 161. KRS 334.120 is amended to read as follows:

9 (1) Complaints against licensed persons shall be handled by the board in the following
10 manner:

11 (a) Any person desiring to make a complaint against a licensee under this chapter
12 shall reduce the complaint to writing and file it with the board.

13 (b) The board may conduct an investigation into any complaint which the board
14 feels may constitute a violation of this chapter or the administrative
15 regulations promulgated under this chapter~~[thereunder]~~.

16 (c) The board may require that the licensee file a statement or report in writing as
17 to the facts and circumstances concerning the complaint together with other
18 information, material, or ~~data~~ reasonably related data~~[thereto]~~.

19 ~~[(d) The board may request the assistance of the Attorney General in connection~~
20 ~~with an investigation.]~~

21 ~~(e) The board may employ the services of a hearing officer to conduct hearings,~~
22 ~~prehearing conferences, advise the board as to legal matters, and provide other~~
23 ~~legal services deemed appropriate by the board.]~~

24 (2) If the board determines the charges made in the complaint are sufficient to warrant a
25 hearing to determine whether the license issued under this chapter shall be
26 suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in
27 accordance with KRS Chapter 13B.

1 (3) ~~[(The provisions of)]~~ This chapter shall in no way limit the jurisdiction and authority
 2 of the Attorney General to take any necessary action under the Kentucky Consumer
 3 Protection Act, KRS 367.110 to 367.300.

4 (4) The board may suspend, revoke, or levy a fine not to exceed one thousand dollars
 5 (\$1,000), refuse to issue or renew any license for a fixed period of time, place on
 6 probation, issue a written reprimand to a licensee, or any combination ***of these***
 7 ***actions***~~[(thereof)]~~, based on a finding of the board after hearing that a person licensed
 8 under~~[(the provisions of)]~~ this chapter has committed any of the following acts:

- 9 (a) Change of personal name, corporate name, charter, entity, or partnership name
 10 or composition to avoid the imposition of liens or court action;
- 11 (b) The conviction of a felony, or a misdemeanor, if in accordance with KRS
 12 Chapter 335B. The record of conviction, or a copy ***of this record***~~[(thereof)]~~,
 13 certified by the clerk of the court or by the judge in whose court the conviction
 14 is had, shall be conclusive evidence of that conviction;
- 15 (c) Procuring ~~a~~~~[(of)]~~ license by fraud or deceit practiced upon the board;
- 16 (d) Unethical conduct as defined by the board by promulgation of an
 17 administrative regulation;
- 18 (e) Engaging in any unfair, false, misleading, or deceptive act or practice;
- 19 (f) Incompetence or negligence in the practice of selling or fitting hearing
 20 instruments; or
- 21 (g) Violating~~[(any provision of)]~~ this chapter or the administrative regulations
 22 promulgated ***under this chapter***~~[(thereunder)]~~.

23 ➔Section 162. KRS 334.140 is amended to read as follows:

24 (1) There is created the Kentucky Licensing Board for Specialists in Hearing
 25 Instruments.

26 (2) The board shall be composed of nine (9) members who shall be appointed by the
 27 Governor. Terms of office shall be at the Governor's discretion, not to exceed four

1 (4) years. All terms shall expire on July 31 of the designated year. Each member
 2 shall serve for the term of his *or her* appointment and until ~~a~~^{his} successor has
 3 been appointed and qualified. If a vacancy occurs on the board, a new member shall
 4 be appointed to serve out the unexpired term. No member shall serve consecutive
 5 terms on the board~~. Upon recommendation of the board, the Governor may remove~~
 6 ~~any member of the board for excessive absenteeism, neglect of duty, or malfeasance~~
 7 ~~in office~~.

8 (3) Five (5) members shall be specialists in hearing instruments licensed under KRS
 9 334.080. The appointees shall have at least five (5) years' relevant experience. The
 10 Governor shall consider nominations from the Hearing Aid Association of
 11 Kentucky. No two (2) members from the same place of business may serve on the
 12 board at the same time.

13 (4) One (1) member shall be a physician licensed to practice medicine in Kentucky and
 14 specializing in otology or otolaryngology.

15 (5) One (1) member shall be an audiologist holding at least a master's degree from a
 16 recognized college or university and having the certification of clinical competence
 17 in audiology from the American Speech-Language-Hearing Association and
 18 licensed under KRS Chapter 334A.

19 (6) One (1) member shall be a citizen at large who is not associated with or financially
 20 interested in the practice or business regulated.

21 (7) One (1) member shall be the secretary of the Cabinet for Health and Family
 22 Services or *the secretary's*^{his} designee.

23 ~~[(8) Five (5) members of the nine (9) members of the board, when properly convened,~~
 24 ~~may conduct the business of the board.]~~

25 ➔Section 163. KRS 334.150 is amended to read as follows:

26 The powers and duties of the board *are*~~shall be~~ as follows:

27 (1) To authorize all disbursements necessary to carry out ~~provisions of~~ this chapter;~~[-]~~

- 1 (2) To prepare and administer qualifying examinations to test the knowledge and
2 proficiency of applicants for licensing;[-]
- 3 (3) To license persons who apply to the board and who are qualified to practice the
4 fitting of hearing instruments;[-]
- 5 (4) To purchase and maintain or rent audiometric equipment and facilities necessary to
6 carry out the examination of applicants for licensing;[-]
- 7 (5) To issue and renew licenses;[-]
- 8 (6) To suspend, revoke, refuse to issue, or renew licenses, impose probationary or
9 supervisory conditions, issue letters of reprimand, or levy fines against a licensee, or
10 any combination ***of these actions;***~~[-]~~
- 11 (7) To appoint representatives to conduct or supervise the examination of applicants for
12 licensing;[-]
- 13 (8) To designate the time and place for examining applicants;[-]
- 14 (9) To promulgate administrative regulations consistent with the laws of this
15 Commonwealth which are necessary to carry out~~[-]~~ ~~the provisions of~~ this chapter;[-]
- 16 (10) To require the periodic inspection of audiometric testing equipment and to carry out
17 the periodic inspection of facilities of persons who practice the fitting of hearing
18 instruments;[-]
- 19 ~~(11) To employ secretaries, attorneys, inspectors, clerks, or any other employees that the~~
20 ~~board may deem necessary to carry out the provisions of this chapter. The board~~
21 ~~may employ or discharge at its discretion.~~
- 22 ~~(12)~~ To initiate a formal educational program consistent with the intent of this chapter in
23 that the consumer public shall be served by the specialist in hearing instruments
24 trained in the latest technology in fitting hearing instruments;[-]
- 25 **(12)**~~(13)~~ To promulgate administrative regulations establishing requirements and
26 standards for continuing education; ***and***~~[-]~~
- 27 **(13)**~~(14)~~ To administer oaths and to require the attendance of witnesses, the production

1 of books, records, and papers pertinent to any matters coming before the board by
 2 the issuance of process which shall be served and returned in the same manner as in
 3 civil actions and for the disobedience of which the board shall have by resort to a
 4 court of competent jurisdiction the power to invoke the same rights as **those**
 5 **granted for**~~[are provided in the event of]~~ disobedience of a subpoena or subpoena
 6 duces tecum in a civil action.

7 ➔Section 164. KRS 334.160 is amended to read as follows:

8 ~~(1) The board shall meet at least once a year at times and places to be designated by the~~
 9 ~~board and upon such notice as the board may prescribe. At its first meeting each~~
 10 ~~calendar year, the board shall elect a chairman, vice chairman, and secretary-~~
 11 ~~treasurer, each to serve in his respective capacity for one (1) year.~~

12 ~~(2)~~ Fees, charges, and other moneys collected by the board shall be paid into the State
 13 Treasury and credited to a trust and agency fund to be used to pay expenses in
 14 administering this chapter. All moneys shall be received, disbursed, and accounted
 15 for by the board or its designee. All moneys not expended by the board to pay
 16 expenses in administering this chapter shall be retained by the board from year to
 17 year to be expended for the purposes expressed in this chapter.

18 ~~(2)~~~~(3)~~ Each member of the board shall be paid a reasonable sum, not to exceed one
 19 hundred dollars (\$100) per day, for each day of actual service on the board ~~and~~
 20 ~~shall be reimbursed all reasonable and necessary travel expenses].~~

21 ➔Section 165. KRS 334.180 is amended to read as follows:

22 (1) A licensee whose license has been revoked may petition the board for reinstatement.
 23 The board shall investigate the petition and may reinstate the license upon finding
 24 that the individual has complied with any terms prescribed by the board and is again
 25 able to engage in the practice of fitting hearing instruments.

26 (2) **Pursuant to KRS 13B.120(7), the executive director of the Professional Licensing**
 27 **Authority within the Department of Professional Licensing shall hear and issue a**

1 **final order regarding a decision of the board.** A licensee or applicant aggrieved by
2 an order of the **executive director**~~[board]~~ refusing, suspending, or revoking a license
3 may within thirty (30) days after notice **of the order**~~[thereof]~~ appeal **it**~~[thereupon]~~ to
4 the Franklin Circuit Court. The appeal shall be determined by the court upon the
5 certified record and no new or additional evidence shall be heard or considered by
6 the court. Either party aggrieved by a final order entered by the court may appeal to
7 the Court of Appeals as in a civil action.

8 ➔Section 166. KRS 334A.070 is amended to read as follows:

9 (1) There is hereby created a Board of Speech-Language Pathology and Audiology
10 which shall consist of eight (8) members to be appointed by the Governor. Three (3)
11 members shall be audiologists, three (3) members shall be speech-language
12 pathologists, one (1) shall be an otolaryngologist, and one (1) member shall be a
13 citizen at large who is not associated with or financially interested in the practice or
14 business regulated. The audiologists and speech-language pathologists members
15 shall hold a Kentucky license from the board of speech-language pathology and
16 audiology and shall practice in Kentucky. One (1) of the speech-language
17 pathologist members shall be employed in the public schools of the
18 Commonwealth. The members of the board shall serve until the expiration of the
19 term for which they have been appointed or until their successors are qualified. All
20 appointments made shall be for a term of three (3) years except for appointments to
21 fill vacancies caused by a reason other than the expiration of a member's term which
22 shall be filled for the remaining portion of the member's term. No person shall be
23 appointed to serve more than two (2) consecutive terms.

24 ~~(2) [The board shall reorganize annually and select a chairman. Four (4) members of~~
25 ~~the board shall constitute a quorum to do business.]~~The board shall hold at least
26 **two (2)**~~[one (1)]~~ regular **meetings**~~[meeting]~~ each year. Additional meetings may be
27 held upon call of the chairman or at the written request of any two (2) members of

1 the board. All meetings of the board shall be open and public.

2 ➔Section 167. KRS 334A.080 is amended to read as follows:

- 3 (1) The board shall administer, coordinate, and enforce the provisions of this chapter,
4 evaluate the qualifications of applicants, supervise the examination of applicants,
5 and may issue subpoenas, examine witnesses, and administer oaths, and shall
6 investigate persons engaging in practices which violate the provisions of this
7 chapter.
- 8 (2) The board shall conduct administrative hearings in accordance with KRS Chapter
9 13B. Pursuant to KRS 13B.120(7), the executive director of the Behavioral
10 Health and Wellness Authority within the Department of Professional Licensing
11 shall hear and issue a final order regarding a decision of the board. Any person
12 aggrieved by a final order of the executive director~~board~~ may appeal to Franklin
13 Circuit Court.
- 14 (3) The board shall keep records and minutes as necessary and shall promulgate
15 responsible administrative regulations, including but not limited to, administrative
16 regulations which delineate qualifications for licensure and renewal of licensure and
17 which establish ethical standards of practice, and may amend or repeal the same.
- 18 (4) Every person who holds a license to practice speech-language pathology or
19 audiology in this state shall be governed and controlled by the rules of professional
20 conduct adopted by the board.
- 21 (5) The conferral or enumeration of specific powers elsewhere in this chapter shall not
22 be construed as a limitation of the general powers conferred by this section.
- 23 (6) The board shall fix appropriate and reasonable fees for licensing, and shall
24 periodically review and modify these fees as necessary.

25 ➔Section 168. 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 169. KRS 335.050 is amended to read as follows:

8 (1) There is hereby created the Kentucky Board of Social Work, consisting of seven (7)
9 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)
11 member shall be a licensed social worker under ~~the provisions of~~ KRS 335.010 to
12 335.160 and 335.990. One (1) member shall be a licensed clinical social worker
13 licensed under ~~the provisions of~~ KRS 335.010 to 335.160 and 335.990. Three (3)
14 members shall be persons licensed by the board at any level, at the discretion of the
15 Governor. One (1) member shall be a citizen at large who is not associated with or
16 financially interested in the practice or business regulated. With the exception of the
17 citizen at large, each member shall be appointed from a list of names of qualified
18 persons submitted by any interested parties. The Governor may request the
19 submission of additional names.

20 (2) Members of the board shall be appointed for terms of four (4) years, except
21 appointments to fill vacancies caused by a reason other than the expiration of a
22 member's term. A member shall not serve more than two (2) consecutive full
23 terms~~. A member currently serving on the board who has served more than two (2)~~
24 ~~consecutive full terms shall be replaced by the Governor in a timely manner. Upon~~
25 ~~recommendation of the board, made after notice and hearing, the Governor may~~
26 ~~remove any member of the board for incompetence, neglect of duty, or malfeasance~~
27 ~~in office.~~

1 ~~(3) All vacancies shall be filled by the Governor.~~

2 ~~(4) The board shall organize upon appointment and qualification of its members, and~~
3 ~~shall elect annually from its membership a chairman, vice chairman, and a secretary.~~
4 ~~The board shall meet as frequently as it deems necessary, but not less than two (2)~~
5 ~~times each year, at such times and places as the board designates. Additional~~
6 ~~meetings may be held upon call of the chairman or upon the written request of two~~
7 ~~(2) members of the board. Four (4) members of the board shall constitute a~~
8 ~~quorum].~~

9 ➔Section 170. KRS 335.060 is amended to read as follows:

10 The members of the board shall receive per diem compensation, not to exceed one
11 hundred twenty-five dollars (\$125), to be established by an administrative regulation
12 promulgated by the board~~. Members may be reimbursed for their reasonable necessary~~
13 ~~expenses incurred in the performance of their duties. Reimbursement shall not be made if~~
14 ~~available funds are insufficient for this purpose].~~

15 ➔Section 171. KRS 335.070 is amended to read as follows:

16 (1) (a) The board shall administer and enforce ~~the provisions of~~ KRS 335.010 to
17 335.160 and KRS 335.990, and shall evaluate applications and issue licenses
18 to qualified applicants within forty-five (45) days of submission of the
19 complete application packet and receipt of the official passing score report and
20 the licensure fee.

21 (b) Within fifteen (15) days of accepting an applicant's payment and application
22 packet, the board shall:

23 1. Notify the applicant that the application packet is complete, approve the
24 applicant to sit for the national examination, and issue a temporary
25 permit to engage in the practice of social work; or

26 2. Notify the applicant that the application packet is incomplete and, when
27 all omitted application items are received, notify the applicant of receipt

1 of the complete application packet, approve the applicant to sit for the
2 national examination, and issue a temporary permit to engage in the
3 practice of social work.

4 (c) The board shall evaluate the complete application packet and, within forty-
5 five (45) days, notify a qualified applicant of the issuance of the permanent
6 license pursuant to KRS 335.080, 335.090, or 335.100.

7 (d) If the board deems an applicant unqualified, the license may be denied and the
8 temporary permit to practice social work may be revoked.

9 (e) In order to be issued a temporary permit, an applicant shall have submitted:

10 1. A complete application packet as provided in this subsection, with the
11 exception of a passing score on the required examination; and

12 2. If applying for licensure as a certified social worker or as a licensed
13 clinical social worker, a letter from a licensed clinical social worker, or
14 equivalent, who will supervise the applicant while under temporary
15 permit in accordance with administrative regulations.

16 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
17 administer oaths, and investigate allegations of practices violating~~the provision of~~
18 KRS 335.010 to 335.160 and KRS 335.990.

19 (3) The board may promulgate administrative regulations pursuant to KRS Chapter
20 13A to carry out~~the provisions of~~ KRS 335.010 to 335.160 and KRS 335.990.

21 (4) The board may conduct hearings pursuant to KRS Chapter 13B and keep records
22 and minutes necessary to carry out the functions of KRS 335.010 to 335.160 and
23 KRS 335.990.

24 ~~(5) The board may employ any other persons it deems necessary to carry on the work of
25 the board, and shall define their duties and fix their compensation.~~

26 ~~(6)~~ The board may renew licenses and require continuing education as a condition for
27 license renewals, and shall authorize organizations to provide continuing education

1 programs, including but not limited to:

- 2 (a) Schools of social work accredited by the Council on Social Work Education;
 3 (b) The National Association of Social Workers-Kentucky Chapter; and
 4 (c) The Kentucky Society of Clinical Social Workers.

5 ~~(6)~~~~(7)~~ The board may, after a hearing conducted in accordance with KRS Chapter
 6 13B, revoke, suspend, or refuse to issue or renew; impose probationary or
 7 supervisory conditions upon; impose administrative fines; issue written reprimands
 8 and admonishments; or any combination of actions regarding licenses and licensees.

9 ~~(7)~~~~(8)~~ The board may seek injunctive relief in Franklin Circuit Court to stop the
 10 unlawful practice of social work by unlicensed persons.

11 ~~(8)~~~~(9)~~ The board may establish, by promulgation of administrative regulations, the
 12 requirements for temporary permits to practice social work.

13 ~~(9)~~~~(10)~~ The board may enter into agreements with any organization for the creation
 14 and implementation of a social work impairment program, as specified in the
 15 agreement.

16 ~~(10)~~~~(11)~~ The board shall refund any levied administrative assessments that it has
 17 received for practice by unlicensed individuals employed by organizations
 18 exempted from the application of KRS 335.010 to 335.160 and 335.990 by KRS
 19 335.010(5).

20 **(11) At least one (1) person assigned to serve as an administrator or staff member of**
 21 **the board under Section 4 of this Act shall have spent a minimum of five (5) years**

22 **as:**

23 **(a) A licensee in good standing with the board; or**

24 **(b) An employee, administrator, or staff member of the board.**

25 ➔Section 172. KRS 335.155 is amended to read as follows:

26 (1) Before revoking, suspending, imposing probationary or supervisory conditions
 27 upon, imposing an administrative fine, issuing a written reprimand, or any

1 combination of these actions regarding any license or licensee under~~the provisions~~
 2 ~~of~~ KRS 335.010 to 335.160 and 335.990, the board shall set the matter for hearing
 3 as provided by KRS Chapter 13B.

4 (2) After denying an application, refusing to renew a license, or issuing a written
 5 admonishment regarding any applicant, license, or licensee under~~the provisions~~
 6 ~~of~~ KRS 335.010 to 335.160 and 335.990, the board shall set the matter for hearing
 7 upon written request filed by the applicant or licensee within thirty (30) days of the
 8 date of the letter advising of the denial, refusal, or admonishment.

9 (3) **Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
 10 **Wellness Authority within the Department of Professional Licensing shall hear**
 11 **and issue a final order regarding a decision of the board.** Any party aggrieved by
 12 a final order of the **executive director**~~board~~ may appeal to Franklin Circuit Court
 13 as provided by KRS Chapter 13B.

14 ➔Section 173. KRS 335.310 is amended to read as follows:

15 (1) There is created the Kentucky Board of Licensure of Marriage and Family
 16 Therapists, **which**~~. Effective January 1, 1999, it~~ shall be composed of seven (7)
 17 members. Six (6) members shall be licensed marriage and family therapists. One (1)
 18 member shall be a citizen-at-large who is not associated with or financially
 19 interested in the practice or business of marriage and family therapy. All members
 20 shall be appointed by the Governor from a list of names of qualified persons
 21 submitted by any interested parties. The Governor may request the submission of
 22 additional names. Each member of the board shall serve for a term of four (4) years.

23 ~~(2) All reappointments to the board and vacancies on the board shall be filled by the~~
 24 ~~Governor as described in subsection (1) of this section.~~

25 ~~(3)~~ Each member of the board shall receive one hundred dollars (\$100) per day for each
 26 day spent performing official duties as a board member~~and reimbursement for~~
 27 ~~actual and necessary expenses incurred in carrying out official duties.~~

- 1 ~~(3)~~~~(4)~~ — The board shall annually elect a chair, a vice chair, and a secretary treasurer.
- 2 ~~(5)~~ — The board shall hold at least two (2) meetings annually and additional meetings as
- 3 the board may deem necessary. The additional meetings may be held upon call of
- 4 the chairperson or upon written request of two (2) board members. Four (4) board
- 5 members shall constitute a quorum.
- 6 ~~(6)~~ — Upon recommendation of the board, the Governor may remove any board member
- 7 for a poor attendance record, neglect of duty, or malfeasance in office.
- 8 ~~(7)~~ No board member shall serve more than two (2) consecutive full terms. A person
- 9 who has previously served two (2) consecutive terms may be reappointed to the
- 10 board if that person has not served in the preceding four (4) years.

11 ➔ Section 174. KRS 335.320 is amended to read as follows:

12 The board shall:

- 13 (1) Administer and enforce ~~the provisions of~~ this chapter and shall evaluate the
- 14 qualifications of license and permit applicants;
- 15 (2) Approve the examination required of applicants for licensure, provide for the
- 16 administration and grading of the examination, and provide for other matters
- 17 relating to licensure in the profession of marriage and family therapy;
- 18 (3) Review the credentials of licensees to determine if they are eligible for license
- 19 renewal and have paid the fee ***required by*** ~~provided for in~~ KRS 335.340;
- 20 (4) License the marriage and family therapist applicants who satisfy the experience and
- 21 educational requirements of KRS 335.330 and have paid the fee ***required***
- 22 ***by*** ~~provided for in~~ KRS 335.330;
- 23 (5) Review and approve contracts between marriage and family therapy associates and
- 24 approved supervisors for their supervision of practice during the qualifying term;
- 25 (6) Issue permits to marriage and family therapy associate applicants who satisfy the
- 26 requirements of KRS 335.332;
- 27 (7) Adopt a code of ethics for licensed marriage and family therapists and marriage and

1 family therapy associates;

2 (8) Submit an annual report to the Governor and to the Legislative Research
3 Commission by September~~January~~ 1 of each year, listing all hearings conducted
4 by the board and any decisions rendered; and

5 (9) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to
6 implement the purpose and scope of KRS 335.300 to 335.399.

7 ➔Section 175. KRS 335.325 is amended to read as follows:

8 The board may:

9 (1)~~Employ needed personnel;~~

10 ~~(2)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,
11 and investigate allegations of practices violating~~the provisions of~~ this chapter;

12 ~~(2)~~~~(3)~~ Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice
13 of marriage and family therapy by unlicensed persons;

14 ~~(3)~~~~(4)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes
15 necessary to carry out the functions of this chapter;

16 ~~(4)~~~~(5)~~ Suspend or revoke licenses or permits or impose supervisory or probationary
17 conditions upon licensees or permit holders, or impose administrative disciplinary
18 fines, issue written reprimands or admonishments, or any combination of these
19 actions~~thereof~~;

20 ~~(5)~~~~(6)~~ Grant retired or inactive licensure status under conditions set forth by the
21 board by the promulgation of administrative regulations;

22 ~~(6)~~~~(7)~~ Enter into reciprocal agreements with boards of marriage and family therapy
23 in other states having licensure qualifications and requirements that meet or exceed
24 those provided in this chapter;

25 ~~(7)~~~~(8)~~ Organize itself into two (2) panels to separate the functions of inquiry and
26 hearings. Each panel shall have the power to act as either an inquiry or hearing
27 panel. No member serving on the inquiry panel shall serve on the hearing panel for

1 any one particular case. Any final decision of the hearing panel shall be considered
2 as the final decision of the board and the hearing panel may exercise all powers
3 granted to the board pursuant to KRS Chapter 13B; and

4 ~~(8)(9)~~ Utilize mediation as a technique to resolve disciplinary matters.

5 ➔Section 176. KRS 335.342 is amended to read as follows:

6 (1) All fees and other moneys received by the board pursuant to~~the provisions of~~ this
7 chapter shall be deposited in the State Treasury to the credit of a revolving fund for
8 the use of the board.

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

11 (3) The compensation of board members~~and all of the board's employees~~ and all
12 expenses incurred by the board shall be paid from this revolving fund.

13 ➔Section 177. KRS 335.350 is amended to read as follows:

14 (1) Before revoking, suspending, imposing probationary or supervisory conditions
15 upon, imposing an administrative fine, issuing a written reprimand, or any
16 combination of these actions regarding any licensee or permit holder under~~the~~
17 ~~provisions of~~ KRS 335.300 to 335.399, the board shall set the matter for hearing as
18 provided by KRS Chapter 13B.

19 (2) After denying an application, refusing to renew a license or permit, or issuing a
20 written admonishment regarding any applicant, licensee, or permit holder under~~the~~
21 ~~provisions of~~ KRS 335.300 to 335.399, the board shall set the matter for hearing
22 upon written request filed by the applicant, licensee, or permit holder within thirty
23 (30) days of the date of the letter advising of the denial, refusal, or admonishment.

24 **(3) Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
25 **Wellness Authority within the Department of Professional Licensing shall hear**
26 **and issue a final order regarding any decision of the board.**

27 ➔Section 178. 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 Appointments and vacancies of counselor members shall be filled by the Governor
13 from a list of three (3) names for each position to be filled that is submitted by the
14 Kentucky Mental Health Counseling Association~~[. Vacancies shall be filled for the~~
15 ~~remainder of the unexpired terms and in the same manner as set out in this~~
16 ~~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 ~~(5)~~⁽⁹⁾ Each board member shall receive one hundred dollars (\$100) per day for each
 14 day of service actually given in carrying out *the board member's*^[his] duties under
 15 KRS 335.500 to 335.599~~], and shall also be reimbursed the necessary traveling,~~
 16 ~~hotel, and contingent expenses incurred in attending the meetings of the board and~~
 17 ~~in performing the duties of the board].~~

18 ➔Section 179. 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 credentials to qualified candidates.

4 (6) The board shall renew credentials subject to the provisions of KRS 335.535 and
5 shall require ten (10) continuing education hours as a condition for renewal each
6 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 ~~(12)~~ (11) The board may enter into reciprocal agreements with certified or licensed
20 professional counseling boards.

21 ➔Section 180. 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 181. KRS 335.550 is amended to read as follows:

2 *Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and*
3 *Wellness Authority within the Department of Professional Licensing shall hear and*
4 *issue a final order regarding a decision of the board.* Any party aggrieved by a
5 disciplinary action of the *executive director*~~[board]~~ may bring an action in Franklin
6 Circuit Court pursuant to the provisions of KRS Chapter 13B.

7 ➔Section 182. KRS 335.615 is amended to read as follows:

8 ~~The board shall meet at least twice a year. The board shall elect a chair at the fall~~
9 ~~meeting who shall serve a one (1) year term. The board shall~~:

- 10 (1) Approve or deny applications for licensure submitted according to ~~the provisions~~
11 ~~of~~ KRS 335.600 to 335.699;
- 12 (2) Approve the examination required of applicants for licensure, provide for the
13 administration and grading of the examination, and provide for other matters
14 relating to licensure in the profession of pastoral counseling as promulgated in
15 administrative regulations;
- 16 (3) Review the credentials of license holders to determine eligibility for license
17 renewal, including payment of fees authorized in KRS 335.625;
- 18 (4) License those pastoral counseling applicants who satisfy the requirements of KRS
19 335.600 to 335.699, including payment of fees authorized in KRS 335.620;
- 20 (5) Adopt a code of ethics for Kentucky licensed pastoral counselors by promulgation
21 of administrative regulations;
- 22 (6) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to
23 implement the purposes of KRS 335.600 to 335.699;
- 24 (7) Investigate suspected violations of KRS 335.600 to 335.699;
- 25 (8) Institute and maintain actions to restrain or enjoin persons who violate the licensure
26 provisions of KRS 335.600 to 335.699; and
- 27 (9) Submit an annual report to the Governor and to the Legislative Research

1 Commission by September~~January~~ 1 of each year, listing all hearings conducted
 2 by the board, any decisions rendered, and a current roster of all Kentucky licensed
 3 pastoral counselors.

4 ➔Section 183. KRS 335.635 is amended to read as follows:

5 Any person or organization, including the board upon its own volition, may file with the
 6 board a written complaint alleging a violation of~~any provision of~~ KRS 335.600 to
 7 335.699. The board shall cause the complaint to be investigated.

8 (1) If the investigation reveals evidence supporting the complaint, the board shall set
 9 the matter for hearing in accordance with~~the provisions of~~ KRS Chapter 13B
 10 before refusing to renew, revoking, reprimanding, imposing probation or an
 11 administrative fine, or any combination of actions regarding any license holder.

12 (2) After denying an application for licensure under KRS 335.600 to 335.699, the board
 13 may grant a hearing to the denied applicant in accordance with~~the provisions of~~
 14 KRS Chapter 13B.

15 (3) The board may reconsider, modify, or reverse its decision on any disciplinary
 16 action.

17 (4) **Pursuant to KRS 13B.120(7), the executive director of the Behavioral Health and**
 18 **Wellness Authority within the Department of Professional Licensing shall hear**
 19 **and issue a final order regarding a decision of the board.** Any party aggrieved by
 20 a disciplinary action of the executive director~~board~~ may bring an action in
 21 Franklin Circuit Court in accordance with~~the provisions of~~ KRS Chapter 13B.

22 ➔Section 184. The following KRS sections are repealed:

23 310.080 Licensure and certification until July 15, 1995, of applicants certified under
 24 prior law.

25 311.882 Issuance of certificate before July 1, 2005.

26 311B.060 Powers of board.

27 312.045 Suspending member of board.

- 1 312.065 Meetings of board -- Call of meetings, notice.
- 2 315.171 Compensation of board members and executive director.
- 3 319A.040 Meetings -- Quorum -- Officers.
- 4 319A.050 Executive secretary and assistants -- Expenditure of funds.
- 5 319A.060 Duties of executive secretary -- Bond.
- 6 322.260 Officers of board.
- 7 323.180 Election of officers.
- 8 323.200 Quorum.
- 9 323A.150 Membership of board.
- 10 323A.180 Election of officers.
- 11 323A.200 Quorum.
- 12 324.2811 Automatic removal of member from commission.
- 13 324.284 Employees -- Office -- Equipment and supplies.
- 14 324A.025 Chairman of board -- Meetings.
- 15 324A.060 Goods and services -- Administrative coordinator.
- 16 324B.010 Definitions for chapter.
- 17 324B.020 Department of Professional Licensing within Public Protection Cabinet.
- 18 324B.030 Department of Professional Licensing -- Services for boards and commissions
- 19 -- Charges -- Complaints -- Acceptance of personal checks in payment of license
- 20 renewal fees.
- 21 324B.040 Independent board or commission to use services of Department of
- 22 Professional Licensing -- Exemptions -- Report.
- 23 334.170 Department of Professional Licensing to provide assistance.
- 24 334A.100 Board members -- Expenses.
- 25 334A.110 Board to employ necessary personnel.