

1 AN ACT relating to health services.

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

3 ➔Section 1. KRS 311.380 is amended to read as follows:

4 As used in KRS 311.380 to 311.500~~[311.390 to 311.510, unless the context otherwise~~
5 ~~requires]:~~

6 (1) "Board" means the State Board of Podiatry;

7 (2) **"Physician assistant" has the same meaning as in Section 10 of this**
8 **Act;**~~["Podiatry" is that profession of the health sciences which deals with the~~
9 ~~examination, diagnosis, treatment, and prevention of diseases, conditions, and~~
10 ~~malfunctions affecting the human foot and its related or governing structures, by~~
11 ~~employment of medical, surgical, or other means;]~~

12 (3) **"Podiatric assistant" means a person licensed by the board to assist licensed**
13 **podiatrists with specific duties and tasks related to the practice of podiatry as**
14 **permitted by administrative regulations promulgated by the board;**

15 (4) **"Podiatric residency" means a program of supervised postgraduate clinical**
16 **training approved by the board for a licensed podiatric resident;**

17 (5) **"Podiatric resident" means a person licensed by the board and participating in a**
18 **podiatric residency;**

19 (6) **"Podiatric supervision" has the same meaning as in Section 10 of this Act;**

20 ~~(7)~~~~(3)~~ "Podiatrist" is a physician and surgeon who has graduated from a college of
21 podiatric medicine accredited by the Council on Podiatric Medical~~[Podiatry]~~
22 Education of the American Podiatric Medical~~[Podiatry]~~ Association or approved
23 by state licensing boards;

24 (8) **"Podiatry" is that profession of the health sciences which deals with the**
25 **examination, diagnosis, treatment, and prevention of diseases, conditions, and**
26 **malfunctions affecting the human foot and its related or governing structures by**
27 **employment of medical, surgical, or other means; and**

1 **(9) "Supervising podiatrist" has the same meaning as in Section 10 of this Act.**

2 ➔Section 2. KRS 311.400 is amended to read as follows:

3 **(1) A**~~[No]~~ person shall **not** profess to be a podiatrist,~~[or]~~ practice or assume the duties
4 incident to podiatry in this state, or use the title "podiatrist" or any words or letters
5 which designate or tend to designate to the public that the person is a podiatrist,
6 unless he **or she** holds a valid, current license from the board, registered in the
7 county in which the holder is engaged in such practice.

8 **(2) A licensed podiatric assistant may assist a licensed podiatrist with specific duties**
9 **and tasks related to the practice of podiatry if:**

10 **(a) Permitted by administrative regulations promulgated in accordance with**
11 **KRS Chapter 13A by the board; and**

12 **(b) Not otherwise prohibited by law.**

13 **(3) A licensed podiatric resident may engage in the practice of podiatry if:**

14 **(a) Required as a part of the podiatric residency program;**

15 **(b) The podiatric resident is practicing under the supervision of a licensed**
16 **podiatrist;**

17 **(c) Permitted by administrative regulations promulgated in accordance with**
18 **KRS Chapter 13A by the board; and**

19 **(d) Not otherwise prohibited by law.**

20 ➔Section 3. KRS 311.410 is amended to read as follows:

21 (1) There is hereby created in the government of the Commonwealth a State Board of
22 Podiatry which shall consist of five (5) members, each appointed by the Governor.
23 Four (4) members shall be appointed from lists of three (3) names for each position
24 submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen
25 at large who is not associated with or financially interested in the practice or
26 business regulated. Any vacancy shall be filled for the unexpired term by the
27 Governor, as provided in the original appointment.

- 1 (2) A person to be eligible for appointment as a podiatrist member of the board shall be
2 at least twenty-one (21) years of age, of good moral character, a resident of this
3 state, and a licensed practicing podiatrist in this state for at least five (5)
4 consecutive years next preceding the date of his or her appointment. ~~A~~~~[No]~~
5 member of the board shall not be a stockholder, officer, or member of the faculty or
6 board of trustees of any school, college, or institution of podiatry or chiropody.
- 7 (3) The terms of office of each member shall be four (4) years, or until his or her
8 successor shall be appointed and qualified.
- 9 (4) The board shall elect one (1) of its members as president and another of its
10 members as secretary. The secretary may, subject to approval by the board, employ
11 and fix the compensation of all personnel required for the administration of KRS
12 311.380 to 311.500~~[311.390 to 311.510]~~. The board may promulgate
13 administrative~~[make all rules and]~~ regulations in accordance with KRS Chapter
14 13A, not inconsistent with KRS 311.380 to 311.500~~[311.390 to 311.510]~~, as may be
15 necessary to implement and carry out the provisions and purposes of KRS 311.380
16 to 311.500~~[311.390 to 311.510]~~.
- 17 (5) The board shall hold meetings at least twice a year and as frequently as it deems
18 necessary at such times and places as the board may designate. A majority of the
19 members shall constitute a quorum.
- 20 (6) The board may sue and be sued in its own name.
- 21 (7) Members of the board shall be immune from suit in any civil or criminal action
22 which is based upon any official act or acts performed by them in good faith as
23 members of the board.
- 24 ➔Section 4. KRS 311.420 is amended to read as follows:
- 25 (1) The board shall conduct examinations at least twice a year at such times and places
26 as the board deems convenient for applicants for licenses to practice podiatry in this
27 state, and shall admit to examination any applicant who:

- 1 (a) Is at least eighteen (18) years of age;
- 2 (b) Is a citizen *or legal resident* of the United States and a resident of ~~the State of~~
3 ~~Kentucky;~~
- 4 (c) Is of good moral character and temperate habits; and
- 5 (d) Has completed a course in and graduated from a school or college of podiatry
6 approved by the board.
- 7 (2) The board shall prescribe the time, place, method, manner, scope, and content of
8 *board* examinations *for licenses to practice podiatry* ~~as relates to KRS 311.380(2);~~
9 ~~and the board may accept certified, successful National Board of Podiatry~~
10 ~~examinations in lieu of its written examination].~~
- 11 (3) Applicants for *board* examination shall present their credentials to the board by
12 mail upon forms furnished by the board~~;~~ and shall receive due notice of the place
13 and date of the *board* examination. Each application shall contain proof of the
14 qualifications required of the applicant, ~~shall~~ be verified by the applicant under
15 oath, and ~~shall~~ be accompanied by an examination fee set by the board.
- 16 (4) The board shall issue a license *to practice podiatry* to any person who: ~~complies~~
17 ~~with the provisions of KRS 311.380 to 311.510 and who satisfactorily passes the~~
18 ~~examination.]~~
- 19 *(a) 1. Satisfactorily passes the board examination; or*
20 *2. Provides certified evidence to the board directly from the National*
21 *Board of Podiatric Medical Examiners that he or she has passed all*
22 *parts of the American Podiatric Medical Licensing Examination*
23 *within the past ten (10) years;*
- 24 *(b) For any applicant seeking initial licensure after January 1, 2027, provides*
25 *evidence to the board directly from the sponsoring institution that he or she*
26 *has satisfactorily completed at least two (2) years of podiatric residency; and*
- 27 *(c) Fulfills all other licensure requirements under KRS 311.380 to 311.500 and*

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

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

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

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

12 *(7) The board may promulgate administrative regulations in accordance with KRS*
 13 *Chapter 13A relating to:*

14 *(a) The licensing and regulation of podiatric assistants;*

15 *(b) The licensing and regulation of podiatric residents and podiatric residency*
 16 *licenses; and*

17 *(c) The approval and regulation of supervising podiatrists who provide*
 18 *podiatric supervision of physician assistants in accordance with Section 11*
 19 *this Act.*

20 ➔Section 5. KRS 311.450 is amended to read as follows:

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

23 (2) On or before June 1 of each year, the board shall send notices to all licensed
 24 podiatrists in this state, at their last known addresses, advising them that the annual
 25 license renewal fee is due on July 1 of each year. Every registered podiatrist shall
 26 renew his *or her* license on or before July 1 of each year by the payment to the
 27 board of an annual license renewal fee which shall be a reasonable fee set by

1 administrative regulation of the board and upon submission of a statement of
 2 compliance with the continuing education regulations of the board. If such renewal
 3 fee is not paid or such statement of compliance is not submitted on or before July 1,
 4 the board shall notify the delinquent licensee by mail at his or her last known
 5 address that such fee and statement are past due and that a delinquent penalty fee is
 6 assessed, in addition to the renewal fee and that the renewal fee and penalty must be
 7 paid and the statement of compliance submitted on or before January 1. If such fees,
 8 penalties and statement are not submitted by January 1, it shall be the duty of the
 9 board to suspend or revoke the license for nonpayment of the annual renewal and
 10 delinquent fees or for failure to submit the statement of compliance for the current
 11 year.

12 (3) All fees collected under the provisions of KRS 311.380 to 311.500~~[311.510]~~, or the
 13 administrative~~[rules and]~~ regulations adopted pursuant thereto, shall be paid into
 14 the State Treasury~~[,]~~ and credited to a trust and agency fund to be used in defraying
 15 the costs and expenses in the administration of KRS 311.380 to 311.500~~[311.510]~~,
 16 including~~[,]~~ but not limited to~~[,]~~ salaries and necessary travel expenses.~~[No part of~~
 17 ~~this fund shall revert to the general funds of this Commonwealth.]~~

18 ➔Section 6. KRS 311.460 is amended to read as follows:

19 (1) Any person practicing or offering to practice podiatry shall practice under his or
 20 her own name only, as his or her name appears in his or her license.

21 (2) ~~A~~~~[No]~~ person practicing or offering to practice podiatry shall not use any title or
 22 abbreviation thereof except the designation "podiatrist." The term "foot doctor" and
 23 "chiropracist," or either of them, may be used in conjunction with the title
 24 "podiatrist," but not as a substitute therefor and not alone.

25 ➔Section 7. KRS 311.470 is amended to read as follows:

26 (1) Any person who practices podiatry shall display his or her license, together with
 27 the annual license renewal certificate, in a conspicuous place in the office in which

1 he or she practices.

2 (2) (a) ~~A~~^[No] person practicing or offering to practice podiatry shall not:

3 1. In any manner advertise the prices charged for his or her services; or
4 ~~[nor shall he]~~

5 2. Advertise in newspapers, in periodicals, by handbills or circulars, or in
6 bold-face type in any printed matter, or by the use of any form of
7 display sign.~~;~~

8 (b) Notwithstanding paragraph (a) of this subsection, a person practicing or
9 offering to practice podiatry~~[except that he]~~ may, upon opening an office or
10 upon change of address, mail or publish announcements to that effect
11 provided such announcements ~~[shall]~~ not appear more than three (3) times in
12 public print, and the form of such announcement is as~~[shall be]~~ determined by
13 the board.

14 ➔Section 8. KRS 311.475 is amended to read as follows:

15 The State Board of Podiatry is authorized in its sound discretion to:

16 (1) Enter into reciprocal agreements with podiatry examining boards of other states,
17 having qualifications and standards at least as high as those of this state, providing
18 for reciprocal licensure without further examination of persons who have been duly
19 licensed upon written examination. Approval of such agreements by the Governor,
20 or any other officer or agency of this state, shall not be required.

21 (2) Issue podiatry licenses by reciprocity or endorsement, and without further
22 examination, to persons who have been duly licensed upon written examination in
23 another state having qualifications and standards at least as high as those of this
24 state, or who provide certified evidence to the board directly from the National
25 Board of Podiatric Medical Examiners that he or she has passed all parts of the
26 American Podiatric Medical Licensing Examination within the past ten (10)
27 years~~[have successfully passed an examination conducted by the National Board of~~

1 ~~Podiatry Examiners}~~.

2 ➔Section 9. KRS 311.480 is amended to read as follows:

3 The board may refuse to license or renew, or may suspend, probate, or revoke the license
4 of any podiatrist, podiatric resident, podiatric assistant, or in addition to such refusal,
5 suspension, probation, or revocation, ~~[punishment]~~ or in lieu thereof, may impose a fine
6 not to exceed five hundred dollars (\$500) for each offense, upon proof that he or she:

- 7 (1) Has been convicted of a felony, if in accordance with KRS Chapter 335B;
- 8 (2) Has been convicted of a misdemeanor, if in accordance with KRS Chapter 335B;
- 9 (3) Has employed, hired, procured or induced a person not licensed to practice podiatry
10 in this state so to practice;
- 11 (4) Has aided or abetted in the practice of podiatry a person not licensed to practice
12 podiatry in this state;
- 13 (5) Has been granted a license upon a mistake of a material fact;
- 14 (6) Has violated any provision of KRS 311.380 to 311.500 ~~[311.390 to 311.510]~~;
- 15 (7) Has become drug addicted;
- 16 (8) Has become a chronic or persistent alcoholic;
- 17 (9) Has developed such physical or mental disability, or other condition whereby
18 continued practice is dangerous to patients or to the public;
- 19 (10) Has violated any order of suspension, or the terms or the conditions of any order of
20 probation, issued by the board;
- 21 (11) Has engaged in, or attempted to engage in the practice of podiatry under a false or
22 assumed name;
- 23 (12) Has willfully violated a confidential communication;
- 24 (13) Has acted in a grossly negligent or willful manner which is inconsistent with the
25 practice of podiatry;
- 26 (14) Is unfit or incompetent to practice podiatry by reason of gross negligence or other
27 causes including but not limited to being unable to practice podiatry with

1 reasonable skill or safety;

2 (15) Has a license to practice as a podiatrist denied, limited, suspended, probated, or
3 revoked in another jurisdiction on grounds sufficient to cause a license to be denied,
4 limited, suspended, probated, or revoked in this Commonwealth; or

5 (16) Has engaged in conduct likely to deceive or defraud the public.

6 ➔Section 10. KRS 311.840 is amended to read as follows:

7 As used in KRS 311.840 to 311.862:

8 (1) "Board" means the Kentucky Board of Medical Licensure;

9 (2) "Complaint" means a formal administrative pleading that sets forth charges against
10 a physician assistant and commences a formal disciplinary proceeding;

11 (3) "Physician assistant" means a person licensed under KRS 311.840 to 311.862 who:

12 (a) Has graduated from a physician assistant or surgeon assistant program
13 accredited by the Accreditation Review Commission on Education for
14 Physician Assistants or its predecessor or successor agencies and has passed
15 the certifying examination administered by the National Commission on
16 Certification of Physician Assistants or its predecessor or successor agencies;
17 or

18 (b) Possesses a current physician assistant certificate issued by the board prior to
19 July 15, 2002;

20 (4) "Podiatric supervision" means overseeing the activities of and accepting
21 responsibility for the podiatric services rendered by a physician assistant. Each
22 team of podiatrists and physician assistants shall ensure that the delegation of
23 podiatric tasks is appropriate to the physician assistant's level of training and
24 experience, that the identification of and access to the supervising podiatrist are
25 clearly defined, and that a process for evaluation of the physician assistant's
26 performance is established;

27 (5) "Supervising physician" means a physician licensed by the board who supervises

1 one (1) or more physician assistants;

2 ~~(6)~~⁽⁵⁾ "Supervising physician in anesthesia" means a physician licensed by the board
3 who has completed postgraduate training in anesthesiology at an anesthesiology
4 program accredited by the Accreditation Council for Graduate Medical Education
5 or its equivalent; ~~and~~

6 ~~(7)~~⁽⁶⁾ "Supervising podiatrist" means a podiatrist approved by the board and the
7 State Board of Podiatry to provide podiatric supervision for one (1) or more
8 physician assistants; and

9 ~~(8)~~ "Supervision" means overseeing the activities of and accepting of responsibility for
10 the medical services rendered by a physician assistant. Each team of physicians and
11 physician assistants shall ensure that the delegation of medical tasks is appropriate
12 to the physician assistant's level of training and experience, that the identifications
13 of and access to the supervising physician are clearly defined, and that a process for
14 evaluation of the physician assistant's performance is established.

15 ➔SECTION 11. A NEW SECTION OF KRS 311.840 TO 311.862 IS CREATED
16 TO READ AS FOLLOWS:

17 (1) A podiatrist shall not supervise a physician assistant without approval of the
18 board and the State Board of Podiatry. Failure to obtain approval as a
19 supervising podiatrist or failure to comply with the requirements of KRS 311.840
20 to 311.862 or related administrative regulations shall be considered
21 unprofessional conduct and may result in revocation, suspension, restriction, or
22 placing on probation the supervising podiatrist's right to supervise a physician
23 assistant.

24 (2) To be approved by the board as a supervising podiatrist, a podiatrist shall:

25 (a) Be currently licensed and in good standing with the State Board of
26 Podiatry;

27 (b) Maintain a practice primarily within this Commonwealth;

- 1 (c) Submit a completed application and the required fee to the board. The
2 application shall include but is not limited to:
- 3 1. A description of the nature of the podiatrist's practice;
4 2. A statement of assurance by the supervising podiatrist that the scope
5 of medical services and procedures described in the application or in
6 any supplemental information shall not exceed the normal scope of
7 practice of the supervising podiatrist;
8 3. A description of the means by which the podiatrist shall maintain
9 communication with the physician assistant when they are not in the
10 same physical location;
11 4. A description of the scope of podiatric services and procedures to be
12 performed by the physician assistant for which the physician assistant
13 has been trained in an approved program; and
14 5. An outline of the specific parameters for review of countersignatures.
- 15 (3) Prior to a physician assistant performing any service or procedure beyond those
16 described in the initial application submitted to the board under subsection (2)(c)
17 of this section, the supervising podiatrist shall supplement that application with
18 information that includes but is not limited to:
- 19 (a) A description of the additional podiatric service or procedure;
20 (b) A description of the physician assistant's education, training, experience,
21 and institutional credentialing;
22 (c) A description of the level of podiatric supervision to be provided for the
23 additional podiatric service or procedure;
24 (d) The location or locations where the additional podiatric service or
25 procedure will be provided; and
26 (e) Any changes to the specific parameters for review of countersignatures.
27 The initial and supplemental applications required under this section may be

1 submitted to the board at the same time.

2 (4) A podiatrist may enter into podiatric supervision agreements with no more than
 3 four (4) physician assistants and shall not supervise more than four (4) physician
 4 assistants at any one (1) time. Application for board approval to be a supervising
 5 podiatrist shall be obtained individually for each physician assistant.

6 (5) The board may impose restrictions on the scope of practice of a physician
 7 assistant or on the methods of podiatric supervision upon consideration of
 8 recommendations of the Physician Assistant Advisory Committee established in
 9 KRS 311.842 after providing the applicant with reasonable notice of its intended
 10 action and after providing a reasonable opportunity to be heard.

11 (6) A supervising podiatrist shall be responsible for all duties of a supervising
 12 physician as required under KRS 311.856 as those duties relate to the practice of
 13 podiatry and podiatric supervision.

14 ➔Section 12. KRS 311.390 is amended to read as follows:

15 KRS 311.380 to 311.500~~[311.510]~~, shall not apply to:

16 (1) Any person manufacturing or selling, as merchandise in a duly established
 17 mercantile establishment, shoes or appliances designed and intended to equalize
 18 pressure on different parts of the foot, or the sale by any licensed druggist of
 19 plasters, salves, and lotions for corns, warts, callosities and bunions, provided such
 20 persons shall make no diagnosis or recommendation and shall prescribe no remedy
 21 or treatment;

22 (2) Or interfere in any manner with the practice of any person whose religion treats or
 23 administers to the sick or suffering by purely spiritual means, nor with any
 24 individual's selection of any such person;

25 (3) Physicians licensed by the State Board of Medical Examiners of this state;

26 (4) Surgeons of the United States Army, Navy, United States Department of Veterans
 27 Affairs, and United States Public Health Service, when in actual performance of

1 their official duties.

2 ➔Section 13. KRS 311.490 is amended to read as follows:

- 3 (1) A suspension, probation, or revocation of a license, or a refusal to renew a license,
4 may be made or a fine imposed by the board only after a hearing which shall be
5 conducted in accordance with KRS Chapter 13B.
- 6 (2) The board may institute, in its own name, proceedings to temporarily or
7 permanently restrain and enjoin violations of KRS 311.380 to 311.500~~[311.510]~~,
8 regardless of whether the defendant has been convicted for violations of the penal
9 provisions thereof, and shall not be required to pay any cost or filing fees or furnish
10 any bond in connection therewith. Violations of injunctions and restraining orders
11 shall be punished as a contempt without the intervention of a jury.
- 12 (3) A licensee whose license has been revoked, probated, or suspended, or against
13 whom a fine has been imposed by the board, or who has been refused a renewal
14 license, may appeal a final order of the board to the Circuit Court of the county in
15 which the hearing was held.

16 ➔Section 14. KRS 311.495 is amended to read as follows:

- 17 (1) County and Commonwealth's attorneys and the Attorney General, within their
18 respective jurisdictions, shall prosecute all violations of the penal provisions of
19 KRS 311.380 to 311.500~~[311.510]~~ and shall, when requested by the board,
20 represent the board in matters relating to the enforcement of KRS 311.380 to
21 311.500~~[311.510]~~.
- 22 (2) For the purpose of enforcing the provisions of KRS 311.380 to 311.500~~[311.510]~~,
23 the investigators, inspectors, representatives and agents of the board shall have the
24 full power and authority of peace officers in this state, and shall have the power and
25 authority to administer oaths, to enter upon premises at all times for the purpose of
26 making inspections, to seize evidence, to interrogate all persons, and to require the
27 production of books, papers, documents or other evidence.

1 ➔Section 15. KRS 311.990 is amended to read as follows:

- 2 (1) Any person who violates KRS 311.250 shall be guilty of a violation.
- 3 (2) Any college or professor thereof violating the provisions of KRS 311.300 to
4 311.350 shall be civilly liable on his or her bond for a sum not less than one
5 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
6 violation, which may be recovered by an action in the name of the Commonwealth.
- 7 (3) Any person who presents to the county clerk for the purpose of registration any
8 license which has been fraudulently obtained, or obtains any license under KRS
9 311.380 to 311.500~~[311.510]~~ by false or fraudulent statement or representation, or
10 practices podiatry under a false or assumed name or falsely impersonates another
11 practitioner or former practitioner of a like or different name, or aids and abets any
12 person in the practice of podiatry within the state without conforming to the
13 requirements of KRS 311.380 to 311.500~~[311.510]~~, or otherwise violates or
14 neglects to comply with any of the provisions of KRS 311.380 to 311.500~~[311.510]~~,
15 shall be guilty of a Class A misdemeanor. Each case of practicing podiatry in
16 violation of the provisions of KRS 311.380 to 311.500~~[311.510]~~ shall be considered
17 a separate offense.
- 18 (4) Each violation of KRS 311.560 shall constitute a Class D felony.
- 19 (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under
20 this subsection of a holder of a license or permit shall result automatically in
21 permanent revocation of such license or permit.
- 22 (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or
23 interfering with the board or any of its members, or of any officer, agent, inspector,
24 or investigator of the board or the Cabinet for Health and Family Services, in the
25 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
26 A misdemeanor.
- 27 (7) Each violation of KRS 311.375(1) shall, for the first offense, be a Class B

1 misdemeanor, and, for each subsequent offense shall be a Class A misdemeanor.

2 (8) Each violation of KRS 311.375(2) shall, for the first offense, be a violation, and, for
3 each subsequent offense, be a Class B misdemeanor.

4 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
5 separate offense.

6 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
7 the requirements of KRS 311.723(1) shall be guilty of a Class D felony.

8 (b) Any person who intentionally, knowingly, or recklessly violates the
9 requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.

10 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
11 311.765 shall be guilty of a Class D felony. However, a physician shall
12 not be guilty of the criminal offense if the partial-birth abortion was
13 necessary to save the life of the mother whose life was endangered by a
14 physical disorder, illness, or injury.

15 2. A physician may seek a hearing before the State Board of Medical
16 Licensure on whether the physician's conduct was necessary to save the
17 life of the mother whose life was endangered by a physical disorder,
18 illness, or injury. The board's findings, decided by majority vote of a
19 quorum, shall be admissible at the trial of the physician. The board shall
20 promulgate administrative regulations to carry out the provisions of this
21 subparagraph.

22 3. Upon a motion of the physician, the court shall delay the beginning of
23 the trial for not more than thirty (30) days to permit the hearing, referred
24 to in subparagraph 2. of this paragraph, to occur.

25 (b) Any person other than a physician who performs a partial-birth abortion shall
26 not be prosecuted under this subsection but shall be prosecuted under
27 provisions of law which prohibit any person other than a physician from

- 1 performing any abortion.
- 2 (c) No penalty shall be assessed against the woman upon whom the partial-birth
3 abortion is performed or attempted to be performed.
- 4 (12) (a) Except as provided in KRS 311.732(12), any person who intentionally,
5 knowingly, or recklessly performs an abortion upon a minor without obtaining
6 the required consent pursuant to KRS 311.732 shall be guilty of a Class D
7 felony.
- 8 (b) Except as provided in paragraph (a) of this subsection, any person who
9 intentionally or knowingly fails to conform to any requirement of KRS
10 311.732 is guilty of a Class A misdemeanor.
- 11 (c) Any person who negligently releases information or documents which are
12 confidential under KRS 311.732 is guilty of a Class B misdemeanor.
- 13 (13) Any person who performs an abortion upon a married woman either with
14 knowledge or in reckless disregard of whether KRS 311.735 applies to her and who
15 intentionally, knowingly, or recklessly fails to conform to the requirements of KRS
16 311.735 shall be guilty of a Class D felony.
- 17 (14) Any person convicted of violating KRS 311.750 shall be guilty of a Class B felony.
- 18 (15) Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.
- 19 (16) Any person who violates KRS 311.770 shall be guilty of a Class D felony.
- 20 (17) Except as provided in KRS 311.787(3), any person who intentionally violates KRS
21 311.787 shall be guilty of a Class D felony.
- 22 (18) A person convicted of violating KRS 311.780 shall be guilty of a Class C felony.
- 23 (19) Except as provided in KRS 311.782(6), any person who intentionally violates KRS
24 311.782 shall be guilty of a Class D felony.
- 25 (20) Any person who violates KRS 311.783(1) shall be guilty of a Class B
26 misdemeanor.
- 27 (21) Any person who violates KRS 311.7705(1) is guilty of a Class D felony.

- 1 (22) Any person who violates KRS 311.7706(1) is guilty of a Class D felony.
- 2 (23) Except as provided in KRS 311.731(7), any person who violates KRS 311.731(2)
3 shall be guilty of a Class D felony.
- 4 (24) Any physician, physician assistant, advanced practice registered nurse, nurse, or
5 other healthcare provider who intentionally violates KRS 311.823(2) shall be guilty
6 of a Class D felony. As used in this subsection, "healthcare provider" has the same
7 meaning as in KRS 311.821.
- 8 (25) Any person who violates KRS 311.810 shall be guilty of a Class A misdemeanor.
- 9 (26) Any professional medical association or society, licensed physician, or hospital or
10 hospital medical staff who shall have violated the provisions of KRS 311.606 shall
11 be guilty of a Class B misdemeanor.
- 12 (27) Any administrator, officer, or employee of a publicly owned hospital or publicly
13 owned health care facility who performs or permits the performance of abortions in
14 violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.
- 15 (28) Any person who violates KRS 311.905(3) shall be guilty of a violation.
- 16 (29) Any person who violates the provisions of KRS 311.820 shall be guilty of a Class A
17 misdemeanor.
- 18 (30) Any person who fails to test organs, skin, or other human tissue which is to be
19 transplanted, or violates the confidentiality provisions required by KRS 311.281,
20 shall be guilty of a Class A misdemeanor.
- 21 (31) Any person who sells or makes a charge for any transplantable organ shall be guilty
22 of a Class D felony.
- 23 (32) Any person who offers remuneration for any transplantable organ for use in
24 transplantation into himself or herself shall be fined not less than five thousand
25 dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).
- 26 (33) Any person brokering the sale or transfer of any transplantable organ shall be guilty
27 of a Class C felony.

1 (34) Any person charging a fee associated with the transplantation of a transplantable
2 organ in excess of the direct and indirect costs of procuring, distributing, or
3 transplanting the transplantable organ shall be fined not less than fifty thousand
4 dollars (\$50,000) nor more than five hundred thousand dollars (\$500,000).

5 (35) Any hospital performing transplantable organ transplants which knowingly fails to
6 report the possible sale, purchase, or brokering of a transplantable organ shall be
7 fined not less than ten thousand dollars (\$10,000) or more than fifty thousand
8 dollars (\$50,000).

9 (36) (a) Any physician or qualified technician who violates KRS 311.727 shall be
10 fined not more than one hundred thousand dollars (\$100,000) for a first
11 offense and not more than two hundred fifty thousand dollars (\$250,000) for
12 each subsequent offense.

13 (b) In addition to the fine, the court shall report the violation of any physician, in
14 writing, to the Kentucky Board of Medical Licensure for such action and
15 discipline as the board deems appropriate.

16 (37) Any person who violates KRS 311.691 shall be guilty of a Class B misdemeanor
17 for the first offense, and a Class A misdemeanor for a second or subsequent offense.
18 In addition to any other penalty imposed for that violation, the board may, through
19 the Attorney General, petition a Circuit Court to enjoin the person who is violating
20 KRS 311.691 from practicing genetic counseling in violation of the requirements of
21 KRS 311.690 to 311.700.

22 (38) Any person convicted of violating KRS 311.728 shall be guilty of a Class D felony.

23 (39) (a) A person who intentionally, knowingly, or recklessly violates KRS 311.7731
24 to 311.7739 is guilty of a Class D felony.

25 (b) No criminal penalty may be assessed against a pregnant patient upon whom a
26 drug-induced abortion is attempted, induced, or performed.

27 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) (a) The Kentucky Department of Education, in coordination with the
3 Department for Public Health, the Kentucky Board of Licensed Diabetes
4 Educators, or any other entity the department deems appropriate, shall
5 develop Type 1 diabetes informational materials for the parents and
6 guardians of students. The informational materials shall include but not be

7 limited to a:

8 1. Description of Type 1 diabetes;

9 2. Description of the risk factors and warning signs associated with Type
10 1 diabetes;

11 3. Description of the need for screening for early detection of Type 1
12 diabetes using a blood autoantibody test; and

13 4. Recommendation for parents and guardians to immediately consult
14 with their child's primary care provider to develop an appropriate
15 treatment plan if they believe that their child displays warning signs
16 associated with Type 1 diabetes or has received positive early detection
17 screening results. Parents and guardians shall be advised that a
18 treatment plan may include consultation with, and examination by, a
19 specialty health care provider licensed to practice medicine or
20 osteopathy, including but not limited to an endocrinologist.

21 (b) The department shall make the informational materials required by this
22 subsection available to school districts at no cost on the department's
23 website.

24 (2) Each local board of education and public charter school board of directors shall
25 make the Type 1 diabetes informational materials developed in accordance with
26 subsection (1) of this section available on the school or school district website, in
27 the main front entrance of each school, and in each family resource and youth

1 services center.