

1 AN ACT relating to professional licensing background checks.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 319 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) The board shall require a national and state criminal background investigation*  
6 *for every:*

7 *(a) Applicant seeking an initial license issued by the board permitting the*  
8 *applicant to engage in a profession authorized by the board;*

9 *(b) Applicant seeking to reinstate a license; and*

10 *(c) Kentucky credential holder who applies for authorization to engage in the*  
11 *practice of psychology outside this Commonwealth in accordance with the*  
12 *IPC.*

13 *(2) The criminal background investigation under subsection (1) of this section shall*  
14 *be by means of a fingerprint check by the Department of Kentucky State Police*  
15 *and Federal Bureau of Investigation pursuant to the following requirements:*

16 *(a) The board shall require each applicant described in subsection (1) of this*  
17 *section to provide a complete and legible set of fingerprints to the*  
18 *Department of Kentucky State Police for submission to the Federal Bureau*  
19 *of Investigation for a national criminal background check after a state*  
20 *criminal background check is conducted;*

21 *(b) The results of the national and state criminal background check shall be*  
22 *sent to the board for the screening of applicants;*

23 *(c) The results of a national and state criminal background check shall not be*  
24 *distributed or otherwise released by the board, except that the board:*

25 *1. Shall provide any applicant or credential holder the results of his or*  
26 *her national and state criminal background check upon request; and*

27 *2. May introduce the results under seal as evidence in a legal proceeding*

1 that involves a challenge to any disciplinary action taken by the board  
2 based in whole or in part on information contained in the results; and

3 (d) Any fee charged by the Department of Kentucky State Police or for the  
4 Federal Bureau of Investigation background check shall be an amount no  
5 greater than the actual cost of processing the request and conducting the  
6 background check.

7 (3) The board shall review the criminal background check results for every person  
8 described in subsection (1)(c) of this section and determine whether the person is  
9 eligible to apply for the compact privilege to practice outside the Commonwealth.

10 (4) The board may require a criminal background check for any credential holder  
11 who is the subject of a grievance alleging misconduct by the credential holder as  
12 described in KRS 319.082.

13 (5) Unless otherwise required by law, the board shall not require a criminal  
14 background check solely for the purpose of renewing a license.

15 (6) The board shall promulgate administrative regulations in accordance with KRS  
16 Chapter 13A to implement this section.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 319A IS CREATED TO  
18 READ AS FOLLOWS:

19 (1) The board shall require a national and state criminal background investigation  
20 for every:

21 (a) Applicant seeking an initial license issued by the board permitting the  
22 applicant to engage in a profession authorized by the board;

23 (b) Applicant seeking to reinstate a license; and

24 (c) Person licensed to engage in a profession authorized by the board who  
25 applies for authorization to engage in the practice of occupational therapy  
26 outside this Commonwealth in accordance with the occupational therapy  
27 licensure compact.

- 1 (2) The criminal background investigation under subsection (1) of this section shall  
2 be by means of a fingerprint check by the Department of Kentucky State Police  
3 and Federal Bureau of Investigation pursuant to the following requirements:
- 4 (a) The board shall require each applicant described in subsection (1) of this  
5 section to provide a complete and legible set of fingerprints to the  
6 Department of Kentucky State Police for submission to the Federal Bureau  
7 of Investigation for a national criminal background check after a state  
8 criminal background check is conducted;
- 9 (b) The results of the national and state criminal background check shall be  
10 sent to the board for the screening of applicants;
- 11 (c) The results of a national and state criminal background check shall not be  
12 distributed or otherwise released by the board, except that the board:
- 13 1. Shall provide any applicant or credential holder the results of his or  
14 her national and state criminal background check upon request; and
- 15 2. May introduce the results under seal as evidence in a legal proceeding  
16 that involves a challenge to any disciplinary action taken by the board  
17 based in whole or in part on information contained in the results; and
- 18 (d) Any fee charged by the Department of Kentucky State Police or for the  
19 Federal Bureau of Investigation background check shall be an amount no  
20 greater than the actual cost of processing the request and conducting the  
21 background check.
- 22 (3) The board shall review the criminal background check results for every person  
23 described in subsection (1)(c) of this section and determine whether the person is  
24 eligible to apply for the compact privilege to practice outside this Commonwealth.
- 25 (4) The board may require a criminal background check for any person licensed to  
26 engage in a profession authorized by the board who is the subject of a complaint  
27 alleging unprofessional conduct as described in KRS 319A.190.

1 (5) Unless otherwise required by law, the board shall not require a criminal  
2 background check solely for the purpose of renewing a license.

3 (6) The board shall promulgate administrative regulations in accordance with KRS  
4 Chapter 13A to implement this section.

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 334A IS CREATED TO  
6 READ AS FOLLOWS:

7 (1) The board shall require a national and state criminal background investigation  
8 for every:

9 (a) Applicant seeking an initial license issued by the board permitting the  
10 applicant to engage in a profession authorized by the board;

11 (b) Applicant seeking to reinstate a license; and

12 (c) Person licensed to engage in a profession authorized by the board who  
13 applies for authorization to engage in the practice of audiology or practice  
14 of speech pathology outside this Commonwealth in accordance with the  
15 audiology and speech-language pathology interstate compact.

16 (2) The criminal background investigation under subsection (1) of this section shall  
17 be by means of a fingerprint check by the Department of Kentucky State Police  
18 and Federal Bureau of Investigation pursuant to the following requirements:

19 (a) The board shall require each applicant described in subsection (1) of this  
20 section to provide a complete and legible set of fingerprints to the  
21 Department of Kentucky State Police for submission to the Federal Bureau  
22 of Investigation for a national criminal background check after a state  
23 criminal background check is conducted;

24 (b) The results of the national and state criminal background check shall be  
25 sent to the board for the screening of applicants;

26 (c) The results of a national and state criminal background check shall not be  
27 distributed or otherwise released by the board, except that the board:

- 1           1. Shall provide any applicant or credential holder the results of his or  
2           her national and state criminal background check upon request; and  
3           2. May introduce the results under seal as evidence in a legal proceeding  
4           that involves a challenge to any disciplinary action taken by the board  
5           based in whole or in part on information contained in the results; and  
6           (d) Any fee charged by the Department of Kentucky State Police or for the  
7           Federal Bureau of Investigation background check shall be an amount no  
8           greater than the actual cost of processing the request and conducting the  
9           background check.  
10          (3) The board shall review the criminal background check results for every person  
11          described in subsection (1)(c) of this section and determine whether the person is  
12          eligible to apply for the compact privilege to practice outside this Commonwealth.  
13          (4) The board may require a criminal background check for any person licensed to  
14          engage in a profession authorized by the board who is the subject of a complaint  
15          alleging prohibited conduct as described in KRS 334A.175.  
16          (5) Unless otherwise required by law, the board shall not require a criminal  
17          background check solely for the purpose of renewing a license.  
18          (6) The board shall promulgate administrative regulations in accordance with KRS  
19          Chapter 13A to implement this section.

20           ➔SECTION 4. A NEW SECTION OF KRS 335.010 TO 335.160 IS CREATED  
21 TO READ AS FOLLOWS:

- 22          (1) The board shall require a national and state criminal background investigation  
23          for every:  
24          (a) Applicant seeking an initial license issued by the board permitting the  
25          applicant to engage in a profession authorized by the board;  
26          (b) Applicant seeking to reinstate a license; and  
27          (c) Person licensed to engage in a profession authorized by the board who

- 1 applies for authorization to engage in the practice of social work outside  
2 this Commonwealth in accordance with the social work licensure compact.
- 3 (2) The criminal background investigation under subsection (1) of this section shall  
4 be by means of a fingerprint check by the Department of Kentucky State Police  
5 and Federal Bureau of Investigation, pursuant to the following requirements:
- 6 (a) The board shall require each applicant described in subsection (1) of this  
7 section to provide a complete and legible set of fingerprints to the  
8 Department of Kentucky State Police for submission to the Federal Bureau  
9 of Investigation for a national criminal background check after a state  
10 criminal background check is conducted;
- 11 (b) The results of the national and state criminal background check shall be  
12 sent to the board for the screening of applicants;
- 13 (c) The results of a national and state criminal background check shall not be  
14 distributed or otherwise released by the board, except that the board:
- 15 1. Shall provide any applicant or credential holder the results of his or  
16 her national and state criminal background check upon request; and
- 17 2. May introduce the results under seal as evidence in a legal proceeding  
18 that involves a challenge to any disciplinary action taken by the board  
19 based in whole or in part on information contained in the results; and
- 20 (d) Any fee charged by the Department of Kentucky State Police or for the  
21 Federal Bureau of Investigation background check shall be an amount no  
22 greater than the actual cost of processing the request and conducting the  
23 background check.
- 24 (3) The board shall review the criminal background check results for every person  
25 described in subsection (1)(c) of this section and determine whether the person is  
26 eligible to apply for the compact privilege to practice outside this Commonwealth.
- 27 (4) The board may require a criminal background check for any person licensed to

1 engage in a profession authorized by the board who is the subject of a grievance  
2 alleging prohibited conduct as described in KRS 335.150.

3 (5) Unless otherwise required by law, the board shall not require a criminal  
4 background check solely for the purpose of renewing a license.

5 (6) The board shall promulgate administrative regulations in accordance with this  
6 section and KRS Chapter 13A to implement this section.

7 ➔SECTION 5. A NEW SECTION OF KRS 335.500 TO 335.599 IS CREATED  
8 TO READ AS FOLLOWS:

9 (1) The board shall require a national and state criminal background investigation  
10 for every:

11 (a) Applicant seeking an initial license issued by the board permitting the  
12 applicant to engage in a profession authorized by the board;

13 (b) Applicant seeking to reinstate a license; and

14 (c) Credential holder licensed to engage in a profession authorized by the board  
15 who applies for authorization to engage in the practice of professional  
16 counseling outside this Commonwealth in accordance with the counseling  
17 compact.

18 (2) The criminal background investigation under subsection (1) of this section shall  
19 be by means of a fingerprint check by the Department of Kentucky State Police  
20 and Federal Bureau of Investigation pursuant to the following requirements:

21 (a) The board shall require each applicant described in subsection (1) of this  
22 section to provide a complete and legible set of fingerprints to the  
23 Department of Kentucky State Police for submission to the Federal Bureau  
24 of Investigation for a national criminal background check after a state  
25 criminal background check is conducted;

26 (b) The results of the national and state criminal background check shall be  
27 sent to the board for the screening of applicants;

- 1        (c) The results of a national and state criminal background check shall not be  
2        distributed or otherwise released by the board, except that the board:  
3        1. Shall provide any applicant or credential holder the results of his or  
4        her national and state criminal background check upon request; and  
5        2. May introduce the results under seal as evidence in a legal proceeding  
6        that involves a challenge to any disciplinary action taken by the board  
7        based in whole or in part on information contained in the results; and  
8        (d) Any fee charged by the Department of Kentucky State Police or for the  
9        Federal Bureau of Investigation background check shall be an amount no  
10       greater than the actual cost of processing the request and conducting the  
11       background check.
- 12       (3) The board shall review the criminal background check results for every person  
13       described in subsection (1)(c) of this section and determine whether the person is  
14       eligible to apply for the compact privilege to practice outside this Commonwealth.
- 15       (4) The board may require a criminal background check for any person licensed to  
16       engage in a profession authorized by the board who is the subject of a complaint  
17       alleging prohibited conduct as described in KRS 335.540.
- 18       (5) Unless otherwise required by law, the board shall not require a criminal  
19       background check solely for the purpose of renewing a license.
- 20       (6) The board shall promulgate administrative regulations in accordance with KRS  
21       Chapter 13A to implement this section.