

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

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

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

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

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

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

(6) The board shall promulgate administrative regulations in accordance with KRS 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*

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.*