

1 AN ACT relating to licensing and occupations.

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

3 ➔Section 1. KRS 15.540 is amended to read as follows:

- 4 (1) An agency seeking to hire a telecommunicator after July 15, 2006, shall certify to
5 the Kentucky Law Enforcement Council that before being employed as a
6 telecommunicator, the applicant:
- 7 (a) Is a citizen of the United States and has reached the age of majority;
- 8 (b) 1. Is a high school graduate, regardless of whether the school is accredited
9 or certified by a governing body, provided that the education received
10 met the attendance and curriculum standards of Kentucky law at the
11 time of graduation, as determined by the Kentucky Department of
12 Education; or
- 13 2. Possesses a High School Equivalency Diploma;
- 14 (c) Has not been convicted of a felony or other crimes, ***subject to the provisions***
15 ***of KRS Chapter 335B,*** ~~involving moral turpitude~~ as determined by
16 submission of each applicant's fingerprints to the information systems section
17 of the Department of Kentucky State Police and to the Federal Bureau of
18 Investigation identification division, and by such other investigations as
19 required by the hiring agency;
- 20 (d) Has taken a psychological suitability screening administered or approved by
21 the Kentucky Law Enforcement Council to determine his or her suitability to
22 perform the duties of a telecommunicator. Any agency that administers its
23 own suitability screening shall certify the results to the department;
- 24 (e) Has taken a polygraph examination administered or approved by the
25 Kentucky Law Enforcement Council to determine his or her suitability to
26 perform the duties of a telecommunicator. Any agency that administers its
27 own polygraph examination shall certify the results to the department; and

1 (f) Has passed a drug screening administered or approved by the Kentucky Law
2 Enforcement Council. A person shall be deemed to have passed a drug
3 screening if the results are negative for the use of an illegal controlled
4 substance or prescription drug abuse. Any agency that administers its own
5 screening shall certify passing results to the department.

6 (2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary
7 notwithstanding, the applicant's home address, telephone number, date of birth,
8 Social Security number, and results of any background investigation, psychological
9 suitability screening, and polygraph examination conducted under this section shall
10 not be subject to disclosure.

11 ➔Section 2. KRS 18A.245 is amended to read as follows:

12 (1) The authority shall be administered by a board of trustees composed of seven (7)
13 members, who shall be as follows:

14 (a) Secretary, Finance and Administration Cabinet, ex officio;

15 (b) Secretary of personnel, ex officio;

16 (c) The state controller, ex officio;

17 (d) The State Treasurer, ex officio; and

18 (e) Three (3) at-large members appointed by the Governor, who do not have a
19 conflict of interest as provided by KRS 18A.262, one (1) of whom shall have
20 at least five (5) years of investment or banking experience and one (1) of
21 whom shall be a representative of a nonstate government employer.

22 (2) The members of the board appointed by the Governor shall serve for a period of
23 four (4) years and the ex officio members of the board shall serve only for the
24 period of their term of office. Each ex officio member may designate a proxy by
25 written notice to the authority prior to call of order of each meeting, and the proxy
26 shall be entitled to participate as a full voting member.

27 (3) Any vacancy which may occur shall be filled in the same manner provided for the

1 selection of the particular member for a full term. Vacancies shall be filled for the
2 unexpired term only.

3 (4) Membership on the board of trustees shall not be incompatible with any other office
4 unless a constitutional incompatibility exists, and no member shall be subject to
5 removal from office, except upon conviction of a felony, or of a misdemeanor,
6 subject to the provisions of KRS Chapter 335B~~[involving moral turpitude]~~.

7 (5) Board members who do not otherwise receive a salary or compensation from the
8 State Treasury shall receive a per diem of one hundred dollars (\$100) for each day
9 they are in session or on official duty, and they shall be reimbursed for their actual
10 and necessary expenses in accordance with state administrative regulations and
11 standards applicable to state employees.

12 (6) The board shall meet at least once in each quarter of the year, and may meet in
13 special session upon the call of the chair~~[chairman]~~. It shall elect a chair~~[chairman]~~
14 and a vice chair~~[chairman]~~. A majority of the members shall constitute a quorum,
15 and all actions taken by the board shall be by affirmative vote of a majority of the
16 members present.

17 (7) The authority shall be attached to the Personnel Cabinet for administrative purposes
18 only. The board may take but is not limited to the following actions:

19 (a) Appoint such employees as it deems necessary and fix the compensation for
20 all employees of the board, subject to the approval of the secretary. The
21 authority shall be headed by an executive director who shall be appointed by
22 the board of directors of the authority without the limitations imposed by KRS
23 12.040 and KRS Chapter 18A. The executive director of the authority and
24 employees appointed by the board shall serve at its will and pleasure. All
25 other staff of the authority shall be employed under KRS 18A.005 to
26 18A.200;

27 (b) Require such employees as it thinks proper to execute bonds for the faithful

- 1 performance of their duties;
- 2 (c) Establish a system of accounting;
- 3 (d) Contract for such services as may be necessary for the operation or
4 administration of deferred compensation plans authorized in KRS 18A.230 to
5 18A.275, including annual audits;
- 6 (e) Do all things, take all actions, and adopt plans for participation consistent with
7 federal law and with the provisions of KRS 18A.230 to 18A.275, including
8 but not limited to:
- 9 1. Amending the board's plan for the Kentucky Public Employees 401(k)
10 Deferred Compensation Plan or the Kentucky Employees 457 Deferred
11 Compensation Plan, or both such plans, to adopt, maintain, and
12 terminate a deemed IRA program under Internal Revenue Code Section
13 408;
- 14 2. Amending the board's plan for the Kentucky Public Employees 401(k)
15 Deferred Compensation Plan to adopt, maintain, and terminate a
16 qualified Roth contribution program under Internal Revenue Code
17 Section 402A; and
- 18 3. Adopting, maintaining, and terminating an Internal Revenue Code
19 Section 403(b) plan for qualified employees; and
- 20 (f) Contract with persons or companies duly licensed by the state of Kentucky
21 and applicable federal regulatory agencies, at the cost of the trust fund or
22 individual participant accounts, to provide investment advice and financial
23 planning to participants in the plans, with respect to their selection of
24 investments. The board may promulgate administrative regulations for
25 provision of financial planning to participants in the plans.
- 26 (8) The Attorney General, or an assistant designated by him *or her*, may act as legal
27 adviser and attorney for the board. The board may also appoint legal counsel in

1 accordance with KRS Chapter 12.

2 (9) The board shall prepare an annual financial report showing all receipts,
3 disbursements, assets, and liabilities and shall submit a copy to the Governor and
4 the Legislative Research Commission. All board meetings and records shall be open
5 for inspection by the public.

6 ➔Section 3. KRS 61.300 is amended to read as follows:

7 No person shall serve as a deputy sheriff, patrol or other nonelective peace officer, or
8 deputy peace officer, unless:

9 (1) He or she is a citizen of the United States and is twenty-one (21) years of age or
10 over;

11 (2) A sheriff may require his or her deputies to reside in the county in which they serve.
12 Any deputy sheriff appointed pursuant to this section who has not been a resident of
13 the county in which he or she serves for a period of at least two (2) years shall not
14 be an active participant in any labor dispute and shall immediately forfeit his or her
15 position if he violates this provision;

16 (3) He or she has never been convicted of a crime subject to the provisions of KRS
17 Chapter 335B~~[involving moral turpitude]~~;

18 (4) He or she has not within a period of two (2) years hired himself or herself out,
19 performed any service, or received any compensation from any private source for
20 acting, as a privately paid detective, police officer~~[policeman]~~, guard, peace officer,
21 or otherwise as an active participant in any labor dispute, or conducted the business
22 of a private detective agency or of any agency supplying private detectives, private
23 police officers~~[policemen]~~, or private guards, or advertised or solicited any such
24 business in connection with any labor dispute; and

25 (5) He or she has complied with the provisions of KRS 15.334.

26 ➔Section 4. KRS 61.360 is amended to read as follows:

27 The Governor or his or her agent may appoint special local peace officers, for such time

1 as he or she deems necessary, to preserve the peace and protect the property of any
2 person from waste or destruction; provided, however, that no such peace officer(s) shall
3 be actively employed at any factory, mine, workshop, retail establishment, or at any other
4 location where a strike, a slowdown, a sit in, or any other type of work stoppage exists, if
5 the employment of such peace officer(s) would result in the unreasonable expansion of
6 the normal complement of such peace officers or the relieving of normal guards or peace
7 officers to perform other duties. Upon the application of an owner of property for such
8 services, and upon payment of a fee of ten dollars (\$10) for each officer to be appointed,
9 the Governor may immediately appoint the person recommended by the owner, if the
10 person is eligible. No person shall be eligible for appointment under this section unless he
11 has established to the satisfaction of the Governor that he or she possesses the following
12 qualifications:

13 (1) No person shall serve as a special local peace officer:

14 (a) Unless he or she is a citizen of the United States, is twenty-one (21) years of
15 age or over, and unless he or she is able to read and write;

16 (b) Unless he or she has resided in the Commonwealth for a period of at least one
17 (1) year;

18 (c) Who has ever been convicted of or is under indictment for a crime involving
19 ~~moral turpitude,~~ dishonesty, or fraud; unauthorized divulging or selling of
20 information or evidence; impersonation of a law enforcement officer or
21 employee of the United States or any state or political subdivision thereof;
22 illegally using, carrying, or possessing a firearm or dangerous weapon;
23 habitual drunkenness; using or selling or possessing narcotics; or who has
24 been adjudged mentally disabled by a court of competent jurisdiction and
25 such adjudication has not been set aside; or has renounced his citizenship, or,
26 being an alien, is illegally or unlawfully in the United States;

27 (d) Who within a period of two (2) years has hired himself or herself out,

1 performed any service, or received any compensation from any private source
2 for acting, as a privately paid detective, police officer~~[policeman]~~, guard,
3 peace officer, or otherwise as an active participant in any labor dispute, or
4 conducted the business of a private detective agency or of any agency
5 supplying private detectives, private police officers~~[policemen]~~, or private
6 guards, or advertised or solicited any such business in connection with any
7 labor dispute;

8 (e) Unless he or she has filed his or her photograph with the county clerk of the
9 county in which he or she is to serve, together with his or her affidavit stating
10 his or her full name, age, and residence address and that he or she is not
11 prohibited from serving by this section.

12 (2) The photograph so filed with the county clerk shall constitute a public record. The
13 Governor may remove any officer so appointed at will or at the request of the
14 owner of the property.

15 (3) The duties of the officer shall be confined to the premises of the property to be
16 protected, except while in pursuit of a person fleeing from the property after
17 committing an act of violence or destruction of the property. In that case, the officer
18 may pursue the person and make arrest anywhere within this state. He or she may
19 wear such badges and insignia as will plainly indicate to the public that he or she is
20 a special local peace officer, but he or she shall not, in any event, wear any
21 uniform, or any part thereof, of any public police officer; nor shall he or she in any
22 way impersonate a public police officer or represent himself or herself to any
23 person or persons as being a public police officer; nor shall he or she perform any
24 of the duties of a public police officer, except those specifically herein granted and
25 at the places herein specifically designated.

26 (4) Application fees shall be placed in the State Treasury and credited to a revolving
27 fund for administrative expenses.

1 (5) Every special local peace officer appointed pursuant to this section shall execute
2 bond in the amount of five thousand dollars (\$5,000).

3 ➔Section 5. KRS 61.906 is amended to read as follows:

4 In order to qualify for a commission as a special law enforcement officer under KRS
5 61.900 to 61.930, an individual must present satisfactory evidence of compliance with the
6 following conditions and requirements:

7 (1) No person shall be eligible for a commission who:

8 (a) Has been dishonorably discharged from the Armed Forces of the United
9 States;

10 (b) Has been convicted in any jurisdiction of any felony, subject to the provisions
11 of KRS Chapter 335B, ~~[or of any crime involving moral turpitude]~~ for which
12 he or she has not received a full pardon;

13 (c) Has been convicted of any other offense or offenses more than five (5) times
14 within the previous three (3) years;

15 (d) Has by any court of competent jurisdiction been declared mentally disabled
16 by reason of an intellectual disability or disease and has not been restored; or

17 (e) Suffers from habitual drunkenness or from narcotics addiction or dependence,
18 or from any physical defect or deficiency which the secretary determines to
19 materially impair the applicant's ability to perform the duties of a special law
20 enforcement officer.

21 (2) Every person to be eligible for a commission shall:

22 (a) Have reached his or her twenty-first birthday;

23 (b) Provide, on forms supplied by the secretary, such information pertaining to
24 himself or herself as may reasonably be requested thereon, including, but not
25 limited to his or her: name; age; date of birth; current address and
26 employment; prior addresses and employment for the past ten (10) years;
27 aliases, if any; arrest and conviction record, if any; Social Security number;

1 fingerprints; photographs; and general physical description. The accuracy of
2 such information shall be attested by the applicant and his or her attestation
3 shall be notarized by one authorized to administer oaths;

4 ~~[(c) Be of good moral character;~~

5 ~~(d) Provide references from two (2) reputable individuals who are not related to~~
6 ~~him or her and who have known him or her well for a period of not less than~~
7 ~~three (3) years, attesting to his or her good character;]~~

8 (c)~~[(e)]~~ Pay the fees provided in KRS 61.908; and

9 (d)~~[(f)]~~ Provide evidence satisfactory to the secretary that he or she meets the
10 following requirements:

11 1. Is a graduate of an accredited high school or of an equivalent technical
12 or vocational training or education program satisfactory to the secretary;
13 or holds a High School Equivalency Diploma; provided, however, that
14 all special local peace officers formally commissioned under KRS
15 61.360 and with unexpired commissions on December 31, 1976, shall be
16 deemed to have met the requirements of this subsection;

17 2. Has successfully completed not fewer than eighty (80) hours of training
18 in a program approved by the council and dealing comprehensively with
19 the subjects of criminal law and the law of arrest, search and seizure; or
20 has been employed as a full-time sworn public peace officer for a period
21 of not less than one (1) year within the past five (5) years, and has never
22 been discharged for cause from employment as a sworn public peace
23 officer; or has been employed in a full-time capacity as a military
24 policeman engaged in law enforcement for the United States Armed
25 Forces for a period of not less than one (1) year within the past five (5)
26 years; or has successfully completed a written, oral and practical
27 examination approved by the council and dealing comprehensively with

1 the subject matter of criminal law and the law of arrest, search and
2 seizure; and

3 3. Demonstrates, in written and practical examinations approved by the
4 council, knowledge of and proficiency in firearms safety, range firing,
5 the moral and legal aspects of firearms use, and first aid. Provided,
6 however, that all special local peace officers formally commissioned
7 under KRS 61.360 and with unexpired commissions on December 31,
8 1976, shall be deemed to have met the requirements of these
9 subsections.

10 ➔Section 6. KRS 67A.280 is amended to read as follows:

11 (1) No employee in the classified service of urban-county government, after serving a
12 probationary period provided by comprehensive plan or ordinance for his *or her*
13 class, which shall not be in excess of six (6) months, shall be dismissed, suspended,
14 or reduced in grade or pay for any reason except inefficiency, misconduct,
15 insubordination, or violation of law , *subject to the provisions of KRS Chapter*
16 *335B*~~[involving moral turpitude].~~

17 (2) Any person may prefer charges in writing against any employee by filing them with
18 the appointing authority who shall communicate the charges without delay to the
19 head of the executive unit in charge of personnel matters, and to the civil service
20 commission. The charges must be signed by the person making them and must set
21 out clearly each charge. The appointing authority shall, whenever probable cause
22 appears, prefer charges against any employee whom he believes guilty of conduct
23 justifying his removal or disciplinary action. Upon the filing of charges, the
24 secretary of the civil service commission shall notify its members and serve a copy
25 of the charges upon the accused employee with a statement of the date, place, and
26 hour at which the hearing of charges will begin, this hearing not to be held within
27 three (3) days of the date of the service of charges upon the accused employee. The

1 day on which the charges are served on the accused employee shall count as one of
2 the days of notice. The person accused may in writing waive the service of charges
3 and demand trial within three (3) days after they have been filed with the secretary
4 of the civil service commission.

5 (3) Upon the hearing, the charges shall be considered traversed and put in issue, and the
6 trial shall be limited to the issues presented by the written charges, provided,
7 however, that the charges may be amended prior to trial, in which event the notice
8 procedures hereinabove described shall be again complied with, and reasonable
9 opportunity given for the preparation for trial on the amended charges.

10 (4) The civil service commission shall have the power to summon and compel
11 attendance of witnesses at all hearings by subpoena issued by the secretary of that
12 body and served upon the witnesses by members of the police department of the
13 urban-county government or any officer authorized to serve subpoenas. If any
14 witness fails to appear in response to a summons or refuses to testify concerning
15 any matter on which he may lawfully be interrogated, any District Judge, on
16 application of the commission, may compel obedience by proceedings for contempt
17 as in the case of disobedience of a subpoena issued from the District Court. The
18 accused employee shall have the right to have subpoenaed any witnesses he or she
19 may desire, upon furnishing their names to the secretary. Subpoenas may be served
20 on the request of the accused employee without charge. They shall be issued by the
21 secretary and served by the police department. The action and decision of the civil
22 service commission on the charges shall be reduced to writing and kept in a book
23 for that purpose and the written charge shall be attached to the book containing the
24 body's decision.

25 (5) In cases where the head of the department or executive unit or the appointing
26 authority has probable cause to believe an employee has been guilty of conduct
27 justifying his removal or punishment, he or she shall immediately suspend that

1 employee from duty or from both pay and duty pending trial and the employee shall
2 not be placed on duty or allowed pay thereafter until the charges are heard by the
3 civil service commission.

4 (6) The civil service commission shall punish any employee found guilty by reprimand
5 or a suspension for any length of time not to exceed six (6) months, or by reducing
6 the grade, if the employee's classification warrants, or by combining any two (2) or
7 more of these punishments, or by dismissal. No employee shall be reprimanded,
8 removed, suspended, or dismissed except as provided in this section.

9 (7) Irrespective of the other provisions of KRS 67A.230 to 67A.310, an employee may
10 be suspended by the head of the executive unit in which he or she is employed, or
11 by the appointing authority, but only as provided by comprehensive plan or
12 ordinance, for a period not exceeding 30 days in any twelve (12) month period, and
13 may be reprimanded by such head or authority not more than twice in any twelve
14 (12) month period. In such event, the actions of such head or appointing authority
15 shall be subject to appeal to the commission. Such appeal shall be filed with the
16 secretary of the commission within ten (10) days of the action of the unit head or
17 appointing authority, and may be reviewed, reduced, or revoked by the commission
18 after a hearing in which the unit head or appointing authority shall have reasonable
19 opportunity under rules established by the commission, to support his or her
20 charges. The grounds of suspension or reprimand under this subsection shall be
21 only those set out by comprehensive plan or ordinance. The commission shall
22 further have the power, in the event it finds that the unit head or appointing officer
23 acted in error, to take such action as shall be necessary to compensate the appealing
24 employee for such error. An appeal by an employee shall not suspend the operation
25 of the action of the unit head or appointing authority pending action of the
26 commission.

27 (8) Nothing herein shall prevent the comprehensive plan or ordinance from providing

1 additional remedies and rights to employees.

2 ➔Section 7. KRS 70.320 is amended to read as follows:

3 (1) As used in this section:

4 (a) "Authorized county" means a county containing either an eligible city or a
5 consolidated local government; and

6 (b) "Eligible city" means a city on the registry maintained by the Department for
7 Local Government under subsection (6) of this section.

8 (2) The appointment of deputy constables shall be allowed only in authorized counties.
9 In authorized counties, each constable may appoint one (1) or more deputies, but
10 only with the consent of the county judge/executive or the mayor of a consolidated
11 local government or urban-county government. The county judge/executive or the
12 mayor in a consolidated local government or urban-county government:

13 (a) Shall determine, by written order, the number of authorized deputy constable
14 positions;

15 (b) Shall approve, by written order, each individual nominated by the constable to
16 serve as a deputy constable;

17 (c) May revoke, by written order, the authorization for the appointment of deputy
18 constables at any time;

19 (d) May, by written order, reduce the number of authorized deputy constables in
20 his or her discretion; or

21 (e) May, by written order, remove any individual from the office of deputy
22 constable at any time for any cause that he or she may deem sufficient.

23 (3) No person shall be appointed a deputy constable unless he or she:

24 (a) Is a citizen of the United States and is twenty-one (21) years of age or over;

25 (b) Has resided in the county where he or she is appointed to serve for a period of
26 at least two (2) years;

27 (c) Has never been convicted of a felony offense, subject to the provisions of

1 ~~**KRS Chapter 335B**~~ ~~or any crime involving moral turpitude~~;

2 (d) Has not within a period of two (2) years hired himself or herself out,
3 performed any service, or received any compensation from any private source
4 for acting as a privately paid detective, police officer, guard, peace officer, or
5 otherwise as an active participant in any labor dispute, or conducted the
6 business of a private detective agency or of any agency supplying private
7 detectives, private police officers, or private guards, or advertised or solicited
8 any such business in connection with any labor dispute;

9 (e) Meets the requirements of KRS 15.382(3) to (17); and

10 (f) Has complied with the provisions of KRS 15.334.

11 (4) A deputy constable appointed under this section shall execute a bond in accordance
12 with KRS 70.310.

13 (5) Each deputy constable in counties containing a consolidated local government or
14 city of the first class shall be compensated for his or her services by salary fixed by
15 the consolidated local government or fiscal court, and paid out of the levy of the
16 consolidated local government or county.

17 (6) On or before January 1, 2015, the Department for Local Government shall create
18 and maintain a registry of cities that, as of August 1, 2014, were classified as cities
19 of the first or second classes. The Department for Local Government shall make the
20 information included on the registry available to the public by publishing it on its
21 Web site.

22 ➔Section 8. KRS 90.360 is amended to read as follows:

23 (1) No employee in the classified service shall be dismissed, suspended, or reduced in
24 grade or pay for any reason except inefficiency, misconduct, insubordination,
25 violation of law, **subject to the provisions of KRS Chapter 335B** ~~involving moral~~
26 ~~turpitude~~, or violation of any rule adopted by the city legislative body or civil
27 service commission.

1 (2) Any person may prefer charges in writing against any employee by filing them with
2 the mayor or other appointing authority who shall communicate the charges without
3 delay to the civil service commission of the city. The charges must be signed by the
4 person making them and must set out clearly each charge. The appointing authority
5 shall, whenever probable cause appears, prefer charges against any employee whom
6 he or she believes guilty of conduct justifying his or her removal. Upon the filing of
7 charges, the clerk of the civil service commission shall notify its members and serve
8 a copy of the charges upon the accused employee with a statement of the date,
9 place, and hour at which the hearing of charges will begin, this hearing not to be
10 held within three (3) days of the date of the service of charges upon the accused
11 employee. The day on which the charges are served on the accused employee shall
12 count as one (1) of the days of notice. The person accused may in writing waive the
13 service of charges and demand trial within three (3) days after they have been filed
14 with the clerk of the civil service commission.

15 (3) Upon the hearing, the charges shall be considered traversed and put in issue, and the
16 trial shall be limited to the issues presented by the written charges.

17 (4) The civil service commission shall have the power to summon and compel
18 attendance of witnesses at all hearings by subpoena issued by the clerk of that body
19 and served upon the witnesses by members of the police department of the city or
20 any officer authorized to serve subpoenas. If any witness fails to appear in response
21 to a summons or refuses to testify concerning any matter on which he may lawfully
22 be interrogated, any District Judge, on application of the commission, may compel
23 obedience by proceedings for contempt as in the case of disobedience of a subpoena
24 issued from the District Court. The accused employee shall have the right to have
25 subpoenaed any witnesses he or she may desire, upon furnishing their names to the
26 clerk. As many as ten (10) subpoenas may be served on the request of the accused
27 employee without charge but each additional subpoena requested by him or her

1 shall be issued by the clerk and served by the police department only upon payment
2 of fifty cents (\$0.50) to the city clerk by the employee. The action and decision of
3 the civil service commission on the charges shall be reduced to writing and kept in
4 a book for that purpose and the written charge shall be attached to the book
5 containing the body's decision.

6 (5) In cases where the head of the department or the appointing authority has probable
7 cause to believe an employee has been guilty of conduct justifying his removal or
8 punishment he shall immediately suspend that employee from duty or from both
9 pay and duty pending trial and the employee shall not be placed on duty or allowed
10 pay thereafter until the charges are heard by the civil service commission.

11 (6) The civil service commission shall punish any employee found guilty by reprimand
12 or a suspension for any length of time not to exceed six (6) months, or by reducing
13 the grade, if the employee's classification warrants, or by combining any two (2) or
14 more of these punishments, or by dismissal. No employee shall be reprimanded,
15 removed, suspended, or dismissed except as provided in this section.

16 (7) (a) Any of the following offices, positions, and places of employment, in the
17 police and fire departments, may be excluded from the classified service:

- 18 1. Chief of police;
- 19 2. Assistant chief of police;
- 20 3. Chief of firefighters; and
- 21 4. Assistant chief of firefighters.

22 (b) Any classified employee in either department who shall accept an
23 appointment and qualify as chief of police, assistant chief of police, chief of
24 firefighters, or assistant chief of firefighters shall be deemed to have received
25 a leave of absence from the classified service for, and during the incumbency
26 of, any of those respective positions. If an individual should cease to serve in
27 any of those positions, there shall be restored to him or her the same

1 classification and rank which he or she held prior to his or her appointment.

2 ➔Section 9. KRS 230.280 is amended to read as follows:

- 3 (1) No person shall hold or conduct any horse race meeting for any stake, purse, or
4 reward within the Commonwealth of Kentucky without securing the required
5 license from the racing commission.
- 6 (2) The racing commission shall investigate the qualifications of each applicant for a
7 license to conduct a horse race meeting or the renewal of a license to conduct a
8 horse race meeting. The racing commission may issue or renew a license unless the
9 racing commission determines that:
- 10 (a) The track location, traffic flow, facilities for the public, and facilities for
11 racing participants and horses do not meet state code or are otherwise
12 inadequate to protect the public health and safety;
- 13 (b) The racing dates and times requested conflict with another race meeting of the
14 same breed of horse;
- 15 (c) The financing or proposed financing of the entire operation is not adequate for
16 the operation or is from an unsuitable source;
- 17 (d) The applicant or licensee has failed to disclose or has misstated information or
18 otherwise attempted to mislead the racing commission with respect to any
19 material fact contained in the application for the issuance or renewal of the
20 license;
- 21 (e) The applicant has knowingly failed to comply with the provision of this
22 chapter or any administrative regulations promulgated thereunder;
- 23 (f) Any of the principals of the applicant or licensee is determined to be
24 unsuitable because he or she has:
- 25 1. Been convicted of ~~any crime of moral turpitude,~~ embezzlement, or
26 larceny, or any violation of any law pertaining to illegal gaming or
27 gambling, or any crime that is inimical to the declared policy of the

- 1 Commonwealth of Kentucky with regard to horse racing and pari-
- 2 mutuel wagering thereon;
- 3 2. Been convicted in any jurisdiction within ten (10) years preceding initial
- 4 licensing or license renewal of any crime that is or would be a felony or
- 5 class A misdemeanor in the Commonwealth of Kentucky;
- 6 3. Been identified in the published reports of any federal or state legislative
- 7 or executive body as being a member or associate of organized crime, or
- 8 of being of notorious or unsavory reputation;
- 9 4. Been placed and remains in the custody of any federal, state, or local
- 10 law enforcement authority;
- 11 5. Had a racing or gaming license revoked in another jurisdiction on
- 12 grounds that would have been grounds for revoking the license in
- 13 Kentucky; or
- 14 6. Engaged in any other activities that would pose a threat to the public
- 15 interest or to the effective regulation of horse racing and wagering in
- 16 Kentucky, or enhance the dangers of unsuitable, unfair, or illegal
- 17 practices, methods, and activities in the conduct of racing and wagering
- 18 or in the operation of the business and financial arrangements incidental
- 19 thereto; or

20 (g) The applicant or licensee has had a racing or gaming license denied or
 21 revoked in another jurisdiction on grounds that would be grounds for license
 22 denial or revocation in Kentucky.

23 ➔Section 10. KRS 304.9-440 is amended to read as follows:

- 24 (1) The commissioner may place on probation, suspend, or may impose conditions
- 25 upon the continuance of a license for not more than twenty-four (24) months,
- 26 revoke, or refuse to issue or renew any license issued under this subtitle or any
- 27 surplus lines broker, life settlement broker, or life settlement provider license, or

1 may levy a civil penalty in accordance with KRS 304.99-020, or any combination
2 of actions for any one (1) or more of the following causes:

- 3 (a) Providing incorrect, misleading, incomplete, or materially untrue information
4 in a license application;
- 5 (b) Violating any insurance laws, or violating any administrative regulations,
6 subpoena, or order of the commissioner or of another state's insurance
7 commissioner;
- 8 (c) Obtaining or attempting to obtain a license through misrepresentation or
9 fraud;
- 10 (d) Improperly withholding, misappropriating, or converting any moneys or
11 properties received in the course of doing insurance or the business of life
12 settlements;
- 13 (e) Intentionally misrepresenting the terms of an actual or proposed insurance
14 contract, life settlement contract, or application for insurance;
- 15 (f) Having been convicted of or having pled guilty or nolo contendere to any
16 felony;
- 17 (g) Having admitted or been found to have committed any unfair insurance trade
18 practice, insurance fraud, or fraudulent life settlement act;
- 19 (h) Using fraudulent, coercive, or dishonest practices; or demonstrating
20 incompetence, untrustworthiness, or financial irresponsibility; or being a
21 source of injury or loss to the public in the conduct of business in this state or
22 elsewhere;
- 23 (i) Having an insurance license, life settlement license, or its equivalent, denied,
24 suspended, or revoked in any other state, province, district, or territory;
- 25 (j) Surrendering or otherwise terminating any license issued by this state or by
26 any other jurisdiction, under threat of disciplinary action, denial, or refusal of
27 the issuance of or renewal of any other license issued by this state or by any

- 1 other jurisdiction; or revocation or suspension of any other license held by the
2 licensee issued by this state or by any other jurisdiction;
- 3 (k) Forging another's name to an application for insurance, to any other document
4 related to an insurance transaction, or to any document related to the business
5 of life settlements;
- 6 (l) Cheating, including improperly using notes or any other reference material to
7 complete an examination for license;
- 8 (m) Knowingly accepting insurance or life settlement business from an individual
9 or business entity who is not licensed, but who is required to be licensed
10 under this subtitle;
- 11 (n) Failing to comply with an administrative or court order imposing a child
12 support obligation;
- 13 (o) Failing to pay state income tax or to comply with any administrative or court
14 order directing payment of state income tax;
- 15 (p) Having been convicted of a misdemeanor for which restitution is ordered in
16 excess of three hundred dollars (\$300), or of any misdemeanor involving
17 dishonesty, or breach of trust~~, or moral turpitude~~;
- 18 (q) Failing to no longer meet the requirements for initial licensure;
- 19 (r) If a life settlement provider, demonstrating a pattern of unreasonable
20 payments to owners or failing to honor contractual obligations set out in a life
21 settlement contract;
- 22 (s) Entering into any life settlement contract or using any form that has not been
23 approved pursuant to Subtitle 15 of this chapter;
- 24 (t) If a licensee, having assigned, transferred, or pledged a policy subject to a life
25 settlement contract to a person other than a life settlement provider licensed in
26 this state, an accredited investor or qualified institutional buyer as defined,
27 respectively, in Regulation D, Rule 501 or Rule 144a of the Federal Securities

1 Act of 1933, as amended, a financing entity, a special purpose entity, or a
2 related provider trust; or

3 (u) Any other cause for which issuance of the license could have been refused,
4 had it then existed and been known to the commissioner.

5 (2) (a) For any public adjuster or apprentice adjuster supervised by a public adjuster
6 under KRS 304.9-432, the commissioner may deny, suspend, or revoke the
7 adjuster's license or impose a fine not to exceed five thousand dollars (\$5,000)
8 per act against the adjuster, or both, for any of the following causes:

- 9 1. Violating any provision of this chapter;
- 10 2. Violating any administrative regulation or order of the commissioner;
- 11 3. Receiving payment or anything of value as a result of an unfair or
12 deceptive practice;
- 13 4. Receiving or accepting any fee, kickback, or other thing of value
14 pursuant to any agreement or understanding, oral or otherwise, from
15 anyone other than an insured;
- 16 5. Entering into a split-fee arrangement with another person who is not a
17 public adjuster; or
- 18 6. Being otherwise paid or accepting payment for public adjuster services
19 that have not been performed.

20 (b) The sanctions and penalties under this subsection shall be in addition to any
21 other remedies, penalties, or sanctions available to the commissioner against a
22 public adjuster or an apprentice adjuster supervised by a public adjuster under
23 KRS 304.9-432 under this section or any other law.

24 (3) The license of a business entity may be suspended, revoked, or refused for any
25 cause relating to an individual designated in or registered under the license if the
26 commissioner finds that:

27 (a) An individual licensee's violation was known or should have been known by

- 1 one (1) or more of the partners, officers, or managers acting on behalf of the
2 business entity; and
- 3 (b) The violation was not reported to the department nor corrective action taken.
- 4 (4) (a) The license of a pharmacy benefit manager may, in the discretion of the
5 commissioner, be suspended, revoked, or refused for any cause enumerated in
6 subsection (1) of this section, and for violations of KRS 205.647, 304.9-053,
7 304.9-054, 304.9-055, and 304.17A-162.
- 8 (b) The pharmacy benefit manager shall also be subject to the same civil penalties
9 under KRS 304.99-020 as an insurer.
- 10 (5) The applicant or licensee may make written request for a hearing in accordance
11 with KRS 304.2-310.
- 12 (6) The commissioner shall retain the authority to enforce the provisions and penalties
13 of this chapter against any individual or business entity who is under investigation
14 for or charged with a violation of this chapter, even if the individual's or business
15 entity's license has been surrendered or has lapsed by operation of law.
- 16 (7) The commissioner may suspend, revoke, or refuse to renew the license of a licensed
17 insurance agent operating as a life settlement broker, pursuant to KRS 304.15-700,
18 if the commissioner finds that such insurance agent has violated the provisions of
19 KRS 304.15-700 to 304.15-725.
- 20 (8) If the commissioner denies a license application or suspends, revokes, or refuses to
21 renew the license of a life settlement provider or life settlement broker, or suspends,
22 revokes, or refuses to renew the license of a licensed life insurance agent operating
23 as a life settlement broker pursuant to KRS 304.15-700, the commissioner shall
24 comply with the provisions of this section and KRS Chapter 13B.
- 25 (9) The sanctions and penalties applicable to licenses and licensees under subsection
26 (1) of this section shall also be applicable to registrations and registrants under KRS
27 304.52-030(3).

1 ➔Section 11. KRS 311.550 is amended to read as follows:

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

- 3 (1) "Board" means the State Board of Medical Licensure;
- 4 (2) "President" means the president of the State Board of Medical Licensure;
- 5 (3) "Secretary" means the secretary of the State Board of Medical Licensure;
- 6 (4) "Executive director" means the executive director of the State Board of Medical
7 Licensure or any assistant executive directors appointed by the board;
- 8 (5) "General counsel" means the general counsel of the State Board of Medical
9 Licensure or any assistant general counsel appointed by the board;
- 10 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
11 this state;
- 12 (7) "Limited license" means a license to practice medicine or osteopathy in a specific
13 institution or locale to the extent indicated in the license;
- 14 (8) "Temporary permit" means a permit issued to a person who has applied for a
15 regular license, and who appears from verifiable information in the application to
16 the executive director to be qualified and eligible therefor;
- 17 (9) "Emergency permit" means a permit issued to a physician currently licensed in
18 another state, authorizing the physician to practice in this state for the duration of a
19 specific medical emergency, not to exceed thirty (30) days;
- 20 (10) Except as provided in subsection (11) of this section, the "practice of medicine or
21 osteopathy" means the diagnosis, treatment, or correction of any and all human
22 conditions, ailments, diseases, injuries, or infirmities by any and all means,
23 methods, devices, or instrumentalities;
- 24 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
25 Science, the domestic administration of family remedies, the rendering of first aid
26 or medical assistance in an emergency in the absence of a person licensed to
27 practice medicine or osteopathy under the provisions of this chapter, the use of

1 automatic external defibrillators in accordance with the provisions of KRS 311.665
2 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice of
3 dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
4 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
5 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
6 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS
7 311.690, the performance of duties for which they have been trained by paramedics
8 licensed under KRS Chapter 311A, emergency medical responders, advanced
9 emergency medical technicians, or emergency medical technicians certified under
10 Chapter 311A, the practice of pharmacy by persons licensed and registered under
11 KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines,
12 trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or
13 mechanisms that are intended, advertised, or represented as being for the treatment,
14 correction, cure, or relief of any human ailment, disease, injury, infirmity, or
15 condition, in regular mercantile establishments, or the practice of midwifery, or the
16 provision of certified professional midwifery services by a licensed certified
17 professional midwife as defined in KRS 314.400;

18 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;

19 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
20 physician;

21 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
22 this chapter;

23 (15) "Complaint" means a formal administrative pleading that sets forth charges against
24 a physician and commences a formal disciplinary proceeding;

25 (16) ~~As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those~~
26 ~~crimes which have dishonesty as a fundamental and necessary element, including~~
27 ~~but not limited to crimes involving theft, embezzlement, false swearing, perjury,~~

1 ~~fraud, or misrepresentation;~~

2 ~~(17)~~ "Telehealth" means the use of interactive audio, video, or other electronic media to
3 deliver health care. It includes the use of electronic media for diagnosis,
4 consultation, treatment, transfer of medical data, and medical education;

5 ~~(17)~~~~(18)~~ "Order" means a direction of the board or its panels made or entered in
6 writing that determines some point or directs some step in the proceeding and is not
7 included in the final order;

8 ~~(18)~~~~(19)~~ "Agreed order" means a written document that includes but is not limited to
9 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,
10 a complaint, or a show cause order issued informally without expectation of further
11 formal proceedings in accordance with KRS 311.591(6);

12 ~~(19)~~~~(20)~~ "Final order" means an order issued by the hearing panel that imposes one (1)
13 or more disciplinary sanctions authorized by this chapter;

14 ~~(20)~~~~(21)~~ "Letter of agreement" means a written document that informally resolves a
15 grievance, a complaint, or a show cause order and is confidential in accordance
16 with KRS 311.619;

17 ~~(21)~~~~(22)~~ "Letter of concern" means an advisory letter to notify a physician that,
18 although there is insufficient evidence to support disciplinary action, the board
19 believes the physician should modify or eliminate certain practices and that the
20 continuation of those practices may result in action against the physician's license;

21 ~~(22)~~~~(23)~~ "Motion to revoke probation" means a pleading filed by the board alleging
22 that the licensee has violated a term or condition of probation and that fixes a date
23 and time for a revocation hearing;

24 ~~(23)~~~~(24)~~ "Revocation hearing" means a hearing conducted in accordance with KRS
25 Chapter 13B to determine whether the licensee has violated a term or condition of
26 probation;

27 ~~(24)~~~~(25)~~ "Chronic or persistent alcoholic" means an individual who is suffering from a

1 medically diagnosable disease characterized by chronic, habitual, or periodic
2 consumption of alcoholic beverages resulting in the interference with the
3 individual's social or economic functions in the community or the loss of powers of
4 self-control regarding the use of alcoholic beverages;

5 ~~(25)~~~~(26)~~ "Addicted to a controlled substance" means an individual who is suffering
6 from a medically diagnosable disease characterized by chronic, habitual, or periodic
7 use of any narcotic drug or controlled substance resulting in the interference with
8 the individual's social or economic functions in the community or the loss of
9 powers of self-control regarding the use of any narcotic drug or controlled
10 substance;

11 ~~(26)~~~~(27)~~ "Provisional permit" means a temporary permit issued to a licensee engaged
12 in the active practice of medicine within this Commonwealth who has admitted to
13 violating any provision of KRS 311.595 that permits the licensee to continue the
14 practice of medicine until the board issues a final order on the registration or
15 reregistration of the licensee;

16 ~~(27)~~~~(28)~~ "Fellowship training license" means a license to practice medicine or
17 osteopathy in a fellowship training program as specified by the license; and

18 ~~(28)~~~~(29)~~ "Special faculty license" means a license to practice medicine that is limited
19 to the extent that this practice is incidental to a necessary part of the practitioner's
20 academic appointment at an accredited medical school program or osteopathic
21 school program and any affiliated institution for which the medical school or
22 osteopathic school has assumed direct responsibility.

23 ➔Section 12. KRS 311.6208 is amended to read as follows:

24 The Interstate Medical Licensure Compact is hereby enacted and entered into with all
25 other jurisdictions that legally join in the Compact, which is, in form, substantially as
26 follows:

27 ARTICLE I

1

PURPOSE

2 In order to strengthen access to health care, and in recognition of the advances in the
3 delivery of health care, the member states of the Interstate Medical Licensure Compact
4 have allied in common purpose to develop a comprehensive process that complements
5 the existing licensing and regulatory authority of state medical boards and provides a
6 streamlined process that allows physicians to become licensed in multiple states, thereby
7 enhancing the portability of a medical license and ensuring the safety of patients. The
8 Compact creates another pathway for licensure and does not otherwise change a state's
9 existing Medical Practice Act. The Compact also adopts the prevailing standard for
10 licensure and affirms that the practice of medicine occurs where the patient is located at
11 the time of the physician-patient encounter and therefore requires the physician to be
12 under the jurisdiction of the state medical board where the patient is located. State
13 medical boards that participate in the Compact retain the jurisdiction to impose an
14 adverse action against a license to practice medicine in that state issued to a physician
15 through the procedures in the Compact.

16

ARTICLE II

17

DEFINITIONS

18 As used in this compact:

- 19 (1) "Bylaws" means those bylaws established by the Interstate Commission pursuant to
20 Article XI for its governance, or for directing and controlling its actions and
21 conduct.
- 22 (2) "Commissioner" means the voting representative appointed by each member board
23 pursuant to Article XI.
- 24 (3) "Conviction" means a finding by a court that an individual is guilty of a criminal
25 offense through adjudication, or entry of a plea of guilt or no contest to the charge
26 by the offender. Evidence of an entry of a conviction of a criminal offense by the
27 court shall be considered final for purposes of disciplinary action by a member

1 board.

2 (4) "Expedited license" means a full and unrestricted medical license granted by a
3 member state to an eligible physician through the process set forth in the Compact.

4 (5) "Interstate Commission" means the interstate commission created pursuant to
5 Article XI.

6 (6) "License" means authorization by a state for a physician to engage in the practice of
7 medicine, which would be unlawful without the authorization.

8 (7) "Medical Practice Act" means laws and regulations governing the practice of
9 allopathic and osteopathic medicine within a member state.

10 (8) "Member board" means a state agency in a member state that acts in the sovereign
11 interests of the state by protecting the public through licensure, regulation, and
12 education of physicians as directed by the state government.

13 (9) "Member state" means a state that has enacted the Compact.

14 (10) "Physician" means any person who:

15 (a) Is a graduate of a medical school accredited by the Liaison Committee on
16 Medical Education, the Commission on Osteopathic College Accreditation, or
17 a medical school listed in the International Medical Education Directory or its
18 equivalent;

19 (b) Passed each component of the United States Medical Licensing Examination
20 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination
21 (COMLEX-USA) within three (3) attempts, or any of its predecessor
22 examinations accepted by a state medical board as an equivalent examination
23 for licensure purposes;

24 (c) Successfully completed graduate medical education approved by the
25 Accreditation Council for Graduate Medical Education or the American
26 Osteopathic Association;

27 (d) Holds specialty certification or a time-unlimited specialty certificate

- 1 recognized by the American Board of Medical Specialties or the American
2 Osteopathic Association's Bureau of Osteopathic Specialists;
- 3 (e) Possesses a full and unrestricted license to engage in the practice of medicine
4 issued by a member board;
- 5 (f) Has never been convicted, received adjudication, deferred adjudication,
6 community supervision, or deferred disposition for any offense by a court of
7 appropriate jurisdiction;
- 8 (g) Has never held a license authorizing the practice of medicine subjected to
9 discipline by a licensing agency in any state, federal, or foreign jurisdiction,
10 excluding any action related to nonpayment of fees related to a license;
- 11 (h) Has never had a controlled substance license or permit suspended or revoked
12 by a state or the United States Drug Enforcement Administration; and
- 13 (i) Is not under active investigation by a licensing agency or law enforcement
14 authority in any state, federal, or foreign jurisdiction.
- 15 (11) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of
16 human disease, injury, or condition requiring a physician to obtain and maintain a
17 license in compliance with the Medical Practice Act of a member state.
- 18 (12) "Offense" means a felony, ~~or gross~~ misdemeanor, **subject to the provisions of**
19 **KRS Chapter 335B** ~~[or crime of moral turpitude]~~.
- 20 (13) "Rule" means a written statement by the Interstate Commission promulgated
21 pursuant to Article XII of the Compact that is of general applicability, implements,
22 interprets, or prescribes a policy or provision of the Compact, or an organizational,
23 procedural, or practice requirement of the Interstate Commission, and has the force
24 and effect of statutory law in a member state, and includes the amendment, repeal,
25 or suspension of an existing rule.
- 26 (14) "State" means any state, commonwealth, district, or territory of the United States.
- 27 (15) "State of principal license" means a member state where a physician holds a license

1 to practice medicine and which has been designated as such by the physician for
2 purposes of registration and participation in the Compact.

3 ARTICLE III

4 ELIGIBILITY

5 (1) A physician shall meet the eligibility requirements as defined in Article II to receive
6 an expedited license under the terms and provisions of the Compact.

7 (2) A physician who does not meet the requirements of Article II may obtain a license
8 to practice medicine in a member state if the individual complies with all laws and
9 requirements, other than the Compact, relating to the issuance of a license to
10 practice medicine in that state.

11 ARTICLE IV

12 DESIGNATION OF STATE OF PRINCIPAL LICENSE

13 (1) A physician shall designate a member state as the state of principal license for
14 purposes of registration for expedited licensure through the Compact if the
15 physician possesses a full and unrestricted license to practice medicine in that state,
16 and the state is:

17 (a) The state of primary residence for the physician;

18 (b) The state where at least twenty-five percent (25%) of the practice of medicine
19 occurs;

20 (c) The location of the physician's employer; or

21 (d) If no state qualifies under paragraph (a), paragraph (b), or paragraph (c), the
22 state designated as state of residence for purpose of federal income tax.

23 (2) A physician may redesignate a member state as state of principal license at any
24 time, as long as the state meets the requirements in subsection (1).

25 (3) The Interstate Commission is authorized to develop rules to facilitate redesignation
26 of another member state as the state of principal license.

27 ARTICLE V

1 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

- 2 (1) A physician seeking licensure through the Compact shall file an application for an
3 expedited license with the member board of the state selected by the physician as
4 the state of principal license.
- 5 (2) Upon receipt of an application for an expedited license, the member board within
6 the state selected as the state of principal license shall evaluate whether the
7 physician is eligible for expedited licensure and issue a letter of qualification,
8 verifying or denying the physician's eligibility, to the Interstate Commission.
- 9 (a) Static qualifications, which include verification of medical education,
10 graduate medical education, results of any medical or licensing examination,
11 and other qualifications as determined by the Interstate Commission through
12 rule, shall not be subject to additional primary source verification where
13 already primary source verified by the state of principal license.
- 14 (b) The member board within the state selected as the state of principal license
15 shall, in the course of verifying eligibility, perform a criminal background
16 check of an applicant, including the use of the results of fingerprint or other
17 biometric data checks compliant with the requirements of the Federal Bureau
18 of Investigation, with the exception of federal employees who have suitability
19 determination in accordance with 5 C.F.R. sec. 731.202.
- 20 (c) Appeal on the determination of eligibility shall be made to the member state
21 where the application was filed and shall be subject to the law of that state.
- 22 (3) Upon verification in subsection (2), physicians eligible for an expedited license
23 shall complete the registration process established by the Interstate Commission to
24 receive a license in a member state selected pursuant to subsection (1), including
25 the payment of any applicable fees.
- 26 (4) After receiving verification of eligibility under subsection (2) and any fees under
27 subsection (3), a member board shall issue an expedited license to the physician.

1 This license shall authorize the physician to practice medicine in the issuing state
2 consistent with the Medical Practice Act and all applicable laws and regulations of
3 the issuing member board and member state.

4 (5) An expedited license shall be valid for a period consistent with the licensure period
5 in the member state and in the same manner as required for other physicians
6 holding a full and unrestricted license within the member state.

7 (6) An expedited license obtained through the Compact shall be terminated if a
8 physician fails to maintain a license in the state of principal licensure for a
9 nondisciplinary reason, without redesignation of a new state of principal licensure.

10 (7) The Interstate Commission is authorized to develop rules regarding the application
11 process, including payment of any applicable fees, and the issuance of an expedited
12 license.

13 ARTICLE VI

14 FEES FOR EXPEDITED LICENSURE

15 (1) A member state issuing an expedited license authorizing the practice of medicine in
16 that state may impose a fee for a license issued or renewed through the Compact.

17 (2) The Interstate Commission is authorized to develop rules regarding fees for
18 expedited licenses.

19 ARTICLE VII

20 RENEWAL AND CONTINUED PARTICIPATION

21 (1) A physician seeking to renew an expedited license granted in a member state shall
22 complete a renewal process with the Interstate Commission if the physician:

23 (a) Maintains a full and unrestricted license in a state of principal license;

24 (b) Has not been convicted or received adjudication, deferred adjudication,
25 community supervision, or deferred disposition for any offense by a court of
26 appropriate jurisdiction;

27 (c) Has not had a license authorizing the practice of medicine subject to discipline

- 1 by a licensing agency in any state, federal, or foreign jurisdiction, excluding
2 any action related to nonpayment of fees related to a license; and
- 3 (d) Has not had a controlled substance license or permit suspended or revoked by
4 a state or the United States Drug Enforcement Administration.
- 5 (2) Physicians shall comply with all continuing professional development or continuing
6 medical education requirements for renewal of a license issued by a member state.
- 7 (3) The Interstate Commission shall collect any renewal fees charged for the renewal of
8 a license and distribute the fees to the applicable member board.
- 9 (4) Upon receipt of any renewal fees collected in subsection (3), a member board shall
10 renew the physician's license.
- 11 (5) Physician information collected by the Interstate Commission during the renewal
12 process shall be distributed to all member boards.
- 13 (6) The Interstate Commission is authorized to develop rules to address renewal of
14 licenses obtained through the Compact.

15 ARTICLE VIII

16 COORDINATED INFORMATION SYSTEM

- 17 (1) The Interstate Commission shall establish a database of all physicians licensed, or
18 who have applied for licensure, under Article V.
- 19 (2) Notwithstanding any other provision of law, member boards shall report to the
20 Interstate Commission any public action or complaints against a licensed physician
21 who has applied or received an expedited license through the Compact.
- 22 (3) Member boards shall report disciplinary or investigatory information determined as
23 necessary and proper by rule of the Interstate Commission.
- 24 (4) Member boards may report any nonpublic complaint, disciplinary, or investigatory
25 information not required by subsection (3) to the Interstate Commission.
- 26 (5) Member boards shall share complaint or disciplinary information about a physician
27 upon request of another member board.

1 (6) All information provided to the Interstate Commission or distributed by member
2 boards shall be confidential, filed under seal, and used only for investigatory or
3 disciplinary matters.

4 (7) The Interstate Commission is authorized to develop rules for mandated or
5 discretionary sharing of information by member boards.

6 ARTICLE IX

7 JOINT INVESTIGATIONS

8 (1) Licensure and disciplinary records of physicians are deemed investigative.

9 (2) In addition to the authority granted to a member board by its respective Medical
10 Practice Act or other applicable state law, a member board may participate with
11 other member boards in joint investigations of physicians licensed by the member
12 boards.

13 (3) A subpoena issued by a member state shall be enforceable in other member states.

14 (4) Member boards may share any investigative, litigation, or compliance materials in
15 furtherance of any joint or individual investigation initiated under the Compact.

16 (5) Any member state may investigate actual or alleged violations of the statutes
17 authorizing the practice of medicine in any other member state in which a physician
18 holds a license to practice medicine.

19 ARTICLE X

20 DISCIPLINARY ACTIONS

21 (1) Any disciplinary action taken by any member board against a physician licensed
22 through the Compact shall be deemed unprofessional conduct which may be subject
23 to discipline by other member boards, in addition to any violation of the Medical
24 Practice Act or regulations in that state.

25 (2) If a license granted to a physician by the member board in the state of principal
26 license is revoked, surrendered or relinquished in lieu of discipline, or suspended,
27 then all licenses issued to the physician by member boards shall automatically be

1 placed, without further action necessary by any member board, on the same status.
2 If the member board in the state of principal license subsequently reinstates the
3 physician's license, a license issued to the physician by any other member board
4 shall remain encumbered until that respective member board takes action to
5 reinstate the license in a manner consistent with the Medical Practice Act of that
6 state.

- 7 (3) If disciplinary action is taken against a physician by a member board not in the state
8 of principal license, any other member board may deem the action conclusive as to
9 matter of law and fact decided, and:
- 10 (a) Impose the same or lesser sanctions against the physician so long as such
11 sanctions are consistent with the Medical Practice Act of that state; or
 - 12 (b) Pursue separate disciplinary action against the physician under its respective
13 Medical Practice Act, regardless of the action taken in other member states.
- 14 (4) If a license granted to a physician by a member board is revoked, surrendered or
15 relinquished in lieu of discipline, or suspended, then any licenses issued to the
16 physician by any other member boards shall be suspended, automatically and
17 immediately without further action necessary by the other member boards, for
18 ninety (90) days upon entry of the order by the disciplining board, to permit the
19 member boards to investigate the basis for the action under the Medical Practice
20 Act of that state. A member board may terminate the automatic suspension of the
21 license it issued prior to the completion of the ninety (90) day suspension period in
22 a manner consistent with the Medical Practice Act of that state.

23 ARTICLE XI

24 INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

- 25 (1) The member states hereby create the "Interstate Medical Licensure Compact
26 Commission."
27 (2) The purpose of the Interstate Commission is the administration of the Interstate

- 1 Medical Licensure Compact, which is a discretionary state function.
- 2 (3) The Interstate Commission shall be a body corporate and joint agency of the
3 member states and shall have all the responsibilities, powers, and duties set forth in
4 the Compact, and such additional powers as may be conferred upon it by a
5 subsequent concurrent action of the respective legislatures of the member states in
6 accordance with the terms of the Compact.
- 7 (4) The Interstate Commission shall consist of two (2) voting representatives appointed
8 by each member state who shall serve as commissioners. In states where allopathic
9 and osteopathic physicians are regulated by separate member boards, or if the
10 licensing and disciplinary authority is split between multiple member boards within
11 a member state, the member state shall appoint one (1) representative from each
12 member board. A commissioner shall be an:
- 13 (a) Allopathic or osteopathic physician appointed to a member board;
14 (b) Executive director, executive secretary, or similar executive of a member
15 board; or
16 (c) Member of the public appointed to a member board.
- 17 (5) The Interstate Commission shall meet at least once each calendar year. A portion of
18 this meeting shall be a business meeting to address such matters as may properly
19 come before the Commission, including the election of officers. The chairperson
20 may call additional meetings and shall call for a meeting upon the request of a
21 majority of the member states.
- 22 (6) The bylaws may provide for meetings of the Interstate Commission to be conducted
23 by telecommunication or electronic communication.
- 24 (7) Each commissioner participating at a meeting of the Interstate Commission is
25 entitled to one (1) vote. A majority of commissioners shall constitute a quorum for
26 the transaction of business, unless a larger quorum is required by the bylaws of the
27 Interstate Commission. A commissioner shall not delegate a vote to another

- 1 commissioner. In the absence of its commissioner, a member state may delegate
2 voting authority for a specified meeting to another person from that state who shall
3 meet the requirements of subsection (4).
- 4 (8) The Interstate Commission shall provide public notice of all meetings and all
5 meetings shall be open to the public. The Interstate Commission may close a
6 meeting, in full or in portion, where it determines by a two-thirds (2/3) vote of the
7 commissioners present that an open meeting would be likely to:
- 8 (a) Relate solely to the internal personnel practices and procedures of the
9 Interstate Commission;
 - 10 (b) Discuss matters specifically exempted from disclosure by federal statute;
 - 11 (c) Discuss trade secrets, commercial, or financial information that is privileged
12 or confidential;
 - 13 (d) Involve accusing a person of a crime, or formally censuring a person;
 - 14 (e) Discuss information of a personal nature where disclosure would constitute a
15 clearly unwarranted invasion of personal privacy;
 - 16 (f) Discuss investigative records compiled for law enforcement purposes; or
 - 17 (g) Specifically relate to the participation in a civil action or other legal
18 proceeding.
- 19 (9) The Interstate Commission shall keep minutes which shall fully describe all matters
20 discussed in a meeting and shall provide a full and accurate summary of actions
21 taken, including record of any roll call votes.
- 22 (10) The Interstate Commission shall make its information and official records, to the
23 extent not otherwise designated in the Compact or by its rules, available to the
24 public for inspection.
- 25 (11) The Interstate Commission shall establish an executive committee, which shall
26 include officers, members, and others as determined by the bylaws. The executive
27 committee shall have the power to act on behalf of the Interstate Commission, with

1 the exception of rulemaking, during periods when the Interstate Commission is not
2 in session. When acting on behalf of the Interstate Commission, the executive
3 committee shall oversee the administration of the Compact including enforcement
4 and compliance with the provisions of the Compact, its bylaws and rules, and other
5 such duties as necessary.

6 (12) The Interstate Commission may establish other committees for governance and
7 administration of the Compact.

8 ARTICLE XII

9 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

10 The Interstate Commission shall have the duty and power to:

- 11 (1) Oversee and maintain the administration of the Compact;
- 12 (2) Promulgate rules which shall be binding to the extent and in the manner provided
13 for in the Compact;
- 14 (3) Issue, upon the request of a member state or member board, advisory opinions
15 concerning the meaning or interpretation of the Compact, its bylaws, rules, and
16 actions;
- 17 (4) Enforce compliance with Compact provisions, the rules promulgated by the
18 Interstate Commission, and the bylaws, using all necessary and proper means,
19 including but not limited to the use of judicial process;
- 20 (5) Establish and appoint committees, including but not limited to an executive
21 committee as required by Article XI, which shall have the power to act on behalf of
22 the Interstate Commission in carrying out its powers and duties;
- 23 (6) Pay, or provide for the payment of, the expenses related to the establishment,
24 organization, and ongoing activities of the Interstate Commission;
- 25 (7) Establish and maintain one (1) or more offices;
- 26 (8) Borrow, accept, hire, or contract for services of personnel;
- 27 (9) Purchase and maintain insurance and bonds;

- 1 (10) Employ an executive director who shall have the powers to employ, select or
2 appoint employees, agents, or consultants, and to determine their qualifications,
3 define their duties, and fix their compensation;
- 4 (11) Establish personnel policies and programs relating to conflicts of interest, rates of
5 compensation, and qualifications of personnel;
- 6 (12) Accept donations and grants of money, equipment, supplies, materials and services,
7 and to receive, utilize, and dispose of them in a manner consistent with the conflict
8 of interest policies established by the Interstate Commission;
- 9 (13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
10 improve or use, any property, real, personal, or mixed;
- 11 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
12 any property, real, personal, or mixed;
- 13 (15) Establish a budget and make expenditures;
- 14 (16) Adopt a seal and bylaws governing the management and operation of the Interstate
15 Commission;
- 16 (17) Report annually to the legislatures and governors of the member states concerning
17 the activities of the Interstate Commission during the preceding year. Such reports
18 shall also include reports of financial audits and any recommendations that may
19 have been adopted by the Interstate Commission;
- 20 (18) Coordinate education, training, and public awareness regarding the Compact, its
21 implementation, and its operation;
- 22 (19) Maintain records in accordance with the bylaws;
- 23 (20) Seek and obtain trademarks, copyrights, and patents; and
- 24 (21) Perform such functions as may be necessary or appropriate to achieve the purposes
25 of the Compact.

26 ARTICLE XIII

27 FINANCE POWERS

- 1 (1) The Interstate Commission may levy on and collect an annual assessment from each
2 member state to cover the cost of the operations and activities of the Interstate
3 Commission and its staff. The total assessment shall be sufficient to cover the
4 annual budget approved each year for which revenue is not provided by other
5 sources. The aggregate annual assessment amount shall be allocated upon a formula
6 to be determined by the Interstate Commission, which shall promulgate a rule
7 binding upon all member states.
- 8 (2) The Interstate Commission shall not incur obligations of any kind prior to securing
9 the funds adequate to meet the same.
- 10 (3) The Interstate Commission shall not pledge the credit of any of the member states,
11 except by, and with the authority of, the member state.
- 12 (4) The Interstate Commission shall be subject to a yearly financial audit conducted by
13 a certified or licensed public accountant and the report of the audit shall be included
14 in the annual report of the Interstate Commission.

15 ARTICLE XIV

16 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- 17 (1) The Interstate Commission shall, by a majority of commissioners present and
18 voting, adopt bylaws to govern its conduct as may be necessary or appropriate to
19 carry out the purposes of the Compact within twelve (12) months of the first
20 Interstate Commission meeting.
- 21 (2) The Interstate Commission shall elect or appoint annually from among its
22 commissioners a chairperson, a vice chairperson, and a treasurer, each of whom
23 shall have such authority and duties as may be specified in the bylaws. The
24 chairperson, or in the chairperson's absence or disability, the vice chairperson, shall
25 preside at all meetings of the Interstate Commission.
- 26 (3) Officers selected in subsection (2) shall serve without remuneration from the
27 Interstate Commission.

1 (4) The officers and employees of the Interstate Commission shall be immune from suit
2 and liability, either personally or in their official capacity, for a claim for damage to
3 or loss of property or personal injury or other civil liability caused or arising out of,
4 or relating to, an actual or alleged act, error, or omission that occurred, or that such
5 person had a reasonable basis for believing occurred, within the scope of Interstate
6 Commission employment, duties, or responsibilities, provided that such person
7 shall not be protected from suit or liability for damage, loss, injury, or liability
8 caused by the intentional or willful and wanton misconduct of such person.

9 (a) The liability of the executive director and employees of the Interstate
10 Commission or representatives of the Interstate Commission, acting within the
11 scope of their employment or duties for acts, errors, or omissions occurring
12 within their state, may not exceed the limits of liability set forth under the
13 constitution and laws of that state for state officials, employees, and agents.
14 The Interstate Commission is considered to be an instrumentality of the states
15 for the purposes of any such action. Nothing in this subsection shall be
16 construed to protect such person from suit or liability for damage, loss, injury,
17 or liability caused by the intentional or willful and wanton misconduct of such
18 person.

19 (b) The Interstate Commission shall defend the executive director, its employees,
20 and subject to the approval of the attorney general or other appropriate legal
21 counsel of the member state represented by an Interstate Commission
22 representative, shall defend such Interstate Commission representative in any
23 civil action seeking to impose liability arising out of an actual or alleged act,
24 error or omission that occurred within the scope of Interstate Commission
25 employment, duties or responsibilities, or that the defendant had a reasonable
26 basis for believing occurred within the scope of Interstate Commission
27 employment, duties, or responsibilities, provided that the actual or alleged act,

1 error, or omission did not result from intentional or willful and wanton
 2 misconduct on the part of such person.

3 (c) To the extent not covered by the state involved, member state, or the Interstate
 4 Commission, the representatives or employees of the Interstate Commission
 5 shall be held harmless in the amount of a settlement or judgment, including
 6 attorney's fees and costs, obtained against such persons arising out of an
 7 actual or alleged act, error, or omission that occurred within the scope of
 8 Interstate Commission employment, duties, or responsibilities, or that such
 9 persons had a reasonable basis for believing occurred within the scope of
 10 Interstate Commission employment, duties, or responsibilities, provided that
 11 the actual or alleged act, error, or omission did not result from intentional or
 12 willful and wanton misconduct on the part of such persons.

ARTICLE XV

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- 15 (1) The Interstate Commission shall promulgate reasonable rules in order to effectively
 16 and efficiently achieve the purposes of the Compact. Notwithstanding the
 17 foregoing, in the event the Interstate Commission exercises its rulemaking authority
 18 in a manner that is beyond the scope of the purposes of the Compact, or the powers
 19 granted hereunder, then such an action by the Interstate Commission shall be
 20 invalid and have no force or effect.
- 21 (2) Rules deemed appropriate for the operations of the Interstate Commission shall be
 22 made pursuant to a rulemaking process that substantially conforms to the "Model
 23 State Administrative Procedure Act" of 2010, and subsequent amendments thereto.
- 24 (3) Not later than thirty (30) days after a rule is promulgated, any person may file a
 25 petition for judicial review of the rule in the United States District Court for the
 26 District of Columbia or the federal district where the Interstate Commission has its
 27 principal offices, provided that the filing of such a petition shall not stay or

1 otherwise prevent the rule from becoming effective unless the court finds that the
 2 petitioner has a substantial likelihood of success. The court shall give deference to
 3 the actions of the Interstate Commission consistent with applicable law and shall
 4 not find the rule to be unlawful if the rule represents a reasonable exercise of the
 5 authority granted to the Interstate Commission.

6 ARTICLE XVI

7 OVERSIGHT OF INTERSTATE COMPACT

8 (1) The executive, legislative, and judicial branches of state government in each
 9 member state shall enforce the Compact and shall take all actions necessary and
 10 appropriate to effectuate the Compact's purposes and intent. The provisions of the
 11 Compact and the rules promulgated hereunder shall have standing as statutory law
 12 but shall not override existing state authority to regulate the practice of medicine.

13 (2) All courts shall take judicial notice of the Compact and the rules in any judicial or
 14 administrative proceeding in a member state pertaining to the subject matter of the
 15 Compact which may affect the powers, responsibilities or actions of the Interstate
 16 Commission.

17 (3) The Interstate Commission shall be entitled to receive all service of process in any
 18 such proceeding, and shall have standing to intervene in the proceeding for all
 19 purposes. Failure to provide service of process to the Interstate Commission shall
 20 render a judgment or order void as to the Interstate Commission, the Compact, or
 21 promulgated rules.

22 ARTICLE XVII

23 ENFORCEMENT OF INTERSTATE COMPACT

24 (1) The Interstate Commission, in the reasonable exercise of its discretion, shall
 25 enforce the provisions and rules of the Compact.

26 (2) The Interstate Commission may, by majority vote of the commissioners, initiate
 27 legal action in the United States District Court for the District of Columbia, or, at

1 the discretion of the Interstate Commission, in the federal district where the
2 Interstate Commission has its principal offices, to enforce compliance with the
3 provisions of the Compact, and its promulgated rules and bylaws, against a member
4 state in default. The relief sought may include both injunctive relief and damages.
5 In the event judicial enforcement is necessary, the prevailing party shall be awarded
6 all costs of such litigation including reasonable attorney's fees.

7 (3) The remedies herein shall not be the exclusive remedies of the Interstate
8 Commission. The Interstate Commission may avail itself of any other remedies
9 available under state law or the regulation of a profession.

10 ARTICLE XVIII

11 DEFAULT PROCEDURES

12 (1) The grounds for default include, but are not limited to, failure of a member state to
13 perform such obligations or responsibilities imposed upon it by the Compact, or the
14 rules and bylaws of the Interstate Commission promulgated under the Compact.

15 (2) If the Interstate Commission determines that a member state has defaulted in the
16 performance of its obligations or responsibilities under the Compact, or the bylaws
17 or promulgated rules, the Interstate Commission shall:

18 (a) Provide written notice to the defaulting state and other member states, of the
19 nature of the default, the means of curing the default, and any action taken by
20 the Interstate Commission. The Interstate Commission shall specify the
21 conditions by which the defaulting state must cure its default; and

22 (b) Provide remedial training and specific technical assistance regarding the
23 default.

24 (3) If the defaulting state fails to cure the default, the defaulting state shall be
25 terminated from the Compact upon an affirmative vote of a majority of the
26 commissioners and all rights, privileges, and benefits conferred by the Compact
27 shall terminate on the effective date of termination. A cure of the default does not

- 1 (2) The Interstate Commission shall promulgate rules providing for both mediation and
2 binding dispute resolution as appropriate.

3 ARTICLE XX

4 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- 5 (1) Any state is eligible to become a member state of the Compact.
- 6 (2) The Compact shall become effective and binding upon legislative enactment of the
7 Compact into law by no less than seven (7) states. Thereafter, it shall become
8 effective and binding on a state upon enactment of the Compact into law by that
9 state.
- 10 (3) The governors of nonmember states, or their designees, shall be invited to
11 participate in the activities of the Interstate Commission on a nonvoting basis prior
12 to adoption of the Compact by all states.
- 13 (4) The Interstate Commission may propose amendments to the Compact for enactment
14 by the member states. No amendment shall become effective and binding upon the
15 Interstate Commission and the member states unless and until it is enacted into law
16 by unanimous consent of the member states.

17 ARTICLE XXI

18 WITHDRAWAL

- 19 (1) Once effective, the Compact shall continue in force and remain binding upon each
20 and every member state; provided that a member state may withdraw from the
21 Compact by specifically repealing the statute which enacted the Compact into law.
- 22 (2) Withdrawal from the Compact shall be by the enactment of a statute repealing the
23 same, but shall not take effect until one (1) year after the effective date of such
24 statute and until written notice of the withdrawal has been given by the withdrawing
25 state to the governor of each other member state.
- 26 (3) The withdrawing state shall immediately notify the chairperson of the Interstate
27 Commission in writing upon the introduction of legislation repealing the Compact

1 in the withdrawing state.

2 (4) The Interstate Commission shall notify the other member states of the withdrawing
3 state's intent to withdraw within sixty (60) days of its receipt of notice provided
4 under subsection (3).

5 (5) The withdrawing state is responsible for all dues, obligations and liabilities incurred
6 through the effective date of withdrawal, including obligations, the performance of
7 which extend beyond the effective date of withdrawal.

8 (6) Reinstatement following withdrawal of a member state shall occur upon the
9 withdrawing state reenacting the Compact or upon such later date as determined by
10 the Interstate Commission.

11 (7) The Interstate Commission is authorized to develop rules to address the impact of
12 the withdrawal of a member state on licenses granted in other member states to
13 physicians who designated the withdrawing member state as the state of principal
14 license.

15 ARTICLE XXII

16 DISSOLUTION

17 (1) The Compact shall dissolve effective upon the date of the withdrawal or default of
18 the member state which reduces the membership in the Compact to one (1) member
19 state.

20 (2) Upon the dissolution of the Compact, the Compact becomes null and void and shall
21 be of no further force or effect, and the business and affairs of the Interstate
22 Commission shall be concluded and surplus funds shall be distributed in accordance
23 with the bylaws.

24 ARTICLE XXIII

25 SEVERABILITY AND CONSTRUCTION

26 (1) The provisions of the Compact shall be severable, and if any phrase, clause,
27 sentence, or provision is deemed unenforceable, the remaining provisions of the

1 Compact shall be enforceable.

2 (2) The provisions of the Compact shall be liberally construed to effectuate its
3 purposes.

4 (3) Nothing in the Compact shall be construed to prohibit the applicability of other
5 interstate compacts to which the states are members.

6 ARTICLE XXIV

7 BINDING EFFECT OF COMPACT AND OTHER LAWS

8 (1) Nothing herein prevents the enforcement of any other law of a member state that is
9 not inconsistent with the Compact.

10 (2) All laws in a member state in conflict with the Compact are superseded to the
11 extent of the conflict.

12 (3) All lawful actions of the Interstate Commission, including all rules and bylaws
13 promulgated by the Commission, are binding upon the member states.

14 (4) All agreements between the Interstate Commission and the member states are
15 binding in accordance with their terms.

16 (5) In the event any provision of the Compact exceeds the constitutional limits imposed
17 on the legislature of any member state, such provision shall be ineffective to the
18 extent of the conflict with the constitutional provision in question in that member
19 state.

20 ➔Section 13. KRS 311.700 is amended to read as follows:

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

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

27 (b) Practiced, aided, or abetted in the practice of fraud, forgery, deception,

- 1 collusion, or conspiracy relating to an examination for licensure;
- 2 (c) Been convicted by any court of a misdemeanor offense, subject to the
3 provisions of KRS Chapter 335B,~~[involving moral turpitude]~~ or been
4 convicted of an act that is or would be a felony under the laws of the
5 Commonwealth of Kentucky or of the United States;
- 6 (d) Become addicted to or is an abuser of alcohol, drugs, or any illegal substance;
- 7 (e) Developed a physical or mental disability or other condition that presents a
8 danger in continuing to practice genetic counseling to patients, the public, or
9 other health care personnel;
- 10 (f) Knowingly made or caused to be made or aided or abetted in the making of a
11 false statement in any document executed in connection with the practice of
12 genetic counseling;
- 13 (g) Performed any act or service as a genetic counselor without designated
14 supervision;
- 15 (h) Exceeded the scope of practice for which the genetic counselor is licensed by
16 the board;
- 17 (i) Aided, assisted, or abetted the unlawful practice of genetic counseling;
- 18 (j) Willfully violated a confidential communication;
- 19 (k) Performed the services of a genetic counselor in an unprofessional,
20 incompetent, or grossly or chronically negligent manner;
- 21 (l) Been removed, suspended, expelled, or placed on probation by any health care
22 facility or professional society for unprofessional conduct, incompetence,
23 negligence, or violation of any provision of KRS 311.690 to 311.700;
- 24 (m) Violated any applicable provision of administrative regulations relating to
25 genetic counseling;
- 26 (n) Violated any term of probation or other discipline imposed by the board; or
- 27 (o) Failed to complete the required number of hours of approved continuing

1 education.

2 (2) All disciplinary proceedings against a genetic counselor shall be conducted in
3 accordance with KRS Chapter 13B. Any party aggrieved by a final order of the
4 board may appeal to the Jefferson Circuit Court.

5 ➔Section 14. KRS 312.150 is amended to read as follows:

6 (1) Charges may be preferred by the board against the holder of a license to practice
7 chiropractic in this state on any of the following grounds:

8 (a) That fraud, misrepresentation, concealment of material facts, or deceit was
9 used in obtaining or retaining the license;

10 (b) ~~That the licensee no longer possesses a good moral character;~~

11 ~~(c)~~ That the licensee has been convicted of a felony, **subject to the provisions of**
12 **KRS Chapter 335B** ~~or violation of any law involving moral turpitude];~~

13 ~~(c)~~~~(d)~~ That the licensee solicits or advises patients utilizing false, deceptive, or
14 misleading statements or information;

15 ~~(d)~~~~(e)~~ That the licensee is impaired by drugs or alcohol to the extent that it
16 may affect the health, welfare, or safety of patients;

17 ~~(e)~~~~(f)~~ That the licensee is in any way guilty of any deception,
18 misrepresentation, fraud, or unethical conduct in the practice of chiropractic;

19 ~~(f)~~~~(g)~~ That the licensee has:

20 1. Violated:

21 a. Any of the provisions of this chapter, or any of the administrative
22 regulations of the board; or

23 b. KRS 304.39-215; or

24 2. Engaged in conduct that is subject to the penalties under KRS 304.99-
25 060(4) or (5);

26 ~~(g)~~~~(h)~~ That the licensee failed to attend and complete annual continuing
27 chiropractic education courses as provided in KRS 312.175;

1 ~~(h)(i)~~ That the licensee failed to provide a complete copy of the patient's
2 medical records or an itemized statement to the patient upon request, pursuant
3 to KRS 422.317, within ten (10) business days; or

4 ~~(i)(j)~~ That the chiropractor failed to provide notice of a change in address or
5 change in the name and address of the facility where the chiropractor practices
6 as required by KRS 312.145(4).

7 (2) Unprofessional conduct shall include any departure or the failure to conform to the
8 minimal standards of acceptable chiropractic practice or the willful or careless
9 disregard for the health, welfare, or safety of patients, in any of which cases proof
10 of actual injury need not be established. Unprofessional conduct shall include, but
11 not be limited to, the following acts of a chiropractor:

12 (a) Gross ignorance of, or incompetence in, the practice of chiropractic;

13 (b) Performing unnecessary services;

14 (c) Charging a patient an unconscionable fee or charging for services not
15 rendered;

16 (d) Directly or indirectly engaging in threatening, dishonest, or misleading fee
17 collection techniques, including having patients enter into a contract for a
18 course of treatment;

19 (e) Perpetrating fraud upon patients, third-party payors, or others, relating to the
20 practice of chiropractic, including violations of the federal Medicaid and
21 Medicare laws;

22 (f) Advertising that the licensee shall accept for services rendered assigned
23 payments from any third-party payor as payment in full, if the effect is to give
24 the impression of eliminating the need for payment by the patient of any
25 required deductible or copayment applicable in the patient's health benefit
26 plan; or advertising a fee or charge for a service or treatment different from
27 the fee or charge the licensee submits to a third-party payor for that service of

1 treatment. The licensee shall attach to any claim form submitted to any third-
2 party payor a copy of any coupon or a summary of the terms of any discount
3 given;

4 (g) Accepting for services rendered assigned payments from any third-party
5 payor as payment in full, if the effect is to eliminate the need for payment by
6 the patient of any required deductible or copayment applicable in the patient's
7 health benefit plan, or collecting a fee or charge the licensee submits to a
8 third-party payor for that service or treatment. However, in instances where
9 the intent is not to collect excessive remuneration from a third-party payor but
10 rather to provide services at a reduced rate to a patient unable to afford the
11 deductible or copayment, the services may be performed for a lesser charge or
12 fee. The third-party payor shall be informed by the licensee of the reduced
13 charge; or

14 (h) Conviction of a misdemeanor offense under KRS Chapter 510 involving a
15 patient while the patient was under the care of the chiropractor, or a felony
16 offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or the
17 chiropractor having been found by the board to have had sexual contact as
18 defined in KRS 510.010 with a patient while the patient was under the care of
19 the chiropractor.

20 (3) Upon receipt and due consideration of any charges, the board upon an affirmative
21 vote shall determine whether the nature and quality of the charges are such that
22 further investigation or initiation of disciplinary proceedings against the charged
23 licensee is indicated. If disciplinary proceedings are not warranted, the charges shall
24 be dismissed with or without prejudice. If the board determines that disciplinary
25 proceedings are appropriate, the case may be resolved informally by agreed order or
26 set for hearing to be conducted in accordance with KRS Chapter 13B.

27 (4) Except for revocation for nonrenewal, no license shall be revoked or suspended

1 without an opportunity for a hearing. The board may at any time proceed against a
2 licensee on its own initiative either on the basis of information contained in its own
3 records or on the basis of information obtained through its informal investigation.

4 (5) If the board substantiates that sexual contact occurred between the chiropractor and
5 a patient while the patient was under the care of or in a professional relationship
6 with the chiropractor, the chiropractor's license may be revoked or suspended with
7 mandatory treatment of the chiropractor as prescribed by the board. The board may
8 require the chiropractor to pay a specified amount for mental health services for the
9 patient which are needed as a result of the sexual contact.

10 ➔Section 15. KRS 319.082 is amended to read as follows:

11 (1) The board may suspend, revoke, or refuse to issue or renew a license; may accept
12 an assurance of voluntary compliance; restrict, or place a credential holder on
13 probation; or issue an administrative reprimand or private admonishment upon
14 proof that the credential holder has:

15 (a) Committed any act involving ~~immoral turpitude,~~ dishonesty, or corruption,
16 relating to the practice of psychology, whether the act constitutes a crime or
17 not, if in accordance with KRS Chapter 335B. If the act constitutes a crime,
18 conviction in a criminal proceeding is not a condition precedent to
19 disciplinary action. Upon conviction of such a crime, the judgment and
20 sentence is presumptive evidence at the ensuing disciplinary hearing of the
21 guilt of the licensee or applicant of the crime described in the indictment or
22 information and of the person's violation of the statute on which it is based.
23 For the purpose of this subsection, conviction includes all instances in which a
24 plea of guilty or nolo contendere is the basis for the conviction and all
25 proceedings in which the sentence has been deferred or suspended;

26 (b) Misrepresented or concealed a material fact in obtaining a license, or in
27 reinstatement thereof;

- 1 (c) Committed any unfair, false, misleading, or deceptive act or practice;
- 2 (d) Been incompetent or negligent in the practice of psychology;
- 3 (e) Practiced psychology while under the suspension, revocation, or restriction of
4 the individual's license to practice by competent authority in any state, federal,
5 or foreign jurisdiction;
- 6 (f) Violated any state statute or administrative regulation governing the practice
7 of psychology, which shall include violation of KRS 304.39-215 and conduct
8 that is subject to the penalties under KRS 304.99-060(4) or (5);
- 9 (g) Unlawfully failed to cooperate with the board by:
- 10 1. Not furnishing any papers or documents requested by the board;
- 11 2. Not furnishing in writing a complete explanation covering the matter
12 contained in the complaint filed with the board;
- 13 3. Not appearing before the board at the time and place designated; or
- 14 4. Not properly responding to subpoenas issued by the board;
- 15 (h) Failed to comply with an order issued by the board or an assurance of
16 voluntary compliance;
- 17 (i) Aided or abetted an unlicensed person to practice when a license or certificate
18 is required;
- 19 (j) Grossly overcharged for professional services;
- 20 (k) Practiced beyond the scope demonstrated by an appropriate combination of
21 knowledge, skill, experience, training, and education;
- 22 (l) Failed to provide adequate supervision for certified psychologists, licensed
23 psychological associates, applicants for licensure, or other staff;
- 24 (m) Been convicted of any misdemeanor or felony relating to the practice of
25 psychology, if in accordance with KRS Chapter 335B. For the purposes of
26 this subsection, conviction includes all instances in which a plea of guilty or
27 nolo contendere is the basis for conviction and all proceedings in which the

- 1 sentence has been deferred or suspended;
- 2 (n) Physically abused or had sexual contact with a patient, client, student, or
3 supervisee;
- 4 (o) Been convicted of a misdemeanor offense under KRS Chapter 510 involving
5 a client, patient, or student, or a felony offense under KRS Chapter 510,
6 530.064(1)(a), or 531.310, or been found by the board to have had sexual
7 contact as defined in KRS 510.010 with a client, patient, student, or
8 supervisee;
- 9 (p) Improperly divulged confidential information;
- 10 (q) Exercised undue influence in such a manner as to exploit the client, patient,
11 student, or supervisee for financial or other personal advantage to the
12 practitioner or a third party;
- 13 (r) Showed an inability to practice psychology with reasonable skill and safety to
14 patients or clients by reason of illness, misuse of drugs, narcotics, alcohol,
15 chemicals, or any other substance, or as a result of any mental or physical
16 condition; or
- 17 (s) Failed to comply with the requirements of the board for continuing education.
- 18 (2) Private admonishment shall not be subject to disclosure to the public under KRS
19 61.878(1)(l) and shall not constitute disciplinary action, but may be used by the
20 board for statistical purposes or in subsequent disciplinary action against the
21 credential holder or applicant.
- 22 (3) No unlawful act or violation of any provision of this chapter by any credential
23 holder employed or supervised by a licensed psychologist shall be cause for the
24 revocation of the supervisor's license, unless the board finds that the licensed
25 psychologist had knowledge of it.
- 26 (4) Three (3) years from the date of a revocation, any person whose license has been
27 revoked may petition the board for reinstatement. The board shall investigate his or

1 her petition and may reinstate his or her license upon finding that the former
2 licensee has complied with the provisions of this chapter and administrative
3 regulations promulgated by the board and is again able to engage in the practice of
4 psychology with reasonable skill, competency, and safety to the public.

5 (5) The board may, at its own discretion, reconsider, modify, or reverse its probations,
6 suspensions, revocations, restrictions, or refusals to issue or renew licenses at any
7 time.

8 ➔Section 16. KRS 324.2811 is amended to read as follows:

9 A member shall be automatically removed from the commission and a vacancy shall be
10 created if:

11 (1) A licensee of the commission ceases to be a broker or sales associate;

12 (2) A consumer member of the commission acquires a license or financial interest in
13 the practice of real estate;

14 (3) A member enters a plea of guilty to, or has been found guilty of, a felony in which
15 fraud is an essential element~~[or to any crime involving moral turpitude]~~ and the
16 time for appeal has lapsed or the judgment or conviction has been affirmed on
17 appeal;

18 (4) A member ceases to be a bona fide resident of this Commonwealth;

19 (5) A member displays incompetence, neglect of duty, or unprofessional conduct;

20 (6) A member fails to adhere to a duly adopted code of ethics of the commission.
21 Failure to adhere to this code shall be determined by official action of the
22 commission; or

23 (7) A member misses three (3) consecutive meetings or misses more than twenty-five
24 percent (25%) of the meetings held over the previous twelve (12) month period.

25 ➔Section 17. KRS 329.030 is amended to read as follows:

26 (1) No person shall administer a detection of deception examination, as set forth in
27 KRS 329.010, or any imitation thereof, without first securing a trainee's license or

1 an examiner's license. Each application for a trainee's license shall be made to the
2 cabinet within ten (10) days of the commencement of the trainee's internship, and
3 said application shall contain such information as may be reasonably required by
4 the cabinet. Each application for a trainee license or a renewal or extension shall be
5 accompanied by a fee of twenty-five dollars (\$25), which is nonrefundable. Each
6 application for an examiner's license shall be made to the cabinet in writing on
7 forms provided by the cabinet and shall contain such information as may be
8 required by the cabinet to determine the eligibility of the applicant. Each
9 application for an examiner's license shall be accompanied by a fee of fifty dollars
10 (\$50), which is nonrefundable.

11 (2) Each applicant for an examiner's license shall submit his or her fingerprints to the
12 cabinet. The cabinet is authorized to exchange fingerprint data with the Department
13 of Kentucky State Police and the Federal Bureau of Investigation in order to
14 conduct a criminal history background check of the applicant. Each applicant shall
15 also submit a sworn affidavit that said applicant:

- 16 (a) Is a citizen of the United States;
- 17 (b) Is at least eighteen (18) years of age;
- 18 (c) Has administered detection of deception examinations for a period of at least
19 one (1) year using the instrumentation prescribed in KRS 329.020;
- 20 (d) Has completed a course of formal training in detection of deception in an
21 institution accepted by the cabinet;
- 22 (e) Has not been convicted of a misdemeanor~~[involving moral turpitude]~~ or a
23 felony, **subject to the provisions of KRS Chapter 335B**, or who has not been
24 released or discharged under other than honorable conditions from any of the
25 Armed Services of the United States, or any branch of the state, city or federal
26 government; and
- 27 (f) Any other information required by the cabinet to determine the examiner's

1 competency to obtain a license to practice in this state.

2 (3) Upon receipt of an application for a trainee's license or for an examiner's license,
3 the secretary shall investigate each application, and no license will be issued until
4 said investigation is complete.

5 (4) The cabinet shall establish such reasonable rules and regulations for the trainee
6 during his internship as may be reasonably necessary for the purpose of insuring
7 that the trainee meets adequate professional standards established by the cabinet.

8 (5) The cabinet may require applicants for an examiner's license to pass an examination
9 which shall be confined to such knowledge, practical ability, and skill as is essential
10 for performing the duties of a detection of deception examiner. The cabinet shall
11 promulgate administrative regulations for conducting examinations and shall define
12 the standards to be acquired to constitute passing the examination.

13 (6) The cabinet shall promulgate administrative regulations for the purpose of insuring
14 that the examiner maintain adequate professional standards established by the
15 cabinet.

16 ➔Section 18. KRS 329A.035 is amended to read as follows:

17 (1) An application for a private investigator license shall be filed with the board on the
18 prescribed form.

19 (a) The application shall include the following information regarding the
20 applicant:

- 21 1. Full name and address;
- 22 2. Date and place of birth;
- 23 3. Social Security number;
- 24 4. All residences during the past five (5) years;
- 25 5. All employment or occupations engaged in during the past five (5)
26 years;
- 27 6. Three (3) sets of classifiable fingerprints; and

1 7. Any other information as the board may reasonably require by
2 administrative regulation.

3 (b) The application shall be subscribed and sworn to by the applicant.

4 (c) If the applicant intends to conduct fire or arson investigations, proof of current
5 national certification from the National Association of Fire Investigators or
6 the International Association of Arson Investigators shall be filed with the
7 board in addition to the information required in paragraph (a) of this
8 subsection.

9 (2) An application for an investigating company license shall be filed with the board on
10 the prescribed form.

11 (a) The application shall include:

12 1. The information required in subsection (1)(a) of this section for:

13 a. The owner, if the company is a sole proprietorship;

14 b. Each partner, if the company is a partnership; or

15 c. The qualifying agent, if the company is a corporation;

16 2. The name under which the company intends to do business;

17 3. The address of the principal place of business and any branch offices of
18 the company within this state; and

19 4. Other information as the board may reasonably require by
20 administrative regulation.

21 (b) If the company is a corporation, the following information is also required:

22 1. The correct legal name of the corporation;

23 2. The state and date of incorporation;

24 3. The date the corporation qualified to do business in this state;

25 4. The address of the corporate headquarters, if located outside of this
26 state;

27 5. The names of two (2) principal corporate officers other than the

- 1 qualifying agent, their business addresses, residence addresses, and the
- 2 office held by each in the corporation; and
- 3 6. The identity and license number of all private investigators employed by
- 4 or affiliated with the company.
- 5 (c) The application shall be subscribed and sworn to by:
- 6 1. The owner, if the applicant is a sole proprietorship;
- 7 2. Each partner, if the applicant is a partnership; or
- 8 3. The qualifying agent, if the applicant is a corporation.
- 9 (3) Each applicant for an individual license or owner, partner, or qualifying agent for a
- 10 company license shall:
- 11 (a) Be at least twenty-one (21) years of age;
- 12 (b) Be a citizen of the United States or a resident alien;
- 13 (c) Have a high school education or its equivalent;
- 14 (d) Not receive a license until the earlier of:
- 15 1. The expiration of ten (10) years from the applicant's release from a
- 16 sentence imposed by any state or territory of the United States or the
- 17 federal government for the commission of a felony, including a sentence
- 18 of confinement or time served on probation, parole, or other form of
- 19 conditional release or discharge; or
- 20 2. The date the applicant received a restoration of the applicant's civil
- 21 rights;
- 22 (e) Not have been convicted of a misdemeanor ~~[involving moral turpitude or]~~ for
- 23 which dishonesty is a necessary element within the previous five (5) years;
- 24 (f) Not have been dishonorably discharged from any branch of the Armed Forces
- 25 of the United States;
- 26 (g) Not have had his or her certification as a peace officer revoked in this or
- 27 another state;

- 1 (h) Not have been declared by any court of competent jurisdiction to be
2 incompetent by reason of mental defect or disease unless a court of competent
3 jurisdiction has since declared the applicant to be competent;
- 4 (i) Not have been voluntarily or involuntarily committed to a facility or
5 outpatient program for the abuse of a controlled substance or been convicted
6 of a misdemeanor violation of KRS Chapter 218A or similar laws of any other
7 state relating to controlled substances within the three (3) year period
8 immediately preceding the date on which the application is submitted;
- 9 (j) Not chronically and habitually use alcoholic beverages as evidenced by:
- 10 1. The applicant having two (2) or more convictions for violating KRS
11 189A.010 within the three (3) year period immediately preceding the
12 date on which the application is submitted; or
- 13 2. The applicant having been committed as an alcoholic pursuant to KRS
14 Chapter 222, or similar laws of any other state, within the three (3) year
15 period immediately preceding the date on which the application is
16 submitted;
- 17 (k) Not chronically and habitually use alcoholic beverages or drugs to the extent
18 that his or her normal faculties are impaired;
- 19 (l) ~~Be of good moral character;~~
- 20 ~~(m)~~ Pass an examination administered by the board in accordance with KRS
21 329A.025(2)(c); and
- 22 ~~(m)~~~~(n)~~ Submit proof of coverage which meets the following requirements:
- 23 1. Is written by an insurance company which is lawfully engaged to
24 provide insurance coverage in Kentucky;
- 25 2. Provides for a combined single-limit policy in the amount of at least two
26 hundred fifty thousand dollars (\$250,000); and
- 27 3. Insures for liability all of the applicant's employees while acting in the

1 course of their employment.

2 Private investigators who limit their practice exclusively to working under the
3 supervision and as employees of an attorney who is licensed to practice law in
4 this state are exempted from the requirement of this paragraph.

5 (4) The board shall maintain the confidentiality of information relating to the licensee
6 or applicant, except that the board may provide this information to local, state, or
7 federal law enforcement agencies.

8 (5) Upon inquiry by any individual or entity, the board or the board's administrative
9 staff shall provide or confirm the license status of any private investigator or private
10 investigating company.

11 ➔Section 19. KRS 367.652 is amended to read as follows:

12 (1) A professional solicitor shall file a registration statement with, and obtain the
13 approval of, the Attorney General before acting as a professional solicitor. The
14 registration statement shall be attested to by the professional solicitor, if an
15 individual, or by the principal officer of the professional solicitor, if the solicitor is
16 a business entity. The statement shall be accompanied by a fee of three hundred
17 dollars (\$300), plus the costs of a background investigation to the Attorney
18 General's office. The funds shall be placed in a trust or agency account pursuant to
19 KRS 45.253. If a professional solicitor is a corporation or partnership, a single fee
20 shall cover all its partners, members, employees, directors, agents, or officers.

21 (2) Each registration shall expire on December 31 of the calendar year in which it is
22 filed and may be renewed by reapplying and paying the prescribed fee.

23 (3) At the time of filing the registration statement, a professional solicitor shall file with
24 and have approved by the Attorney General a full cash or surety bond in the amount
25 of twenty-five thousand dollars (\$25,000). The bond shall be in favor of the
26 Attorney General and shall be held for any person having prevailed in a cause of
27 action against the solicitor for liabilities resulting from the solicitor's violation of

1 KRS 367.650 to 367.670 or any administrative regulation promulgated pursuant to
2 these sections. The bond shall be in a form prescribed by the Attorney General. If a
3 surety bond is issued, it shall be issued by an insurer authorized to transact surety
4 insurance in this state pursuant to KRS Chapter 304. The Attorney General may
5 require that any cash offered as security for a full cash bond be held in escrow by a
6 financial institution located in the state, subject to an escrow agreement approved
7 by the Attorney General.

- 8 (4) The registration statement shall be filed in a form prescribed by the Attorney
9 General and shall include:
- 10 (a) The name, address, and telephone number of the professional solicitor and the
11 agent authorized to accept service of process in this state;
 - 12 (b) The names in which the professional solicitor is doing business in Kentucky
13 and any names used in the past;
 - 14 (c) The names and addresses of any charity sharing in the charitable contributions
15 received in this state;
 - 16 (d) A copy of any articles of incorporation and by-laws of the solicitor, fund
17 raising consultant, and the charitable organization, and any tax-exempt status
18 letter from the Internal Revenue Service;
 - 19 (e) The names, addresses, and occupations of persons employed by or who have
20 contracted with the professional solicitor and a statement of whether those
21 persons have been convicted of a felony or a misdemeanor, subject to the
22 provisions of KRS Chapter 335B~~involving moral turpitude~~ or arising from
23 their conduct as solicitors for a charitable organization or purpose;
 - 24 (f) A copy of the financial statement for the professional solicitor's preceding
25 fiscal year, which shall set out the total profits and revenue from all
26 fundraising activities, the balance sheet, the kind and amounts of funds raised,
27 specific costs in raising funds, the percentage of funds raised on behalf of the

- 1 charitable organization which are actually paid to the organization for
2 charitable purposes, and the location of the original financial records;
- 3 (g) A statement of whether the professional solicitor has ever been enjoined by
4 any court or otherwise prohibited from soliciting contributions in any
5 jurisdiction;
- 6 (h) A statement indicating the method by which the solicitation is made, a
7 description of the promotional plan together with copies of all advertisements,
8 the location of all telephones being used, and the time period during and the
9 areas in which the solicitations are made; and
- 10 (i) Any other information which may be required by the Attorney General for the
11 public interest or for the protection of contributors.
- 12 (5) A fundraising consultant shall file a registration statement with and obtain the
13 approval of the Attorney General before acting as a consultant. The registration
14 statement shall be attested to by the fundraising consultant, if the consultant is an
15 individual, or by the principal officer of the fundraising consultant, if the consultant
16 is a business entity. The statement shall be accompanied by a fee of fifty dollars
17 (\$50), plus the costs of a background investigation. The fees shall be placed in a
18 trust or agency account pursuant to KRS 45.253. If a fundraising consultant is a
19 corporation or partnership, a single fee shall cover all its partners, members,
20 employees, directors, agents, or officers.
- 21 (6) Each registration shall expire on December 31 of the calendar year in which it is
22 filed and may be renewed by reapplying and paying the fee.
- 23 (7) The professional solicitor and fundraising consultant shall report in writing to the
24 Attorney General any material change in the registration statement occurring after
25 filing. The report shall be filed within seven (7) calendar days after the change
26 occurs.
- 27 (8) No person shall act as a professional solicitor or fundraising consultant if he, his

1 officers, directors, or any person with a controlling interest in the business, or any
2 person the professional solicitor or fundraising consultant employs or procures to
3 solicit for compensation or to advise, consult, plan, or manage in regards to the
4 solicitation campaign, has been convicted by a court of any state or the United
5 States of a felony or a misdemeanor, subject to the provisions of KRS Chapter
6 335B~~[involving moral turpitude]~~ or arising from his conduct as a solicitor or
7 consultant for a charitable organization or purpose. A background check on each
8 person set out in this subsection shall be performed by the Attorney General's
9 office. The actual cost of the investigation shall be added to the registration fee.

10 ➔Section 20. KRS 367.973 is amended to read as follows:

- 11 (1) The Attorney General may deny, suspend, or revoke any license granted under KRS
12 367.940 or levy civil penalties not to exceed five hundred dollars (\$500) or both or
13 place the licensee on probation for up to twelve (12) months for any of the
14 following causes:
- 15 (a) Obtaining a license through false statement or misrepresentation;
 - 16 (b) Conducting, or undertaking a substantial step toward conducting his business
17 in an unfair, false, misleading, or deceptive manner;
 - 18 (c) Entry of a final civil judgment against the licensee for a violation of KRS
19 367.934 to 367.974, or for entry of a final judgment of conviction for a
20 violation of KRS 367.991;
 - 21 (d) ~~[Entry of a final judgment of conviction against the licensee for any crime~~
22 ~~involving moral turpitude;]~~ or
 - 23 ~~[(e)]~~ Violating any of the provisions of KRS 367.932 to 367.974 or any lawful
24 order or administrative regulation made or promulgated under KRS 367.932
25 to 367.974.
- 26 (2) The Attorney General shall, before denying, suspending, or revoking a license or
27 imposing fines, file a complaint alleging the grounds upon which the licensee may

1 have his or her license denied, revoked, or suspended or have fines imposed. A
2 copy of the complaint, together with any exhibits, shall be served upon the
3 defendant licensee at the licensee's last known address. The complainant shall show
4 certification that there has been service by writing to the last known address. The
5 answer shall be returned to the Attorney General's office within twenty (20) days of
6 receipt of the complaint by the defendant licensee. Upon receipt of an answer to a
7 complaint, an administrative hearing shall be conducted in accordance with KRS
8 Chapter 13B.

9 (3) Any person aggrieved by a final order issued under authority of this section shall
10 have the right of an appeal by filing a petition with the Franklin Circuit Court in
11 accordance with KRS Chapter 13B.

12 ➔Section 21. KRS 367.97534 is amended to read as follows:

13 (1) The Attorney General may deny, suspend, or revoke any license granted under KRS
14 367.97504 or levy civil penalties not to exceed five hundred dollars (\$500), or both,
15 or place the licensee on probation for up to twelve (12) months for any of the
16 following causes:

17 (a) Obtaining a license through false statement or misrepresentation;

18 (b) Conducting or undertaking business in an unfair, false, misleading, or
19 deceptive manner; or

20 (c) ~~Entry of a final judgment or conviction for any crime involving moral~~
21 ~~turpitude; or~~

22 ~~(d)~~ Violating any of the provisions of KRS 367.97501 to 367.97537 or any
23 administrative regulation promulgated or order made pursuant to KRS
24 367.97501 to 367.97537.

25 (2) The Attorney General shall, before denying, suspending, or revoking a license or
26 imposing civil penalties, issue a complaint alleging the grounds upon which the
27 licensee may have its license denied, revoked, or suspended, or have civil penalties

1 imposed. A copy of the complaint, together with any exhibits, shall be served upon
2 the defendant licensee at the licensee's last known address. The licensee shall file an
3 answer with the Attorney General's office within twenty (20) days of receipt of the
4 complaint. Upon receipt of an answer to a complaint, an administrative hearing
5 shall be conducted in accordance with KRS Chapter 13B.

6 (3) Any party aggrieved by the final order of the Attorney General in denying,
7 suspending, or revoking a license, or imposing civil penalties may appeal the final
8 order to Franklin Circuit Court in accordance with KRS Chapter 13B.

9 (4) All of the remedies, powers, and duties provided for the Attorney General by KRS
10 376.190 to 367.300 and KRS 367.990 pertaining to acts declared unlawful by KRS
11 367.170 shall apply with equal force and effect to violations of KRS 367.97501 to
12 367.97537.

13 (5) Nothing in KRS 367.97501 to 367.97537 shall be construed to limit or restrict the
14 exercise of powers or the performance of the duties of the Attorney General, which
15 he is authorized to exercise or perform under any other provision of law including
16 direct court action to obtain injunctive relief and revocation of license. The
17 Attorney General has the authority to promulgate any administrative regulations
18 necessary to carry out the provisions of KRS 367.97501 to 367.97537.

19 ➔Section 22. KRS 15.760 is amended to read as follows:

20 (1) Each Commonwealth's attorney shall, during the calendar year 1977 and through
21 June 30, 1978, be entitled to at least the number of assistant Commonwealth's
22 attorney positions, stenographic, secretarial, and clerical staff positions, and
23 investigative and other personnel positions, which he or she had or was entitled to
24 at the number and salary level in effect on December 1, 1976.

25 (2) The number of assistant Commonwealth's attorney positions, stenographic,
26 secretarial, and clerical staff positions, and investigative and other personnel
27 positions, shall be based on real need to be determined with the advice and consent

1 of the Prosecutors Advisory Council.

2 (3) All assistant Commonwealth's attorneys shall be licensed practicing attorneys. The
3 full-time assistant Commonwealth's attorneys shall not be allowed to engage in the
4 private practice of law.

5 (4) All salaries paid to personnel appointed hereunder shall be paid from the State
6 Treasury. The salaries shall be commensurate with the appointee's education,
7 experience, training, and responsibility, and be based upon the guidelines
8 established by the Prosecutors Advisory Council, which guidelines shall be
9 comparable with the classification and compensation plan for comparable positions
10 maintained by the state Personnel Cabinet, pursuant to KRS 64.640.

11 (5) The fiscal court, consolidated local government, or urban-county government in the
12 county or counties that comprise the judicial circuit shall be responsible for
13 providing the office of the Commonwealth's attorney with an adequate grand jury
14 room and witness rooms.

15 (6) (a) Each Commonwealth's attorney shall be authorized to employ individually or
16 jointly with one (1) or more other Commonwealth's attorneys at least one (1)
17 victim advocate to counsel and assist crime victims as defined in KRS
18 421.500.

19 (b) An individual employed as a victim advocate shall be a person who by a
20 combination of education, professional qualification, training, and experience
21 is qualified to perform the duties of this position. The victim advocate shall be
22 an individual at least eighteen (18) years of age, ~~of good moral character,~~
23 ~~with at least two (2) years of experience working in the human services field~~
24 ~~or court system in a position requiring professional contact with children or~~
25 adults, who has:

26 1. Received a baccalaureate degree in social work, sociology, psychology,
27 guidance and counseling, education, religion, criminal justice, or other

1 human service field; or

2 2. Received a high school diploma or equivalency certificate, and, in

3 addition to the experience required in this subsection, has at least four

4 (4) years' experience working in the human services field or court

5 system.

6 (c) Each Commonwealth's attorney who employs an individual to serve as a

7 victim advocate shall develop a written job description which describes the

8 duties of the position and shall ensure the victim advocate completes training

9 relating to the appropriate intervention with crime victims, including victims

10 of domestic violence and victims of elder abuse, neglect, or exploitation or

11 other crimes against the elderly. Each victim advocate shall perform those

12 duties necessary to insure compliance with the crime victim's bill of rights

13 contained in KRS 421.500 to 421.530. No victim advocate shall engage in

14 political activities while in the course of performing his or her duties as

15 victim advocate or the practice of law as defined in KRS 524.130. The

16 creation and funding of any new personnel position shall be reviewed and

17 approved by the Prosecutors Advisory Council.

18 ➔Section 23. KRS 16.040 is amended to read as follows:

19 (1) The department shall consist of the commissioner and the number of officers,

20 individuals employed as a Trooper R Class, CVE R Class, and civilians, and shall

21 be organized in the manner as the commissioner from time to time determines.

22 (2) All persons appointed as officers shall at the time of their appointment:

- 23 (a) Be not less than twenty-one (21) years of age;
- 24 (b) Be ~~of good moral character, and~~ in good health;
- 25 (c) Be citizens of the United States and residents of the Commonwealth; and
- 26 (d) Possess;

27 1. A minimum of sixty (60) hours of credit, or an associate degree, from an

1 accredited college or university;

2 2. A high school diploma with at least two (2) years' experience in the

3 military or in law enforcement; or

4 3. A high school diploma or General Educational Development (GED)

5 diploma with additional experience established by the commissioner by

6 administrative regulation promulgated pursuant to KRS Chapter 13A.

7 However, any person appointed under this subparagraph who has not

8 completed the requirements of subparagraph 1. of this paragraph prior to

9 the end of probation as described in KRS 16.140(11) shall be

10 discharged.

11 (3) The commissioner shall prescribe minimum physical requirements for appointment

12 as an officer of the department and for individuals employed as a Trooper R Class

13 or CVE R Class, and shall conduct such tests and require such physical

14 examinations as deemed necessary to determine the fitness and qualification of each

15 applicant. All other qualifications being equal, preference shall be given to veterans

16 of the Armed Forces of the United States in time of war, who were honorably

17 discharged.

18 (4) The commissioner shall direct an investigation to be conducted in order to

19 determine an applicant's suitability for employment as an officer. The contents of

20 the investigation shall be subject to the Open Records Act, KRS 61.870 to 61.884

21 and KRS 61.991, except that the identity of any witness or informant involving

22 information relative to this investigation shall remain confidential. The identity of

23 any witness or informant shall be subject to the subpoena power of a court of

24 competent jurisdiction.

25 ➔Section 24. KRS 16.1901 is amended to read as follows:

26 (1) At the time of appointment by the department or the secretary, officers shall meet

27 the minimum requirements established by this subsection:

- 1 (a) Commercial vehicle enforcement officers shall:
- 2 1. Meet at least one (1) of the following education or experience
- 3 requirements:
- 4 a. Have completed at least fifty-four (54) semester hours with a
- 5 college or university;
- 6 b. Possess at least two (2) years experience as a commercial vehicle
- 7 inspector under the North American Standard Requirements;
- 8 c. Possess at least two (2) years experience as a full-time sworn law
- 9 enforcement officer; or
- 10 d. Possess at least two (2) years experience in military duty;
- 11 2. Be ~~of good moral character and~~ capable of successfully meeting the
- 12 physical fitness standards established by the commissioner; and
- 13 3. Meet the minimum qualifications for becoming a certified peace officer
- 14 as provided by KRS 15.382;
- 15 (b) Arson investigator officers shall:
- 16 1. Possess at least one (1) year of law enforcement, police, criminal, fire,
- 17 or arson investigation experience; and
- 18 2. Meet the minimum qualifications for becoming a certified peace officer
- 19 as provided by KRS 15.382;
- 20 (c) Hazardous devices investigator officers shall:
- 21 1. Possess at least five (5) years of experience involving explosives or
- 22 hazardous devices used in the areas of law enforcement, the military, or
- 23 firefighting; and
- 24 2. Meet the minimum qualifications for becoming a certified peace officer
- 25 as provided by KRS 15.382;
- 26 (d) Facilities security officers shall be commissioned as special law enforcement
- 27 officers under KRS 61.900 to 61.930; and

- 1 (e) Legislative security specialists shall:
- 2 1. Possess at least five (5) years of experience as a full-time sworn law
- 3 enforcement officer; and
- 4 2. Meet the minimum qualifications for a certified peace officer as
- 5 provided in KRS 15.382.

6 (2) Upon completion of a probationary period of one (1) year:

- 7 (a) Commercial vehicle enforcement officers, arson investigator officers,
- 8 hazardous devices investigator officers, and legislative security specialists
- 9 shall have successfully completed the Peace Officer Professional Standards
- 10 (POPS) certification process through the Kentucky State Police Academy or
- 11 through the Department of Criminal Justice Training; and
- 12 (b) Commercial vehicle enforcement officers shall successfully complete and
- 13 pass a certified course in General Hazardous Materials and North American
- 14 Standard Driver/Vehicle Inspection.

15 ➔Section 25. KRS 69.350 is amended to read as follows:

16 (1) Each county attorney may employ individually or jointly with one (1) or more other

17 county attorneys at least one (1) victim advocate to counsel and assist crime victims

18 as defined in KRS 421.500.

19 (2) An individual employed as a victim advocate shall be a person who by a

20 combination of education, professional qualification, training, and experience is

21 qualified to perform the duties of this position. The victim advocate shall be an

22 individual at least eighteen (18) years of age~~[, of good moral character,]~~ with at

23 least two (2) years of experience working in the human services field or court

24 system in a position requiring professional contact with children or adults, who has:

- 25 (a) Received a baccalaureate degree in social work, sociology, psychology,
- 26 guidance and counseling, education, religion, criminal justice, or other human
- 27 service field; or

1 (b) Received a high school diploma or equivalency certificate, and, in addition to
2 the experience required in this subsection, has at least four (4) years'
3 experience working in the human services field or court system.

4 (3) Each county attorney who employs an individual to serve as a victim advocate shall
5 develop a written job description which describes the duties of the position and
6 shall ensure the victim advocate completes training relating to the appropriate
7 intervention with crime victims, including victims of domestic violence and elder
8 abuse, neglect, and exploitation and other crimes against the elderly. Each victim
9 advocate shall perform those duties necessary to insure compliance with the crime
10 victim's bill of rights contained in KRS 421.500 to 421.530. No victim advocate
11 shall engage in political activities while in the course of performing duties as victim
12 advocate or the practice of law as defined in KRS 524.130. The creation and
13 funding of any new personnel position shall be reviewed and approved by the
14 Prosecutors Advisory Council.

15 ➔Section 26. KRS 165A.350 is amended to read as follows:

16 (1) No person shall solicit or perform the services of an agent in this state for a
17 proprietary school, located either within or without this state, unless the school shall
18 have been issued by the commission a license pursuant to KRS 165A.310 to
19 165A.410 and the person shall have been issued an agent's permit for said
20 proprietary school.

21 ~~(2) No person shall be issued an agent's permit unless he is an individual of good
22 moral character as determined by the commission.~~

23 ~~(3)~~ Except as otherwise provided, no person shall be issued an agent's permit unless he
24 shall make application upon forms to be provided by the commission, and unless
25 the application shall be accompanied by a fee as established by the commission and
26 a good and sufficient surety bond or other collateral in a form as required by the
27 commission but not less than five thousand dollars (\$5,000).

1 ~~(3)~~~~(4)~~ (a) The surety bond or other collateral shall be conditioned by the
2 commission to recover all necessary administrative costs, including but not
3 limited to costs for the acquisition, permanent filing, and maintenance of
4 student records of the proprietary school or to provide indemnification to any
5 student or enrollee or the student's or enrollee's parent or guardian suffering
6 loss or damage as a result of any fraud or misrepresentation used in procuring
7 his enrollment in a course or courses of instruction or study offered or
8 maintained by the proprietary school, or as a result of the student being unable
9 to complete the course or courses because the proprietary school ceased
10 operations. The amount of liability on the surety bond or other collateral shall
11 cover each agent each school year, as the term "school year" is defined in
12 KRS 165A.310. Regardless of the number of years that an agent's bond is in
13 force, the aggregate liability of the surety bond shall not exceed the penal sum
14 of the bond. The surety bond or other collateral may be continuous.

15 (b) Any claimant may file with the commission a duly verified claim against an
16 agent. The commission shall consider claims in a timely manner after ten (10)
17 days' written notice by certified mail, return receipt requested, to the licensee
18 of the claim giving time and place of hearing thereon and if the claim is found
19 to be correct and due to the claimant, and if the commission cannot effect a
20 settlement by persuasion and conciliation, the commission shall make a
21 demand upon the principal on the bond and the surety or other collateral
22 thereon, and if not paid shall bring an action on the bond in Franklin Circuit
23 Court.

24 ~~(4)~~~~(5)~~ The surety bond or other collateral may be of blanket form to cover more than
25 one (1) agent for a proprietary school, but it shall provide the required minimum
26 coverage for each agent.

27 ~~(5)~~~~(6)~~ A surety on the bond or other collateral may be released therefrom after the

1 surety shall make a written notice thereof directed to the commission at least thirty
2 (30) days prior to release.

3 ~~(6)~~~~(7)~~ The surety bond or other collateral shall cover the period of the agent's permit,
4 except when a surety shall be released in the manner provided herein.

5 ~~(7)~~~~(8)~~ Notwithstanding the provisions of other sections, the commission may issue
6 an agent's permit to each person who is an owner of more than ten percent (10%)
7 legal interest in a proprietary school located in this state and who is a resident of
8 this state, and no owner shall be required to pay the agent's permit fee or execute an
9 agent's surety bond or other collateral as otherwise required by this section, if the
10 proprietary school shall have been issued a license pursuant to the provisions of
11 KRS 165A.310 to 165A.410.

12 ~~(8)~~~~(9)~~ The commission may issue a conditional license on a monthly basis for up to
13 a nine (9) month period of time.

14 ~~(9)~~~~(10)~~ An agent's permit shall be suspended by operation of law when the agent is no
15 longer covered by a surety bond or other collateral is withdrawn as required by
16 KRS 165A.310 to 165A.410; but the commission shall cause the agent to receive at
17 least ten (10) days' written notice prior to the release of his surety to the effect that
18 the permit shall be suspended by operation of law until another surety bond or other
19 collateral shall be filed in the same manner and like amount as required by the
20 commission.

21 ~~(10)~~~~(11)~~ An agent's permit shall be valid for a period of one (1) school year as herein
22 defined, except when suspended or canceled pursuant to these provisions. An
23 agent's permit may be renewed in the same manner and under the same conditions
24 prescribed for the issuance of an initial agent's permit.

25 ~~(11)~~~~(12)~~ The owner or owners of the proprietary school shall be held responsible for all
26 actions of their agents when performing their duties as agents.

27 ➔Section 27. KRS 165A.370 is amended to read as follows:

- 1 (1) No proprietary school located or doing business in this state shall be issued a
2 license under these provisions until the commission has determined that the
3 proprietary school is maintained, operated, or, in the event of a new proprietary
4 school, that the school, after a physical inspection of the premises, can be
5 reasonably maintained and operated, in substantial compliance with the following
6 minimum standards:
- 7 (a) That the instructional quality and content of each course or program of
8 instruction or study shall be adequate to provide reasonable education and
9 training to each enrolled student, and that the quality and content shall be
10 consistent with the public interest;
- 11 (b) That the proprietary school has adequate space, equipment, instructional
12 materials, and instructor personnel to provide the authorized training and
13 preparation of the quality specified in paragraph (a) of this subsection;
- 14 (c) That the educational and experience qualifications of directors, administrators,
15 supervisors, and instructors are satisfactory in terms of the quality of
16 instruction specified in paragraph (a) of this subsection;
- 17 (d) That the administrators shall hold a baccalaureate degree from an accredited
18 college or university, or demonstrate the appropriate training or experience
19 related to the responsibilities of the position as determined by the
20 commission;
- 21 (e) That the instructors shall hold a baccalaureate degree from an accredited
22 college or university in the area of teaching responsibility, or demonstrate
23 appropriate training or experience related to the responsibilities of the position
24 as determined by the commission;
- 25 (f) That a copy of the course outline and a schedule of all tuition, fees, tuition
26 refund schedules, program completion rates, and program placement rates of
27 the school's graduates for the preceding twelve (12) months be furnished each

1 student applicant prior to enrollment;

2 (g) That, as defined by commission regulation, a diploma, associate degree,
3 certificate, or other appellation shall be awarded to the student upon
4 satisfactory completion of training by the proprietary school which indicates
5 that the course or courses of instruction or study had been satisfactorily
6 completed;

7 (h) That adequate records shall be maintained on all personnel and available for
8 inspection and shall include the following materials:

- 9 1. Current personnel forms;
- 10 2. Teacher evaluations;
- 11 3. Inventory of equipment and instructional material; and
- 12 4. Faculty transcripts;

13 (i) That separate files shall be maintained on each student and be available for
14 inspection, and shall include copies of the following materials:

- 15 1. Student's application for admission;
- 16 2. Enrollment agreement;
- 17 3. Academic record;
- 18 4. Attendance record;
- 19 5. Financial payment record; and
- 20 6. Placement record;

21 (j) That the proprietary school shall be maintained and operated in compliance
22 with all local, city, and county ordinances and state law, including rules and
23 regulations adopted pursuant thereto, relative to the safety and health of all
24 persons upon the premises;

25 (k) That the proprietary school is financially sound and reasonably capable of
26 fulfilling commitments to students for training and preparation;

27 (l) That the school shall have available, if requested by the commission, a

- 1 financial statement certified by an independent accountant, and a profit-loss
2 statement certified by the owner as being true and current. The commission
3 may call for any or all of the above information at any time;
- 4 (m) That the proprietary school does not utilize advertising of any type which is
5 untrue, deceptive, or misleading and shall be able to document all advertised
6 claims;
- 7 ~~(n) [That the chief executive officer, directors, owners, administrators,~~
8 ~~supervisors, and instructors are of good moral character as determined by the~~
9 ~~commission;~~
- 10 ~~(o)~~ That the proprietary school adheres to a tuition refund schedule as presented
11 in published form prior to enrollment;
- 12 ~~(p)~~ That the school shall prominently display its current license and the
13 address and telephone number of the commission office; and
- 14 ~~(q)~~ That the proprietary school adheres to the other requirements consistent
15 with the public interest as the commission shall determine are necessary to
16 improve the courses or programs of instruction or study offered by the school,
17 and to prevent misrepresentation, fraud, and collusion in the offering thereof.
- 18 (2) In determining compliance with the minimum standards described in subsection (1)
19 of this section, the commission shall require at a minimum:
- 20 (a) For a degree-granting institution, appropriate accreditation; and
21 (b) For a non-degree granting institution, a statement of quality assurance.
- 22 (3) The commission shall investigate, appraise, and evaluate from time to time, or upon
23 receipt of a formal complaint, any proprietary school now located, or which may be
24 hereafter located, in this state. The investigation, appraisal, and evaluation shall be
25 for the purpose of determining whether the proprietary school or its programs are
26 maintained and operated or, in the event of a new proprietary school, whether the
27 new proprietary school can be reasonably maintained and operated, in compliance

1 with the provisions of this section and all other applicable Kentucky statutes and
2 administrative regulations. The investigation, appraisal, and evaluation shall include
3 but are not limited to inspection of all records, books, and facilities at reasonable
4 times and places without prior notice.

5 (4) If the commission determines upon investigation, appraisal, and evaluation that a
6 proprietary school located within this state is maintained and operated, or, in the
7 event of a new proprietary school, that the school can be reasonably maintained and
8 operated, in compliance with the minimum standards prescribed by this section, the
9 commission shall issue a license to the proprietary school.

10 (5) If the commission determines that any school is not maintained and operated, or
11 cannot be reasonably maintained and operated, in compliance with the minimum
12 standards prescribed by this section and the minimum requirements determined by
13 the commission, or is in violation of Kentucky statutes or administrative
14 regulations, the commission, after notice and an opportunity for a hearing to be
15 conducted in accordance with KRS Chapter 13B, may deny the issuance of a
16 license or may establish conditions in conformity with these provisions which shall
17 be met by the school prior to issuance of a license. The commission may issue a
18 conditional license for up to a nine (9) month period of time.

19 ➔Section 28. KRS 216A.080 is amended to read as follows:

20 (1) No person shall be eligible to practice long-term care administration in this state
21 unless:

22 (a) He or she shall make written application to the board on such forms as are
23 provided therefor;

24 (b) He or she is a citizen of the United States or has declared his or her intent to
25 become a citizen of the United States;

26 (c) ~~He or she provides proof satisfactory to the board that he or she is of good~~
27 ~~moral character and is otherwise suitable, if in accordance with KRS Chapter~~

1 335B;

2 ~~(d)~~—]He or she has passed an examination approved by the board by promulgation
3 of an administrative regulation; and

4 (d)~~(e)~~ He or she meets such other requirements as may be established by the
5 board by promulgation of an administrative regulation, so long as the
6 requirements are uniform and are applied to all other applicants for a license.

7 (2) When an applicant has met the requirements as provided herein, the board shall
8 issue the applicant a license to practice long-term care administration in this state.

9 ➔Section 29. KRS 231.030 is amended to read as follows:

10 No permit shall be issued to a person~~[who is not of good moral character or]~~ who will
11 not, in the judgment of the court, obey the laws of the state in the carrying on of the
12 business or who within two (2) years prior to the date of the filing of the application has
13 been convicted in Kentucky of maintaining a public nuisance.

14 ➔Section 30. KRS 309.358 is amended to read as follows:

15 (1) The board may issue a license as a massage therapist to an applicant who:

16 (a) Is eighteen (18) years of age or older;

17 (b) Has paid the application fee and other fees required by the board;

18 (c) ~~[Is a person of good moral character;~~

19 ~~(d)~~—]Has submitted a recent criminal background check performed by means of a
20 fingerprint check pursuant to KRS 309.355(7);

21 (d)~~(e)~~ Has submitted a recent color photograph as prescribed by administrative
22 regulation promulgated by the board;

23 (e)~~(f)~~ Has successfully completed:

24 1. A course of study consisting of a minimum of six hundred (600) hours
25 of supervised instruction in a massage therapy training program
26 approved by the board; or

27 2. An associate degree having a massage therapy emphasis which meets

1 the requirements of a massage therapy training program with supervised
2 technique instruction and approved by the board; and

3 ~~(f)(g)~~ Has successfully passed an examination administered by the Federation
4 of State Massage Therapy Boards, the National Certification Board for
5 Therapeutic Massage and Bodywork, or a certifying agency that has been
6 approved by the National Commission for Certifying Agencies, or other
7 examinations approved by the board.

8 (2) The board shall incorporate the photograph provided in subsection (1)(e) of this
9 section into the license. The photograph shall not be merely affixed to the license.

10 ➔Section 31. 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
22 a licensed durable medical equipment services provider in this state for at least
23 three (3) consecutive years next preceding the date of his or her appointment.

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

26 (4) The board shall elect one (1) of its members as president and another of its
27 members as secretary. The secretary may, subject to approval by the board, employ

1 and fix the compensation of all personnel required for the administration of KRS
2 309.400 to 309.422. The board may make all rules and promulgate all
3 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are
4 necessary to implement and carry out the provisions and purposes of KRS 309.400
5 to 309.422.

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

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

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

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

16 (9) The board may utilize any materials, services, or facilities as may be made available
17 to it by other state agencies or may contract therefor, to the extent as the board in its
18 discretion may determine.

19 ➔Section 32. KRS 311.410 is amended to read as follows:

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

27 (2) A person to be eligible for appointment as a podiatrist member of the board shall be

1 at least twenty-one (21) years of age,~~[of good moral character,]~~ a resident of this
2 state, and a licensed practicing podiatrist in this state for at least five (5)
3 consecutive years next preceding the date of his appointment. No member of the
4 board shall be a stockholder, officer or member of the faculty or board of trustees of
5 any school, college or institution of podiatry or chiropody.

6 (3) The terms of office of each member shall be four (4) years, or until his or her
7 successor shall be appointed and qualified.

8 (4) The board shall elect one (1) of its members as president and another of its
9 members as secretary. The secretary may, subject to approval by the board, employ
10 and fix the compensation of all personnel required for the administration of KRS
11 311.390 to 311.510. The board may make all rules and regulations, not inconsistent
12 with KRS 311.390 to 311.510, as may be necessary to implement and carry out the
13 provisions and purposes of KRS 311.390 to 311.510.

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

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

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

21 ➔Section 33. KRS 311.420 is amended to read as follows:

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

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

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

27 ~~[(c) Is of good moral character and temperate habits;]~~ and

1 (2) The board shall not be required to issue a new license as described in subsection
2 (1). No new license shall be issued to such former licensee unless the applicant
3 satisfies the board that he or she is presently ~~[of good moral character and]~~
4 qualified both physically and mentally to resume the practice of medicine without
5 undue risk or danger to his or her patients or the public.

6 (3) In the event that the board should issue a new license under the circumstances as
7 described in this section, the new license shall be under probation for a period of
8 not less than two (2) years nor more than five (5) years, and any subsequent
9 violation during the probation period shall result in automatic revocation of license.

10 ➔Section 35. KRS 311.685 is amended to read as follows:

11 (1) The board, before suspending, revoking, imposing probationary or supervisory
12 conditions upon a licensed acupuncturist, imposing an administrative fine, issuing a
13 written reprimand, or any combination of these actions regarding any licensed
14 acupuncturist under KRS 311.671 to 311.686, shall set the matter for a hearing
15 under the provisions of KRS Chapter 13B.

16 (2) After denying an application under KRS 311.671 to 311.686 or issuing a written
17 admonishment, the board, at the request of the aggrieved party, shall grant a hearing
18 under the provisions of KRS Chapter 13B.

19 (3) Except for final orders denying an initial application or renewal for licensure or
20 final orders issued pursuant to KRS 13B.125(3), all final orders of the board
21 affecting an acupuncturist's license shall become effective thirty (30) days after
22 notice is given to the license holder unless otherwise agreed; however, the board's
23 panels may provide that a final order be effective immediately when, in the panel's
24 opinion, based upon sufficient reasonable cause, the health, welfare, and safety of
25 patients or the general public would be endangered by delay.

26 (4) Any acupuncturist who is aggrieved by a final order of the board denying an initial
27 or renewal application for licensure or rendering disciplinary action against a

1 license holder may seek judicial review of the order by filing a petition with the
2 Circuit Court of the county in which the board's offices are located in accordance
3 with KRS Chapter 13B. Decisions of the board's panels relating to petitions for
4 reinstatement of revoked licenses are not final orders for purposes of this statute,
5 and are not subject to judicial review.

6 (5) The court shall not award injunctive relief against the board without providing the
7 board with the reasonable opportunity to be heard.

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

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

17 (8) In the event the board reissues a revoked license under the circumstances as
18 described in this section, the reissued license shall be under probation for a period
19 of not less than two (2) years nor more than five (5) years with conditions fixed by
20 the board, including a condition that any violation of the remaining conditions of
21 probation shall result in automatic revocation of the license.

22 ➔Section 36. KRS 311.697 is amended to read as follows:

23 (1) A license issued by the board shall expire on June 30 of even-numbered years
24 unless sooner suspended or revoked.

25 (2) To renew a license, an applicant shall:

26 (a) Pay a renewal fee; and

27 (b) Meet all other requirements for renewal under this chapter.

- 1 (3) If a licensee fails to pay a renewal fee, the license becomes inactive without further
2 action by the board.
- 3 (4) If a person holds an inactive license, the board shall reinstate the license if the
4 applicant for reinstatement:
- 5 (a) Submits a completed renewal application;
- 6 (b) Pays the current renewal fee;
- 7 (c) Pays a reinstatement fee determined by the board in an administrative
8 regulation promulgated in accordance with KRS Chapter 13A; and
- 9 (d) Provides the board with a sworn statement, signed by the applicant, that he or
10 she has fulfilled the continuing education requirements prescribed by the
11 board for the current renewal period.
- 12 (5) (a) Except for disciplinary actions taken pursuant to KRS 311.700, a licensee
13 whose license has been revoked may, after two (2) years from the effective
14 date of the revocation order, petition the board for a license to again practice
15 in the Commonwealth of Kentucky.
- 16 (b) The board shall not be required to issue a new license as described in this
17 subsection. No new license shall be issued unless the applicant satisfies the
18 board that the former licensee is presently of ~~good moral character~~ and
19 qualified both physically and mentally to resume the practice of genetic
20 counseling without undue risk or danger to the licensee's patients or the
21 public.
- 22 (c) If the board issues a new license under the circumstances described in this
23 subsection, the new license shall be under probation for a period of not less
24 than two (2) years nor more than five (5) years, and any subsequent violation
25 during the probationary period shall result in automatic revocation of the
26 license.
- 27 (6) To renew a license under this section, an applicant shall complete continuing

1 education. The continuing education shall consist of the completion in each two (2)
2 year license cycle of thirty (30) contact hours that have been approved by NSGC.

3 (7) An applicant seeking renewal of a license shall certify that he or she:

4 (a) Has complied with the continuing education requirements; or

5 (b) Has not complied with the continuing education requirements, but is seeking a
6 waiver from the board under subsection (8) of this section.

7 (8) The board may grant an applicant seeking renewal of a license a waiver from all or
8 part of the continuing education requirement for the renewal period if the applicant
9 was not able to fulfill the requirement due to a hardship that resulted from any of
10 the following conditions:

11 (a) Service in the Armed Forces of the United States during a substantial part of
12 the renewal period;

13 (b) An incapacitating illness or injury; or

14 (c) Other circumstances determined by the board.

15 ➔Section 37. KRS 316.030 is amended to read as follows:

16 (1) No person shall engage in, or attempt to engage in, embalming or funeral directing
17 in the Commonwealth of Kentucky unless the person is licensed under the
18 provisions of this chapter.

19 (2) All Kentucky-licensed persons who practice embalming or funeral directing in
20 Kentucky shall practice from a funeral establishment that is licensed to operate
21 under the provisions of this chapter.

22 (3) One (1) member of every firm, and one (1) officer and one (1) stockholder of every
23 corporation, that engages in embalming and funeral directing in Kentucky, shall be
24 a Kentucky-licensed embalmer and a Kentucky-licensed funeral director.

25 (4) The board shall issue an embalmer's license to an applicant who:

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

27 (b) ~~Is of good moral character;~~

- 1 ~~(e)~~ Possesses a high school diploma or a High School Equivalency Diploma;
- 2 ~~(c)~~~~(d)~~ Has received an associate degree in funeral services from a college or
- 3 university accredited by the American Board of Funeral Service Education;
- 4 ~~(d)~~~~(e)~~ Has served an apprenticeship of one (1) year in a Kentucky funeral
- 5 establishment under the supervision of a Kentucky-licensed embalmer;
- 6 ~~(e)~~~~(f)~~ Has taken an active part during the apprenticeship in assisting with the
- 7 embalming of at least twenty-five (25) dead human bodies under the direct
- 8 supervision of a Kentucky-licensed embalmer;
- 9 ~~(f)~~~~(g)~~ Has paid to the board an examination fee as set out in administrative
- 10 regulations promulgated by the board; and
- 11 ~~(g)~~~~(h)~~ Has passed an examination prepared or approved by the board.
- 12 (5) The board shall issue a funeral director's license to an applicant who:
- 13 (a) Is at least eighteen (18) years of age;
- 14 (b) ~~Is of good moral character;~~
- 15 ~~(e)~~ Possesses a high school diploma or a High School Equivalency Diploma;
- 16 ~~(c)~~~~(d)~~ Has served an apprenticeship of three (3) consecutive years in a
- 17 Kentucky funeral establishment under the supervision of a Kentucky-licensed
- 18 funeral director. An associate degree in funeral services from a college or
- 19 university accredited by the American Board of Funeral Service Education
- 20 shall substitute for two (2) years of the apprenticeship. The completion of
- 21 thirty (30) semester credit hours or the equivalent from an accredited college
- 22 or university shall substitute for one (1) year of the apprenticeship. At no time
- 23 shall more than two (2) years of the apprenticeship be substituted;
- 24 ~~(d)~~~~(e)~~ Has taken an active part during the apprenticeship in assisting with the
- 25 management of at least twenty-five (25) funerals under the direct supervision
- 26 of a Kentucky-licensed funeral director;
- 27 ~~(e)~~~~(f)~~ Has paid to the board an examination fee as set out in administrative

- 1 regulations promulgated by the board; and
- 2 ~~(f)(g)~~ Has passed an examination prepared or approved by the board.
- 3 (6) An applicant may serve embalming and funeral directing apprenticeships
- 4 concurrently.
- 5 (7) At the beginning of an apprenticeship, an applicant for an embalmer's or a funeral
- 6 director's license shall:
- 7 (a) Appear before the board;
- 8 (b) Pay to the board a registration fee as set out in administrative regulations
- 9 promulgated by the board; and
- 10 (c) File with the board the sworn statement of the supervising Kentucky-licensed
- 11 embalmer or the Kentucky-licensed funeral director averring that the
- 12 applicant will work full-time under supervision in the funeral establishment
- 13 and will receive a regular salary.
- 14 (8) An applicant shall work full-time in the funeral establishment during the
- 15 apprenticeship and shall receive a regular salary.
- 16 (9) An applicant shall file with the board semiannually during the apprenticeship sworn
- 17 statements by the applicant and the supervising Kentucky-licensed embalmer or
- 18 Kentucky-licensed funeral director setting out the number of hours worked, the
- 19 number of embalmings or funerals in which the applicant has assisted, and the
- 20 salary received.
- 21 (10) A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not
- 22 supervise more than five (5) applicants serving apprenticeships at any one (1) time.
- 23 ➔Section 38. KRS 317A.050 is amended to read as follows:
- 24 (1) All applicants for licensure under this chapter shall meet the following minimum
- 25 requirements:
- 26 (a) ~~[Be of good moral character and temperate habit;~~
- 27 ~~(b)]~~Be at least eighteen (18) years of age;

1 ~~(b)~~~~(e)~~ Have a high school diploma, a High School Equivalency Diploma, or
2 results from the Test for Adult Basic Education indicating a score equivalent
3 to the twelfth grade of high school; and

4 ~~(c)~~~~(d)~~ Have submitted the completed application along with the required
5 license fee as set forth in administrative regulation.

6 (2) Notwithstanding any provision to the contrary, the board may refuse to grant a
7 license to any applicant who fails to comply with the provisions of this chapter or
8 any administrative regulations promulgated by the board.

9 (3) The board shall issue a cosmetologist license to any person who:

10 (a) Has official certification from the state board or agency that certifies
11 cosmetology schools that the applicant has graduated from a licensed school
12 of cosmetology requiring one thousand five hundred (1,500) hours within five
13 (5) years of enrolling within the school; and

14 (b) Has satisfactorily passed an examination prescribed by the board to determine
15 fitness to practice cosmetology.

16 (4) The board shall issue an esthetician license to any person who:

17 (a) Has satisfactorily completed seven hundred fifty (750) hours of instruction in
18 a licensed school approved by the board; and

19 (b) Has received a satisfactory grade on an examination prescribed by the board
20 to determine fitness to practice as an esthetician.

21 (5) The board shall issue a license to act as a nail technician to any person who:

22 (a) Has official certification from the state board or agency that certifies
23 cosmetology schools that the applicant has completed satisfactorily a nail
24 technician course of study of four hundred fifty (450) hours in a licensed
25 school of cosmetology within five (5) years of submitting an application for
26 licensure; and

27 (b) Has satisfactorily passed an examination prescribed by the board to determine

1 fitness to practice as a nail technician.

2 (6) The board shall issue a license to operate a salon as follows:

3 (a) The board shall issue a license to operate a beauty salon to any licensed
4 cosmetologist. An owner who is not a licensed cosmetologist shall have a
5 licensed cosmetologist as manager of the beauty salon at all times. If the
6 owner, manager, or location of a beauty salon changes, the required form and
7 fee shall be submitted to the board.

8 (b) The board shall issue a license to operate an esthetic salon to any licensed
9 esthetician. An owner who is not a licensed esthetician shall have a licensed
10 esthetician or cosmetologist as manager of the esthetic salon at all times. If the
11 owner, manager, or location of an esthetic salon changes, the required form
12 and fee shall be submitted to the board.

13 (c) The board shall issue a license to operate a nail salon to any licensed nail
14 technician. An owner who is not a licensed nail technician shall have a
15 licensed nail technician or cosmetologist as manager of the nail salon at all
16 times. If the owner, manager, or location of a nail salon changes, the required
17 form and fee shall be submitted to the board.

18 (7) The board shall issue an instructor training certificate to train to be an instructor in
19 cosmetology, esthetic practices, or nail technology to any person who:

20 (a) Has held a current cosmetologist, esthetician, or nail technician license for at
21 least one (1) year; and

22 (b) Has submitted an application that has been signed by the owners of the school
23 in which the applicant will study. The course of instruction shall be for a
24 period of seven hundred fifty (750) hours and not less than four and one-half
25 (4.5) months at one (1) school providing this instruction. The school owner
26 shall verify to the board the completion of seven hundred fifty (750) hours.
27 For out-of-state verification, an applicant shall provide official certification

1 from the board or agency that certifies schools in that other state of licensure
2 verifying the applicant has completed a course of instruction consisting of at
3 least seven hundred fifty (750) hours and not less than four and one-half (4.5)
4 months at one (1) school providing the instruction.

5 (8) The board shall issue a license to teach cosmetology to any person who:

6 (a) Has held a current cosmetologist license and an instructor training certificate
7 for at least four and one-half (4.5) months; and

8 (b) Has satisfactorily passed the examination for the teaching of cosmetology as
9 prescribed by the board.

10 (9) The board shall issue a license to teach esthetic practices to any person who:

11 (a) Has held a current esthetician license and an instructor training certificate for
12 at least four and one-half (4.5) months;

13 (b) Has completed fifty (50) hours in esthetics training within the last two (2)
14 years; and

15 (c) Has satisfactorily passed the examination for the teaching of esthetic practices
16 as prescribed by the board.

17 (10) The board shall issue a license to teach nail technology to any person who:

18 (a) Has held a current nail technician license and an instructor training certificate
19 for at least four and one-half (4.5) months;

20 (b) Has completed fifty (50) hours in nail technology training within the last two
21 (2) years; and

22 (c) Has satisfactorily passed the examination for the teaching of nail technology
23 as prescribed by the board.

24 (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall
25 issue a license to operate a school of cosmetology or a school of esthetic
26 practices or a school of nail technology to any person who has as manager at
27 all times a person who is:

- 1 1. Licensed as an instructor;
- 2 2. Charged with the responsibility of ensuring that all applicable statutes
- 3 and administrative regulations are complied with; and
- 4 3. Responsible for having a sufficient number of licensed instructors of
- 5 cosmetology or esthetic practices or nail technology to conduct the
- 6 school.
- 7 (b) Any student enrolling in the school shall pay the fee set forth in administrative
- 8 regulation to the board before enrollment in the school shall be allowed.
- 9 (c) The transfer of any license to operate a school of cosmetology or esthetic
- 10 practices or nail technology shall require the board's approval and shall
- 11 become effective upon submitting the required form and fee to the board.
- 12 (12) (a) The board shall issue a license to provide shampoo and style services to any
- 13 person who:
- 14 1. Has passed an examination prescribed by the board to determine fitness
- 15 to perform shampoo and style services;
- 16 2. Has completed at least three hundred (300) hours of instruction from a
- 17 licensed school of cosmetology; and
- 18 3. Has met any other reasonable criteria established in administrative
- 19 regulations promulgated by the board.
- 20 (b) The board shall issue a license to operate a limited beauty salon to any person:
- 21 1. Who is licensed to provide shampoo and style services or who employs
- 22 at least one (1) person licensed to provide shampoo and style services at
- 23 the limited beauty salon; and
- 24 2. Whose limited beauty salon facility complies with standards established
- 25 in administrative regulations promulgated by the board.
- 26 (13) Licenses established under this chapter shall be valid for a period of time to be
- 27 established by the board through the promulgation of administrative regulations.

- 1 (14) Licenses and permits issued by the board may be renewed beginning July 1 through
2 July 31 of each year.
- 3 (a) Any license shall automatically be renewed by the board:
- 4 1. Upon submission and receipt of the application for renewal and the
5 required annual license fee; and
- 6 2. If the application for renewal is otherwise in compliance with the
7 provisions of this chapter and the administrative regulations of the
8 board.
- 9 (b) Any license application postmarked after July 31 shall be considered expired,
10 and the appropriate restoration fee as required by administrative regulation of
11 the board shall apply.
- 12 (15) The requirements for a new license for any person whose license has expired for a
13 period exceeding five (5) years shall be as follows:
- 14 (a) Cosmetologists shall retake and pass both the practical and theory
15 examination;
- 16 (b) Estheticians shall retake and pass both the practical and theory examination;
- 17 (c) Instructors of cosmetology or esthetic practices shall retake and pass both the
18 practical and theory examination;
- 19 (d) Nail technicians shall retake and pass the practical and theory examination;
- 20 (e) Providers of shampoo and style services shall retake and pass both the
21 practical and theory examination; and
- 22 (f) The appropriate restoration fee as set forth in administrative regulation of the
23 board shall be required.
- 24 (16) Guest artists or demonstrators appearing and demonstrating before persons other
25 than licensed cosmetologists, estheticians, nail technicians, and providers of
26 shampoo and style services shall apply for a permit that shall be in effect for ten
27 (10) days. Guest artists performing before a nonprofit, recognized professional

1 cosmetologists', estheticians', or cosmetology school or shampoo and style services'
2 or nail technicians' group shall apply for a permit, but shall not be required to pay
3 the fee.

4 (17) The board shall issue a permit for threading and may promulgate administrative
5 regulations that set out requirements for the practice of threading. Threading shall
6 be conducted in a licensed beauty salon or a facility with a permit to engage in
7 threading, and the board may promulgate administrative regulations for facilities
8 and the required sanitation standards. The permit shall be valid for a period of one
9 (1) year.

10 (18) The board shall issue a permit for eyelash artistry and may promulgate
11 administrative regulations that set out the requirements for the practice of eyelash
12 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
13 with a permit to engage in eyelash artistry, and the board may promulgate
14 administrative regulations for facilities, education, and the required sanitation
15 standards. The permit shall be valid for a period of one (1) year.

16 (19) The board shall issue a permit for makeup artistry and may promulgate
17 administrative regulations that set out requirements for the practice of makeup
18 artistry and required sanitation standards. The permit shall be valid for a period of
19 one (1) year.

20 (20) (a) The board may issue a permit for temporary event services to a Kentucky-
21 licensed cosmetologist, esthetician, limited stylist, or nail technician and shall
22 promulgate administrative regulations that set out requirements for issuance
23 of a temporary event services permit including:

- 24 1. Sanitation standards;
- 25 2. Criteria for events that qualify;
- 26 3. Application requirements and fees; and
- 27 4. Any other requirements necessary to protect the public health and

1 safety.

2 (b) The temporary event services permit shall be valid only for the specific dates
3 and locations requested.

4 (c) No person other than a Kentucky-licensed cosmetologist, esthetician, limited
5 stylist, or nail technician shall perform services at a temporary event services
6 location, and no licensee shall perform services other than those authorized by
7 his or her respective license pursuant to KRS 317A.020.

8 (d) The Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail
9 technician holding a temporary event services permit shall be liable for any
10 violation of KRS Chapter 317A or administrative regulations promulgated
11 under KRS Chapter 317A that occurs at the temporary event services location.

12 ➔Section 39. KRS 318.040 is amended to read as follows:

13 (1) An applicant for a master or journeyman plumber's license shall:

14 (a) Be at least eighteen (18) years of age;

15 (b) ~~Be of good moral character;~~

16 ~~(c)~~ Be a citizen of the United States or be a resident alien who is authorized to
17 work in the United States; and

18 (c)~~(d)~~ Possess all the other qualifications that may be prescribed by
19 administrative regulations of the commissioner.

20 (2) Except as otherwise provided in this chapter, no master or journeyman plumber's
21 license shall be issued except upon a successful passage of an examination as
22 prescribed by the department.

23 (3) Examinations for a license as a master plumber or journeyman plumber shall be
24 conducted at times and places fixed by the regulations of the commissioner.
25 Applicants for an examination shall furnish the information required by the
26 commissioner and shall receive from the department due notice of the time and
27 place of the examination.

- 1 (4) The department shall prepare or cause to be prepared under its supervision
2 examinations consisting of written and practical tests with such questions and tests
3 by which the department will determine:
- 4 (a) With respect to master plumber's license applicants, that applicants are
5 qualified in view of the definitions, provisions, and purposes of this chapter to
6 carry on responsibly, reasonably, and competently, the activities which a
7 licensed master plumber is authorized to engage in by this chapter; and
- 8 (b) With respect to journeyman plumber's license applicants, their knowledge and
9 competency to carry on the activities which a licensed journeyman plumber is
10 authorized to engage in by this chapter.
- 11 (5) The examination papers shall be preserved by the department for a period of one (1)
12 year.
- 13 (6) The department may issue a license to any person who holds a valid license in
14 another state if that state has a statewide plumbing code, the other state's
15 examination is at least equal to that of Kentucky, and the other state agrees to
16 reciprocate with Kentucky.
- 17 ➔Section 40. KRS 319A.110 is amended to read as follows:
- 18 (1) An applicant for licensure as an occupational therapist or as an occupational therapy
19 assistant shall file a written application on a form provided by the board, showing to
20 the satisfaction of the board that the person~~[-~~:
- 21 ~~(a) Is of good moral character; and~~
- 22 ~~(b)]~~ has successfully completed the academic requirements of an educational
23 program in occupational therapy or for occupational therapy assistants
24 accredited by the American Occupational Therapy Association's Accreditation
25 Council for Occupational Therapy Education or its equivalent.
- 26 (2) An applicant shall submit to the board evidence of successful completion of a
27 period of supervised fieldwork experience arranged by the recognized educational

1 institution where the applicant met the academic requirements. To be considered for
2 licensure, the following minimum amount of supervised fieldwork experience shall
3 have been completed:

4 (a) The equivalent of twenty-four (24) weeks for an occupational therapist; and

5 (b) The equivalent of sixteen (16) weeks for an occupational therapy assistant.

6 (3) An applicant for licensure as an occupational therapist or as an occupational therapy
7 assistant shall pass an examination as provided for in KRS 319A.120.

8 ➔Section 41. KRS 319A.180 is amended to read as follows:

9 Occupational therapists and occupational therapy assistants trained in other jurisdictions
10 who apply to be licensed by the board shall:

11 (1) Furnish ~~[proof of good moral character and shall present]~~proof indicating the
12 completion of educational requirements equal to or greater than those contained in
13 KRS 319A.110 and examination requirements of KRS 319A.120; or

14 (2) Establish eligibility to practice or work through a Compact privilege granted under
15 KRS 319A.310.

16 ➔Section 42. KRS 320.250 is amended to read as follows:

17 (1) Licenses to engage in the practice of optometry shall be issued only to those who
18 qualify under the provisions of KRS 320.260 or 320.270, or who successfully pass
19 examinations conducted or approved by the board at a time and place fixed by the
20 board. Each license certificate shall be signed by the president and secretary-
21 treasurer and authenticated by the seal of the board.

22 (2) The examinations may consist of written, clinical, or practical examinations and
23 shall relate to the skills needed for the practice of optometry in this Commonwealth
24 at the time of the examination and shall seek to determine the applicant's
25 preparedness to exercise these skills. The examining board may:

26 (a) Prepare, administer, and grade the examination;

27 (b) Accept the scores of the applicant from an examination prepared,

1 administered, and graded by the National Board of Examiners in Optometry
2 or any other organization approved by the board as qualified to administer the
3 examination; and

4 (c) Require passage of an examination on Kentucky optometric law.

5 (3) Any person seeking a license to practice optometry under the provisions of this
6 section shall submit an application to the board on forms furnished by the board.

7 The applicant shall show proof of the following:

8 (a) The applicant is not less than eighteen (18) years of age ~~and is of good moral~~
9 ~~character~~;

10 (b) The applicant is a graduate of a school or college of optometry that is
11 accredited by a regional or professional accreditation organization that is
12 recognized or approved by the council on postsecondary accreditation, or by
13 the United States Department of Education, and is in good standing, as
14 approved by the board. All applicants shall have transcript credit of at least six
15 (6) semester hours in a course or courses from a school or college as described
16 in this subsection in general and ocular pharmacology with particular
17 emphasis on diagnostic pharmaceutical agents applied topically to the eye and
18 six (6) semester hours in ocular pathology and therapy with emphasis on
19 utilization of therapeutic pharmaceutical agents. All hours shall be from a
20 school or college as described in this subsection;

21 (c) All other information requested by the board as is set out on the application.

22 (4) The nonrefundable fee for each license application shall not exceed six hundred
23 dollars (\$600).

24 (5) No application shall be considered by the board after one (1) year from the date in
25 which the board received the application has lapsed. After the lapse of the one (1)
26 year period, an applicant shall submit a new application and another nonrefundable
27 fee for further consideration by the board.

1 ➔Section 43. KRS 321.193 is amended to read as follows:

2 The board shall issue a license as a "veterinarian" to an applicant who meets the
3 following requirements:

- 4 (1) Has completed an application for licensure approved by the board in administrative
5 regulation;
- 6 (2) Has paid the application fee and the appropriate examination fee;
- 7 (3) **Has submitted**~~Is a person of good moral character. As one (1) element of good~~
8 ~~moral character, the board shall require each applicant for licensure to submit~~ a full
9 set of ~~the applicant's~~ fingerprints for the purpose of obtaining criminal records
10 checks, pursuant to applicable law. All ~~good moral character information,~~
11 ~~including~~ the information obtained through the criminal background checks, shall
12 be relevant to licensure eligibility determinations to the extent permitted by law;
- 13 (4) Has graduated and received a doctorate degree in veterinary medicine or equivalent
14 degree in veterinary medicine from an approved veterinary medical program or
15 approved foreign equivalency program;
- 16 (5) Has achieved a passing score on examinations required by administrative regulation
17 promulgated by the board;
- 18 (6) Has been approved for licensure by the board; and
- 19 (7) Has complied with any other requirements of this chapter or of the board by
20 administrative regulation.

21 ➔Section 44. KRS 321.221 is amended to read as follows:

- 22 (1) The board may issue a credential by endorsement to any applicant who, upon
23 submitting a completed application to the board and remitting a fee established in
24 administrative regulation, demonstrates to the board that the applicant has met the
25 following requirements:
- 26 (a) The applicant is a graduate of an approved veterinary medical program,
27 approved veterinary technology program, or other educational program

1 approved by the board as appropriate to the board credential;

2 (b) ~~{The applicant is of good moral character. As one (1) element of good moral~~
3 ~~character, the board shall require }~~Each applicant ***shall***~~{to}~~ submit a full set of
4 fingerprints for the purpose of obtaining criminal records checks, pursuant to
5 applicable law. All ~~{good moral character information, including the~~
6 ~~}information~~ obtained through the criminal background checks, shall be
7 relevant to credential eligibility determinations to the extent permitted by law;

8 (c) The applicant holds a valid credential to practice veterinary medicine,
9 veterinary technology, animal euthanasia, or an allied animal health
10 profession and has engaged in the practice in another state, the District of
11 Columbia, a territory of the United States, or a province of Canada for at least
12 one (1) year immediately preceding application, if the requirements for
13 credentialing in the issuing state or province are equal to or higher than the
14 standards required for the issuance of a new credential under the provisions of
15 this chapter;

16 (d) The applicant has passed an examination given by the board on the laws and
17 administrative regulations of the Commonwealth as required in administrative
18 regulations promulgated in accordance with KRS Chapter 13A under the
19 provisions of this chapter; and

20 (e) The applicant has been approved for a credential by the board.

21 (2) The board shall not issue a credential by endorsement to any applicant who is under
22 investigation in another state, territory, the District of Columbia, a Canadian
23 province, or any jurisdiction for an act which could result in disciplinary action in
24 that jurisdiction until the investigation and disciplinary proceedings have been
25 completed.

26 ➔Section 45. KRS 321.441 is amended to read as follows:

27 (1) The board shall issue a license as a veterinary technician to an applicant who:

- 1 (a) Is a graduate of an approved veterinary technology program with an associate
2 or bachelor's degree related to veterinary technology;
- 3 (b) Obtains a passing score on an examination as determined by the board to
4 assess the qualifications and fitness of an applicant to engage in the practice;
- 5 (c) Submits ~~Is a person of good moral character. As one (1) element of good~~
6 ~~moral character, the board shall require each applicant for licensure to submit~~
7 a full set of ~~the applicant's~~ fingerprints for the purpose of obtaining criminal
8 records checks, pursuant to applicable law. All ~~good moral character~~
9 ~~information, including the~~ information obtained through the criminal
10 background checks, shall be relevant to licensure eligibility determinations to
11 the extent permitted by law;
- 12 (d) Has met all the requirements of the board as established by administrative
13 regulation of the board; and
- 14 (e) Has been approved for licensure by the board.
- 15 (2) For the purpose of this chapter, "veterinary technician," "veterinary technologist,"
16 "veterinary nurse," or any other category of veterinary technician defined by the
17 board in administrative regulation shall have the same meaning as "veterinary
18 technician" under this chapter.
- 19 (3) The board shall promulgate administrative regulations for one (1) or more
20 categories of veterinary technicians defining the:
- 21 (a) Minimum qualifications required;
- 22 (b) Specific tasks that the licensee may perform under a veterinarian's
23 supervision; and
- 24 (c) Specific tasks that the licensee shall not perform.
- 25 (4) A veterinary technician shall be prohibited from performing the activities listed in
26 KRS 321.190(6).
- 27 (5) The practice of veterinary technology by telehealth or other means shall constitute

1 the practice of veterinary technology subject to licensure and enforcement by the
2 board.

3 (6) A veterinary technician who performs veterinary technology contrary to this chapter
4 and its associated administrative regulations shall be subject to disciplinary actions
5 in a manner consistent with this chapter applicable to licensed veterinarians.

6 (7) Each veterinary technician licensed by the board shall pay an annual fee as
7 prescribed by the board.

8 (8) Each veterinary technician licensed by the board shall complete annual continuing
9 education hours to renew the license as required by the board in administrative
10 regulation.

11 (9) Failure to renew shall result in the expiration of the license.

12 (10) A veterinarian shall utilize the services of a licensed veterinary technician in
13 accordance with the terms and provisions of this chapter and its associated
14 administrative regulations. Unauthorized utilization of licensed veterinary
15 technicians by veterinarians shall be considered as aiding and abetting any
16 unlicensed person to practice veterinary medicine as described in KRS 321.351.

17 (11) Nothing in this section shall prohibit volunteer health practitioners from providing
18 services under KRS 39A.350 to 39A.366.

19 (12) Except as authorized by KRS 321.200, no person shall practice as a veterinary
20 technician or perform any of the duties usually performed by a veterinary technician
21 unless the person holds a license to practice as a veterinary technician issued and
22 validly existing under this chapter.

23 ➔Section 46. KRS 323.050 is amended to read as follows:

24 (1) Except as otherwise provided in this chapter, an applicant seeking to obtain a
25 license to practice architecture in Kentucky shall satisfactorily pass the examination
26 that is prescribed by the board.

27 (2) Every applicant for examination shall:†

1 ~~(a) Be of good moral character; and~~
2 ~~(b)~~ hold a professional degree in architecture accredited by the National
3 Architectural Accrediting Board (NAAB), or its equivalent as determined by
4 administrative regulations promulgated by the board, with such additional
5 experience as the board may prescribe and approve.

6 (3) Examinations shall be available on a regular basis at a place identified by the testing
7 service and shall be given in accordance with the terms and conditions agreed upon
8 by the board and the testing service. Procedures concerning the examination shall
9 be set out in administrative regulations promulgated by the board.

10 ➔Section 47. KRS 325.261 is amended to read as follows:

11 The license of "certified public accountant" shall be granted by the board to any person
12 who satisfies the following requirements:

13 (1) Is no less than eighteen (18) years of age;

14 ~~(2) Is of good moral character;~~

15 ~~(3)~~ Has a baccalaureate degree or master's degree conferred by a college or university
16 recognized by the board with a major or concentration in accounting or its
17 equivalent, as defined in administrative regulations promulgated by the board;

18 ~~(3)~~~~(4)~~ Passes a board-approved examination in accounting, auditing, and other
19 related subjects as the board deems appropriate. To be eligible to apply for the
20 examination, a person shall first satisfy the requirement of subsections (1) **and**
21 ~~(2)~~~~(3)~~ of this section;

22 ~~(4)~~~~(5)~~ Completes one hundred fifty (150) college semester hours that include a
23 baccalaureate or masters degree conferred by a college or university recognized by
24 the board with a major or concentration in accounting or its equivalent, as defined
25 in administrative regulations promulgated by the board;

26 ~~(5)~~~~(6)~~ Obtains one (1) year of accounting or attest experience while employed in an
27 accounting or auditing position in public practice, industry, or government that shall

1 be verified by a certified public accountant who, during the time being verified,
2 held an active license to practice from any state. The one (1) year of experience
3 required under this subsection shall be obtained:

4 (a) After the completion of the education requirements established in subsection
5 (3) of this section; and

6 (b) Within five (5) years from the date the candidate successfully completed the
7 examination;

8 ~~(6)~~~~(7)~~ At the time of applying for a license is a United States citizen, a citizen of a
9 foreign country who is legally residing in the United States, or is an employee of a
10 public accounting firm, company, or an institution of postsecondary education
11 located outside the United States, but which has an office or campus located in the
12 United States; and

13 ~~(7)~~~~(8)~~ Submits a complete application for a license to practice as a certified public
14 accountant in accordance with KRS 325.330.

15 ➔Section 48. KRS 326.040 is amended to read as follows:

16 A license as an ophthalmic dispenser shall be issued by the board to any person who pays
17 a fee of fifty dollars (\$50) and submits evidence under oath satisfactory to the board:

18 (1) That he or she is more than eighteen (18) years of age ~~and of good moral~~
19 ~~character~~;

20 (2) That he or she possesses a high school diploma or a High School Equivalency
21 Diploma;

22 (3) That he or she has at least two (2) years of satisfactory training and experience in
23 ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician,
24 osteopath, or optometrist, or is a graduate of an accepted school of ophthalmic
25 dispensing;

26 (4) That he or she has passed a satisfactory examination in ophthalmic dispensing
27 approved by the board.

1 ➔Section 49. KRS 329.043 is amended to read as follows:

2 An applicant who is an examiner, licensed under the laws of another state or territory of
3 the United States, may be issued a license without examination by the cabinet, in its
4 discretion, upon payment of a fee of fifty dollars (\$50), and the production of satisfactory
5 proof:

6 (1) That the applicant is at least eighteen (18) years of age;~~and~~

7 (2) That the applicant is a citizen of the United States;~~and~~

8 (3) ~~That he is of good moral character; and~~

9 ~~(4)]~~That the requirements for the licensing of examiners in such state or territory of the
10 United States were at the date of licensing, substantially equivalent to the
11 requirements then in force in this state;~~and~~

12 ~~(4)~~~~(5)~~ That the applicant had lawfully engaged in the administration of polygraph
13 examinations under the laws of such state or territory for at least two (2) years prior
14 to his application for license hereunder; and

15 ~~(5)~~~~(6)~~ That such other state or territory grants similar reciprocity to license holders
16 of this state.

17 ➔Section 50. KRS 329A.020 is amended to read as follows:

18 (1) The Kentucky Board of Licensure for Private Investigators is hereby created.

19 (2) The board shall consist of seven (7) members appointed by the Governor.

20 (a) One (1) member shall be an attorney from the Office of the Attorney General
21 to be designated by the Attorney General;

22 (b) One (1) member shall be a municipal police officer of the rank of captain or
23 above;

24 (c) One (1) member shall be a county sheriff;

25 (d) Three (3) members shall each have been private investigators for at least five
26 (5) years prior to the date of their appointment and shall be of recognized
27 business standing; and

- 1 (e) One (1) member shall be a citizen at large who is not associated with or
2 financially interested in the practice of private investigating.
- 3 (3) All members shall be residents of this state ~~and possess good moral character~~.
- 4 (4) The original members of the board shall be appointed by no later than January 1,
5 2003, as follows:
- 6 (a) One (1) member to a one (1) year term;
- 7 (b) Two (2) members to a two (2) year term;
- 8 (c) Two (2) members to a three (3) year term; and
- 9 (d) Two (2) members to a four (4) year term.
- 10 (5) After the initial appointments to the board, all members shall serve a two (2) year
11 term.
- 12 (6) Any vacancy occurring on the board shall be filled by the Governor.
- 13 (7) No member may serve more than two (2) full consecutive terms.
- 14 (8) No member shall continue to serve if the member no longer meets the qualifications
15 required under subsections (2) and (3) of this section.
- 16 (9) The three (3) board members who are private investigators and the member at large
17 shall receive the sum of one hundred dollars (\$100) per day for each day the board
18 meets. All members shall receive reimbursement for actual and necessary expenses
19 incurred in the performance of their official duties.
- 20 (10) The board shall annually elect a chairman, a vice chairman, and a secretary-
21 treasurer from the membership of the board.
- 22 (11) The board shall hold at least two (2) meetings annually and additional meetings as
23 the board may deem necessary. Additional meetings may be held upon call of the
24 chairman or upon written request of a quorum. Four (4) members of the board shall
25 constitute a quorum to conduct business.
- 26 (12) Upon recommendation of the board, the Governor may remove any member of the
27 board for neglect of duty or malfeasance in office.

1 (13) The board may purchase professional liability insurance for the board members and
2 agents and staff of the board.

3 ➔Section 51. KRS 332.204 is amended to read as follows:

4 (1) Any person seeking a license to operate, conduct, maintain, or establish a driver
5 training school shall apply to the department on forms prepared and furnished by
6 the department. The notarized application shall include the following information:

7 (a) The title or name of the school, the names of the owners of the school and, if
8 the owner is to be a corporation, the names and addresses of the officers of the
9 corporation;

10 (b) Except for corporations, a statement that the owners of the driver training
11 school are each twenty-one (21) years of age or over, are residents of this
12 state, and have been for at least one (1) year next preceding the application for
13 the driver training school license~~[-, and are each of good moral character];~~

14 (c) A description of the established place of business together with the hours
15 during which the driver training school is conducted and a description of the
16 equipment and facilities used in driver training;

17 (d) Evidence of liability insurance coverage of the driver training school, the
18 instructor, and students of the driver training school while operating driver
19 training school equipment. The insurance shall have minimum limits of not
20 less than twenty-five thousand dollars (\$25,000) for bodily injury or death of
21 one (1) person in any one (1) accident and, subject to the limit for any one (1)
22 person, fifty thousand dollars (\$50,000) for bodily injury or death of two (2)
23 or more persons in any one (1) accident, and ten thousand dollars (\$10,000)
24 for damage to the property of others in any one (1) accident. Evidence of
25 insurance coverage shall also provide that the insurance coverage shall not be
26 canceled except after ten (10) days prior notice in writing by the carrier to the
27 secretary. Upon request by an applicant, the department shall review an

1 application and provide a letter to the applicant that a proposed driver training
 2 school has met all preliminary requirements for approval, except the
 3 provisions of this paragraph. The letter may be used by the applicant to help
 4 secure the liability insurance coverage needed under this paragraph to obtain a
 5 license to operate a school. A letter provided under this paragraph shall not be
 6 construed as approval to perform driver's training or to operate a school.

7 (2) Each original application for a license to operate a driver training school and each
 8 application for renewal of a license to operate a driver training school shall be
 9 accompanied by the payment of a fee of three hundred dollars (\$300) to the State
 10 Treasurer.

11 (3) Any person seeking a license to act as a driver training instructor shall apply to the
 12 department on forms prepared and furnished by the department setting forth that the
 13 applicant is twenty-one (21) years of age or older; ~~is of good moral character;~~ is a
 14 high school graduate or has the equivalent of a high school education, or has
 15 equivalent experience; and holds a current and valid operator's license issued by the
 16 Transportation Cabinet.

17 (4) Each original application for a license as a driver training instructor and each
 18 application for renewal of a license as a driver training instructor shall be
 19 accompanied by the payment of a fee of fifty dollars (\$50) to the State Treasurer.

20 ➔Section 52. KRS 334.050 is amended to read as follows:

21 An applicant for licensure under this section shall pay a fee established by the board by
 22 the promulgation of an administrative regulation and shall show to the board that he or
 23 she:

24 (1) ~~Is a person of good moral character;~~

25 ~~(2) Is twenty-one (21) years of age or older;~~

26 ~~(2)(3)~~ Has a minimum of a high school diploma or a general education development
 27 certificate;

- 1 ~~(3)~~~~(4)~~ Is a citizen of the United States or has status as a legal alien;
- 2 ~~(4)~~~~(5)~~ Is free of contagious or infectious disease; and
- 3 ~~(5)~~~~(6)~~ Has completed the apprenticeship requirements of the formal education as
4 provided by KRS 334.090.

5 ➔Section 53. KRS 334.190 is amended to read as follows:

6 For a period of six (6) months following June 16, 1972, an applicant for a license shall be
7 issued a license without examination provided applicant:

- 8 (1) Has been principally engaged as a hearing aid dealer or fitter for a total period of at
9 least two (2) continuous years within a period of three (3) years immediately prior
10 to June 16, 1972;
- 11 (2) ~~Is a person of good moral character;~~
- 12 ~~(3)~~—Is eighteen (18) years of age or older; and
- 13 ~~(3)~~~~(4)~~ Is free of contagious or infectious disease.

14 ➔Section 54. KRS 335.080 is amended to read as follows:

- 15 (1) The board shall issue a license as "certified social worker" to an applicant who
16 meets the following requirements:
- 17 (a) Is at least eighteen (18) years of age;
- 18 (b) ~~Is a person of good moral character;~~
- 19 ~~(c)~~—Has received a master's degree or doctorate degree in social work from an
20 educational institution approved by the board;
- 21 ~~(c)~~~~(d)~~ Has paid to the board an examination fee established by the board by
22 promulgation of an administrative regulation;
- 23 ~~(d)~~~~(e)~~ Has passed an examination prepared by the board;
- 24 ~~(e)~~~~(f)~~ Has not within the preceding three (3) months failed to pass an
25 examination given by the board; and
- 26 ~~(f)~~~~(g)~~ Has paid an initial license fee established by the board by promulgation
27 of an administrative regulation.

1 (2) The license shall be displayed in the licensee's principal place of practice, and shall
2 entitle the licensee to hold himself forth to the public as providing services as
3 authorized by KRS 335.010 to 335.160 and 335.990.

4 (3) A certified social worker may engage in the practice of clinical social work by
5 contracting, in writing, with a licensed clinical social worker who shall assume
6 responsibility for and supervise the certified social worker's practice as directed by
7 the board by promulgation of administrative regulations. The certified social worker
8 shall, for purposes of this section, be an employee of an institution or organization
9 in which the certified social worker has no direct or indirect interest other than
10 employment. No certified social worker shall enter into a practice of clinical social
11 work until this contract has been approved by the board, and shall cease the practice
12 of clinical social work immediately upon the termination of the contract. At the
13 termination of the contract, the certified social worker shall apply for licensure as a
14 licensed clinical social worker or request an extension of the contract from the
15 board.

16 ➔Section 55. KRS 335.090 is amended to read as follows:

17 (1) The board shall issue a license as "licensed social worker" to an applicant who
18 meets the following requirements:

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

20 (b)~~Is a person of good moral character;~~

21 ~~(c)}~~ 1. Has received a baccalaureate degree in a social work or social welfare
22 program accredited by the Council on Social Work Education; or

23 2. Has received a baccalaureate degree and has completed courses
24 equivalent to a social work or social welfare program as determined by
25 the board;

26 (c)~~(d)}~~ Has paid to the board an examination fee established by the board by
27 promulgation of an administrative regulation;

1 ~~(d)~~~~(e)~~ Has completed a minimum of four thousand (4,000) hours of experience
2 in the practice of counseling, all of which must have been obtained since
3 obtaining the master's degree and must be under approved supervision and
4 shall include but not be limited to a minimum of one thousand six hundred
5 (1,600) hours of direct counseling with individuals, couples, families, or
6 groups and a minimum of one hundred (100) hours of individual, face-to-face
7 clinical supervision with an approved supervisor. Each applicant is
8 encouraged to include as part of the total hours of experience a minimum of
9 ten (10) hours of direct counseling with individuals in a jail or corrections
10 setting. All applicants shall complete an organized practicum or internship
11 consisting of at least four hundred (400) hours; and

12 ~~(e)~~~~(f)~~ Has achieved passing scores on all portions of the examinations required
13 by the board.

14 (2) The board may issue a "professional counselor associate" license to an applicant
15 who:

16 (a) Has completed all requirements under paragraphs (a) to (d) of subsection (1)
17 of this section;

18 (b) Has not met the requirements of paragraphs (e) or (f) of subsection (1) of this
19 section; and

20 (c) Has obtained a board-approved supervisor of record.

21 (3) (a) On July 15, 2002, a previously certified professional counselor in Kentucky
22 shall be entitled to use the term "licensed professional clinical counselor" and
23 shall be issued a professional clinical counselor license upon annual renewal.

24 (b) An applicant who has been issued a professional clinical counselor license
25 shall be entitled to use the title "licensed professional clinical counselor."

26 (4) (a) On July 15, 2002, a previously certified professional counselor associate shall
27 be entitled to use the term "licensed professional counselor associate" and

1 shall be issued a professional counselor associate license upon annual
2 renewal.

3 (b) An applicant who has been issued a professional counselor associate license
4 shall be entitled to use the title "licensed professional counselor associate."

5 (5) (a) A licensed professional counselor associate shall maintain ongoing
6 supervision as approved by the board.

7 (b) A licensed professional counselor associate may apply for the credential of
8 licensed professional clinical counselor upon completion of the hours of
9 experience and passing the examinations required under paragraphs (e) and (f)
10 of subsection (1) of this section.

11 (6) The application fee for licensure and the examination fee shall be established
12 pursuant to administrative regulation promulgated by the board.

13 ➔Section 57. KRS 335.527 is amended to read as follows:

14 (1) The board shall grant the appropriate credential under KRS 335.525 to an applicant
15 for endorsement who:

16 (a) Has received a master's, specialist, or doctoral degree in counseling or a
17 related field from a regionally accredited institution with a minimum of sixty
18 (60) hours of graduate coursework to include the following:

- 19 1. The helping relationship, including counseling theory and practice;
- 20 2. Human growth and development;
- 21 3. Lifestyle and career development;
- 22 4. Group dynamics, process, counseling, and consulting;
- 23 5. Assessment, appraisal, and testing of individuals;
- 24 6. Social and cultural foundations, including multicultural issues;
- 25 7. Principles of etiology, diagnosis, treatment planning, and prevention of
26 mental and emotional disorders and dysfunctional behavior;
- 27 8. Research and evaluation; and

- 1 9. Professional orientation and ethics;
- 2 (b) Holds an active valid license or certificate from another state to practice as a
- 3 professional counselor;
- 4 (c) Is in good standing with the certifying or licensing board of that state;
- 5 (d)~~Is of good moral character;~~
- 6 ~~(e)~~ Has paid the application fee to the board; and
- 7 (e)~~(f)~~ Has provided the board with evidence of a minimum of five (5) years'
- 8 experience as a certified or licensed professional counselor.

- 9 (2) The applicant shall be exempt from:
- 10 (a) The required hours of supervised experience in the practice of counseling set
- 11 out in KRS 335.525(1)(d)~~(e)~~; and
- 12 (b) The examination requirement set out in KRS 335.525(1)(e)~~(f)~~.

13 ➔Section 58. KRS 351.090 is amended to read as follows:

- 14 (1) The Governor shall appoint an adequate number of mine safety specialists to ensure
- 15 at least two (2) inspections annually at all surface mines, provided the mine is in
- 16 operation the entire year or the proportionate thereof, of all mines in the
- 17 Commonwealth and sufficient additional mine safety specialists to enable the
- 18 commissioner to provide adequate monitoring of coal mines where conditions or
- 19 management policy dictate that more inspections are needed to ensure the safety of
- 20 miners. Underground mines shall be inspected at least six (6) times annually; except
- 21 that the commissioner shall have the discretion to require up to three (3) of the six
- 22 (6) required mine safety inspections to be mine safety analysis visits pursuant to
- 23 KRS 351.242. At least one (1) inspection shall be a full electrical inspection. One
- 24 (1) or more of the appointees shall be designated as electrical mine inspectors. The
- 25 Governor shall also appoint an adequate number of mine safety specialists to
- 26 perform safety analysis and safety instruction. The term of office of each mine
- 27 safety specialist shall be during the period of capable, efficient service and good

- 1 behavior.
- 2 (2) All mine safety specialists shall have a thorough knowledge of first aid and mine
3 rescue and be able to instruct in first aid and mine rescue and shall have a thorough
4 and practical knowledge of mining gained by at least five (5) years' experience in
5 coal mines in the Commonwealth. For the purposes of this subsection, a degree in
6 mining engineering from a recognized institution shall be deemed equivalent to two
7 (2) years of practical experience in coal mines or an associate degree in mining
8 technology from a recognized institution shall be deemed equivalent to one (1) year
9 practical experience in coal mines. A person desiring to use a mining engineering or
10 technology degree for practical experience credit shall file proof of having received
11 a degree prior to examination.
- 12 (3) No person shall be appointed to the office of mine safety specialist unless he or she
13 holds a current mine foreman's certificate. A person appointed as mine safety
14 specialist shall pass an examination administered by the department. The
15 commissioner may recommend to the Governor applicants for the positions of mine
16 safety specialist who have successfully passed the examination and are proved by
17 worth, training, and experience to be the most competent of the applicants.
- 18 (4) Mine safety specialists~~[shall be of good moral character and temperate habits and]~~
19 shall not, while holding office, act in any official capacity in operating any coal
20 mine.
- 21 (5) No reimbursement for traveling expenses shall be made except on an itemized
22 accounting for the expenses submitted by mine safety specialists who shall verify
23 upon oath that the expenses were incurred in the discharge of their official duties.
- 24 (6) Each mine safety specialist shall take oath, which shall be certified by the officer
25 administering it. The oath, in writing, and the certificate, shall be filed in the office
26 of the Secretary of State.
- 27 (7) Each mine inspector, mine safety analyst, electrical inspector, and mine safety

1 instructor shall give bond with surety approved by the Governor.

2 (8) Each mine safety specialist shall provide authorization to the division to perform a
3 criminal background check by means of a fingerprint check by the Department of
4 Kentucky State Police. The results of the state criminal background check shall be
5 sent to the director of the division. Any fee charged by the Department of Kentucky
6 State Police shall be an amount no greater than the actual cost of processing the
7 request and conducting the search.

8 ➔Section 59. KRS 421.570 is amended to read as follows:

9 (1) For the purposes of this section and KRS 421.575, "victim advocate" means an
10 individual at least eighteen (18) years of age ~~[and of good moral character,]~~ who is
11 employed by, or serves as a volunteer for, a public or private agency, organization,
12 or official to counsel and assist crime victims as defined in KRS 421.500, and
13 includes a victim advocate employed by a Commonwealth's attorney pursuant to
14 KRS 15.760 and a victim advocate employed by a county attorney pursuant to KRS
15 69.350.

16 (2) Each victim advocate shall complete training which shall include information
17 concerning the difference between advocacy and the practice of law, and the
18 appropriate intervention with crime victims, including victims of domestic violence,
19 child physical and sexual abuse, human trafficking, and rape.

20 (3) A victim advocate shall not engage in the practice of law as defined in KRS
21 524.130.

22 ➔Section 60. KRS 605.050 is amended to read as follows:

23 (1) In counties containing a city of the first class or a city with a population equal to or
24 greater than twenty thousand (20,000) as of the most recent federal decennial
25 census, the county judge/executive may appoint a chief probation officer of the
26 juvenile court and such number of assistant probation officers, professional and
27 clerical personnel as may be authorized by the fiscal court. Such officers shall

1 receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their
2 actual and necessary expenses incurred in the performance of their duties. The
3 salaries and expenses shall be paid out of the county treasury. The officers shall
4 serve at the pleasure of the county judge/executive but shall be subject to the
5 direction and control of the judges of the District Court in the performance of their
6 duties. The officers shall be peace officers who shall possess all the powers of
7 peace officers in carrying out the purposes of KRS Chapters 600 to 645. A
8 probation officer may take into custody any child that he has reasonable grounds to
9 believe is in violation of conditions of his probation.

10 (2) In counties containing an urban-county government, the mayor shall appoint a chief
11 probation officer of the juvenile session of the District Court and such number of
12 assistant probation officers, professional and clerical personnel as are reasonably
13 necessary for the operation of the juvenile session of the District Court. Such
14 officers shall receive reasonable salaries to be fixed by the urban-county council,
15 and shall be allowed their actual and necessary expenses incurred in the
16 performance of their duties. The salaries and expenses shall be paid out of the
17 urban-county treasury. The officers shall serve at the pleasure of the mayor but shall
18 be subject to the direction and control of the judges of the District Court in the
19 performance of their duties. The officers shall be peace officers who shall possess
20 all the powers of peace officers in carrying out the purposes of KRS Chapters 600
21 to 645. A probation officer may take into custody any child that he has reasonable
22 grounds to believe is in violation of conditions of his probation.

23 (3) In any county, the Chief District Judge may appoint or designate one (1) or more
24 discreet persons ~~[of good moral character]~~ to serve as volunteer probation officers
25 of the juvenile session. Such volunteer probation officers shall serve during the
26 pleasure of the judge and without compensation, except that the fiscal court or the
27 urban-county council, as appropriate, may authorize the payment of compensation

1 and reasonable expenses out of the county or urban-county treasury of any such
2 officers.

3 (4) Officers appointed pursuant to this section shall be trained in the administration of a
4 validated risk and needs assessment.

5 ➔Section 61. KRS 620.515 is amended to read as follows:

6 (1) A CASA volunteer shall meet the following minimum requirements:

7 (a) Be at least twenty-one (21) years of age;

8 (b) ~~Be of good moral character;~~

9 ~~(c)~~ Complete a written application providing the names of at least three (3)
10 references;

11 ~~(c)~~~~(d)~~ Submit to a personal interview with program staff;

12 ~~(d)~~~~(e)~~ Submit to a criminal record check; and

13 ~~(e)~~~~(f)~~ Submit to a check of the child abuse and adult protection registry
14 maintained by the cabinet.

15 (2) If found acceptable, then the applicant shall receive a minimum of thirty (30) hours
16 of initial training and take an oath of confidentiality administered by a family court
17 judge or, if none, then a District Judge.

18 (3) Training, both initial and in-service, of volunteers shall be provided by the program
19 director or staff following standards adopted pursuant to KRS 620.535.

20 ➔Section 62. KRS 620.537 is amended to read as follows:

21 If the state board employs a full-time staff person to serve as the director of the
22 association, then:

23 (1) The state director shall be a person who by a combination of education, professional
24 qualification, training, and experience is qualified to perform the duties of this
25 position. The state director shall have~~be of good moral character with~~ at least two

26 (2) years of experience working in a position managing a human services program
27 and who has received a:

- 1 (a) Master's degree in social work, sociology, psychology, guidance and
2 counseling, education, criminal justice, or other human service field; or
3 (b) Baccalaureate degree in social work, sociology, psychology, guidance and
4 counseling, education, criminal justice, or other human service field with, in
5 addition to the work experience required in this subsection, at least two (2)
6 more years of experience working in the human services field.

7 (2) The duties of the state director shall be:

- 8 (a) To manage the state court-appointed special advocate office, including staff;
9 (b) To coordinate the activities of the association;
10 (c) To monitor the policies and practices of local CASA programs for compliance
11 with state laws, National CASA Association Standards for Programs, and
12 reporting requirements established by the state association; to assist local
13 CASA programs in efforts to achieve compliance; and to report to the state
14 association the status of compliance by local CASA programs;
15 (d) Upon request of local CASA programs, to provide technical assistance to
16 local CASA programs;
17 (e) To provide technical assistance and support to chief judges of family courts,
18 Chief District Judges, and others in development of new local CASA
19 programs;
20 (f) To coordinate a statewide public awareness campaign for generating interest
21 in developing new CASA programs, recruiting volunteers, and informing the
22 public of the issues concerning child abuse and neglect; and
23 (g) Other duties as directed by the association.

24 ➔Section 63. KRS 311.572 is amended to read as follows:

- 25 (1) The board may issue an order directing an applicant for a license or the holder of a
26 license to show cause why the applicant should be granted a license or the licensee
27 should not be disciplined, respectively, when:

- 1 (a) An applicant admits or is otherwise found to have committed an act which
2 constitutes a violation of the provisions of this chapter; or
- 3 (b) A licensee admits or is otherwise found to have committed an act in violation
4 of the provisions of this chapter in any document relating to the registration or
5 reregistration of a license.
- 6 (2) The order shall be signed by an officer of the board and shall state those violations
7 which the board believes to have been committed. The matter shall be assigned to a
8 hearing panel and shall proceed in accordance with KRS 311.591. The burden of
9 proof shall lie with the charged physician.
- 10 (3) The board may issue a provisional permit to practice medicine as provided in KRS
11 311.550~~(26)~~~~(27)~~ and the board shall not approve any application for licensure or
12 application for reregistration of an inactive license or provisional permit until a final
13 order on the matter has been issued.
- 14 ➔Section 64. KRS 311.591 is amended to read as follows:
- 15 (1) The president of the board shall divide the membership of the board, excluding
16 himself *or herself*, into two (2) panels of seven (7) members, each panel to include
17 at least one (1) consumer member. Each panel shall have the power to act as an
18 inquiry or a hearing panel. The president shall not be a permanent member of either
19 panel, but shall have the power to render the deciding vote whenever a tie vote is
20 rendered by either panel and shall have the power to serve as a member of either
21 panel when necessary to achieve a quorum by majority.
- 22 (2) Grievances may be submitted by an individual (including board members),
23 organization, or entity. Each grievance shall be investigated as necessary and the
24 executive director shall assign each grievance to an inquiry panel. All inquiry
25 panels and the executive director shall have the power to issue investigatory
26 subpoenas for the appearance of any person or production of any record, document,
27 or other item within the jurisdiction of the Commonwealth. The panel or executive

- 1 director may seek enforcement of investigatory subpoenas and search warrants in
2 the courts of the Commonwealth as may be necessary.
- 3 (3) Upon completion of its inquiry, the inquiry panel shall make a finding that:
- 4 (a) There is no evidence of a violation of any medical practice act and no further
5 action is necessary;
- 6 (b) There is insufficient evidence of a violation to warrant the issuance of a
7 complaint, but that there is evidence of a practice or activity that requires
8 modification and the panel may issue a letter of concern under KRS
9 311.550~~(21)~~~~(22)~~. The letter of concern shall be a public document and may
10 be used in future disciplinary actions against the physician;
- 11 (c) The grievance discloses an instance of misconduct which does not warrant the
12 issuance of a complaint; in these instances, the panel may admonish the
13 physician for his *or her* misconduct; or
- 14 (d) The grievance discloses one (1) or more violations of the provisions of this
15 chapter which warrant the issuance of a complaint; in these instances, the
16 panel shall cause a complaint to be prepared, signed by the presiding officer,
17 which shall contain sufficient information to apprise the named physician of
18 the general nature of the charges.
- 19 (4) The inquiry panel shall cause a complaint to be served on the charged physician by
20 personal delivery or by certified mail to the physician's last address of which the
21 board has record. The physician shall submit a response within thirty (30) days after
22 service. Failure to submit a timely response or willful avoidance of service may be
23 taken by the board as an admission of the charges.
- 24 (5) Upon the issuance of the complaint, the executive director shall assign the matter
25 for an administrative hearing by a hearing panel. No member who served on the
26 inquiry panel may also serve as a member of the hearing panel. The hearing panel
27 or the hearing officer on behalf of the panel shall preside over all proceedings

1 pursuant to the issuance of a complaint.

2 (6) The board may promulgate administrative regulations regarding the informal
3 disposition of any complaint, and an informal disposition may be made at any stage
4 of the proceeding.

5 (7) Upon completion of an administrative hearing, the hearing panel shall issue a final
6 order that:

7 (a) Dismisses the complaint upon a conclusion that the provisions of this chapter
8 have not been violated;

9 (b) Finds a violation of the provisions of this chapter, but does not impose
10 discipline because the panel does not believe discipline to be necessary under
11 the circumstances; or

12 (c) Imposes discipline upon the licensee; in these instances, the panel may
13 revoke, suspend, restrict, deny, or limit a license, or may reprimand a licensee
14 or place a licensee on probation under terms the panel may establish to protect
15 the licensee, his or her patients, or the general public. The hearing panel may
16 impose a fine whenever it finds that a violation of this chapter has occurred. If
17 the board substantiates that sexual contact occurred between the physician and
18 the patient while the patient was under the care of or in a professional
19 relationship with the physician, the physician's license may be revoked or
20 suspended with mandatory treatment of the physician as prescribed by the
21 board. The board may require the physician to pay a specified amount for
22 mental health services for the patient which are needed as a result of the
23 sexual contact. The hearing panel's order shall be considered the final order of
24 the board regarding the matter.

25 (8) Regardless of the restrictions on public disclosure of information established in
26 subsection (9) of this section, the board may order information derived from any
27 investigation or inquiry be released to the physician licensure authority of another

1 state or to any health care or mental health care facility licensed and regulated by
2 the Commonwealth of Kentucky upon a showing that the information is necessary
3 to determine the propriety of a physician practicing in a particular state or facility.

4 (9) The presiding officer at any proceeding held pursuant to a complaint or show cause
5 order shall take whatever measures are necessary to protect the privacy interests of
6 individuals other than the charged physician upon a showing that evidence is to be
7 introduced, the public disclosure of which would constitute a clear invasion of
8 personal privacy. It is the general policy of the Commonwealth that administrative
9 proceedings should be open to the public. Therefore, in applying this subsection,
10 the presiding officer shall balance the competing interests and employ the least
11 restrictive measures available to protect the privacy interests involved.

12 ➔Section 65. KRS 311.686 is amended to read as follows:

13 (1) At any time when an inquiry panel established under KRS 311.591 has probable
14 cause to believe that an acupuncturist has violated the terms of an agreed order as
15 defined in KRS 311.550~~[(19)]~~, or violated the terms of a disciplinary order, or that
16 an acupuncturist's practice constitutes a danger to the health, welfare, or safety of
17 patients or the general public, the inquiry panel may issue an emergency order in
18 accordance with KRS 13B.125 suspending, limiting, or restricting the
19 acupuncturist's license.

20 (2) For the purposes of a hearing conducted under KRS 311.592 on an emergency order
21 issued under this section, the findings of fact in the emergency order shall constitute
22 a rebuttable presumption of substantial evidence of a violation of law that
23 constitutes immediate danger to the health, welfare, or safety of patients or the
24 general public. For the purposes of this hearing only, hearsay shall be admissible
25 and may serve as a basis of the board's findings.

26 (3) An emergency order as described in subsection (1) of this section shall not be
27 issued unless grounds exist for the issuance of a complaint. The inquiry panel shall

1 issue a complaint prior to the date of the emergency hearing or the emergency order
2 shall become void.

3 (4) An emergency order suspending, limiting, or restricting a license shall not be
4 maintained after a final order as defined in KRS 311.550~~[(20)]~~ is served on the
5 charged acupuncturist pursuant to the proceeding on the complaint. An appeal of an
6 emergency order shall not prejudice the board from proceeding with the complaint.

7 ➔Section 66. KRS 311.850 is amended to read as follows:

8 (1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the license
9 of a physician assistant, or may fine, reprimand or place a physician assistant on
10 probation for no more than five (5) years upon proof that a physician assistant has:

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

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

16 (c) Been convicted of a crime as defined in KRS 335B.010, if in accordance with
17 KRS Chapter 335B;

18 (d) Been convicted of a misdemeanor offense under KRS Chapter 510 involving
19 a patient or a felony offense under KRS Chapter 510, KRS 530.064, or
20 531.310, or has been found by the board to have had sexual contact, as
21 defined in KRS 510.010, with a patient while the patient was under the care of
22 the physician assistant or the physician assistant's supervising physician;

23 (e) Become addicted to a controlled substance, as defined in KRS 311.550~~[(26)]~~;

24 (f) Become a chronic or persistent alcoholic, as defined in KRS 311.550~~[(25)]~~;

25 (g) Been unable or is unable to practice medicine according to acceptable and
26 prevailing standards of care by reason of mental or physical illness or other
27 condition including but not limited to physical deterioration that adversely

- 1 affects cognitive, motor, or perceptive skills, or by reason of an extended
2 absence from the active practice of medicine;
- 3 (h) Knowingly made or caused to be made or aided or abetted in the making of a
4 false statement in any document executed in connection with the practice of
5 medicine or osteopathy;
- 6 (i) Performed any act or service as a physician assistant without a designated
7 supervising physician;
- 8 (j) Exceeded the scope of medical services described by the supervising
9 physician in the applications required under KRS 311.854;
- 10 (k) Exceeded the scope of practice for which the physician assistant was
11 credentialed by the governing board of a hospital or licensed health care
12 facility under KRS 311.856 and 311.858;
- 13 (l) Aided, assisted, or abetted the unlawful practice of medicine or osteopathy or
14 any healing art, including the unlawful practice of physician assistants;
- 15 (m) Willfully violated a confidential communication;
- 16 (n) Performed the services of a physician assistant in an unprofessional,
17 incompetent, or grossly or chronically negligent manner;
- 18 (o) Been removed, suspended, expelled, or placed on probation by any health care
19 facility or professional society for unprofessional conduct, incompetence,
20 negligence, or violation of any provision of this section or KRS 311.858 or
21 311.862;
- 22 (p) Violated any applicable provision of administrative regulations relating to
23 physician assistant practice;
- 24 (q) Violated any term of probation or other discipline imposed by the board;
- 25 (r) Failed to complete the required number of hours of approved continuing
26 education;
- 27 (s) Engaged in dishonorable, unethical, or unprofessional conduct of character

1 likely to deceive, defraud, or harm the public or any member thereof, as
2 described in KRS 311.597; or

3 (t) As provided in KRS 311.824(2), been convicted of a violation of KRS
4 311.823(2).

5 (2) All disciplinary proceedings against a physician assistant shall be conducted in
6 accordance with the provisions of KRS 311.591, 311.592, 311.593, 311.599, and
7 KRS Chapter 13B and related administrative regulations promulgated under KRS
8 Chapter 311.

9 ➔Section 67. KRS 311.852 is amended to read as follows:

10 (1) At any time when an inquiry panel established under KRS 311.591 has probable
11 cause to believe that a physician assistant has violated the terms of an agreed order
12 as defined in KRS 311.550~~[(19)]~~, or violated the terms of a disciplinary order, or
13 that a physician assistant's practice constitutes a danger to the health, welfare, or
14 safety of his or her patients or the general public, the inquiry panel may issue an
15 emergency order in accordance with KRS 13B.125 suspending, limiting, or
16 restricting the physician assistant's license.

17 (2) For the purposes of a hearing conducted under KRS 13B.125 on an emergency
18 order issued under this section, the findings of fact in the emergency order shall
19 constitute a rebuttable presumption of substantial evidence of a violation of law that
20 constitutes immediate danger to the health, welfare, or safety of patients or the
21 general public. For the purposes of this hearing only, hearsay shall be admissible
22 and may serve as a basis of the board's findings.

23 (3) An emergency order as described in subsection (1) of this section shall not be
24 issued unless grounds exist for the issuance of a complaint. The inquiry panel shall
25 issue a complaint prior to the date of the emergency hearing or the emergency order
26 shall become void.

27 (4) An order of temporary suspension, restriction, or limitation shall not be maintained

1 after a final order as defined in KRS 311.550(20) is served on the charged physician
2 assistant pursuant to the proceeding on the complaint. An appeal of an emergency
3 order shall not prejudice the board from proceeding with the complaint.

4 ➔Section 68. KRS 323.990 is amended to read as follows:

- 5 (1) Whoever violates KRS 323.020 or 323.230 is guilty of a Class A misdemeanor.
6 (2) Whoever violates KRS 323.050(2)~~[(b)]~~ or 323.120(1) by falsifying an application
7 for certification or renewal as an architect is guilty of a Class A misdemeanor, and
8 the architect's license shall be revoked for two (2) years.
9 (3) In addition to the sanctions provided in this chapter, the board may direct any
10 licensee found guilty of violating any provision of this chapter to pay to the board a
11 sum not to exceed the actual and reasonable costs of investigation and prosecution
12 of the case, which shall be paid to the board's trust and agency account.

13 ➔Section 69. KRS 325.263 is amended to read as follows:

14 Effective April 1, 2007, any candidate who was approved to sit for the examination prior
15 to January 1, 2000, and has not yet passed the examination shall be required to submit to
16 the board prior to his or her being licensed, proof that he or she meets the requirements of
17 KRS 325.261~~[(5)]~~.

18 ➔Section 70. KRS 325.280 is amended to read as follows:

- 19 (1) The board may issue a license to practice by reciprocity, if the applicant:
20 (a) Submits an application for a license to practice any regulated activity, upon
21 forms approved by the board;
22 (b) Pays all required fees, in the amounts as determined by administrative
23 regulation promulgated by the board; and
24 (c) Meets the following requirements:
25 1. Satisfies the educational requirement in KRS 325.261~~[(3)]~~(2);
26 2. Receives a grade on the Uniform CPA Examination in another state that
27 was equivalent to a passing grade at the time in this Commonwealth;

- 1 3. Holds a valid active license, and is in good standing as a certified public
2 accountant, issued under the laws of any other state; and
- 3 4. Meets all current experience requirements in this chapter, except for
4 KRS 325.261(6)(b), at the time application is made, or within the ten
5 (10) years immediately preceding the application, had four (4) years of
6 experience in the practice of the regulated activities acceptable to the
7 board upon which the license was based.
- 8 (2) The board may issue a license to practice the regulated activities without
9 examination to an applicant who holds a valid license to engage in the practice of
10 the regulated activities in good standing from a foreign country if:
- 11 (a) The applicant's foreign country makes similar provisions to allow a person
12 who holds a valid license to practice the regulated activities issued by this
13 Commonwealth to obtain that foreign country's comparable designation;
- 14 (b) The authority of the foreign country that issued the designation regulates the
15 practice of the regulated activities, including the issuance of reports;
- 16 (c) The foreign designation was granted upon education and examination
17 requirements which were established by the foreign authority or law and were
18 substantially equivalent to those in effect in this Commonwealth at the time
19 the foreign designation was granted;
- 20 (d) The applicant satisfies the applicable experience requirement contained in
21 paragraph (c) of subsection (1) of this section;
- 22 (e) The applicant has successfully passed a uniform qualifying examination on
23 United States national standards prepared by the National Association of State
24 Boards of Accountancy; and
- 25 (f) The applicant submits an application for a license to practice the regulated
26 activities, upon forms approved by the board, and pays the fees listed in
27 administrative regulations promulgated by the board.

1 ➔Section 71. KRS 387.540 is amended to read as follows:

- 2 (1) Prior to a hearing on a petition for a determination of partial disability or disability
3 and the appointment of a limited guardian, guardian, limited conservator, or
4 conservator, an interdisciplinary evaluation report shall be filed with the court. The
5 report may be filed as a single and joint report of the interdisciplinary evaluation
6 team, or it may otherwise be constituted by the separate reports filed by each
7 individual of the team. If the court and all parties to the proceeding and their
8 attorneys agree to the admissibility of the report or reports, the report or reports
9 shall be admitted into evidence and shall be considered by the court or the jury if
10 one is impaneled. The report shall be compiled by at least three (3) individuals,
11 including a physician, an advanced practice registered nurse, or a physician
12 assistant, a psychologist licensed or certified under the provisions of KRS Chapter
13 319, and a person licensed or certified as a social worker or an employee of the
14 Cabinet for Health and Family Services who meets the qualifications of KRS
15 335.080(1)(a) and (b)~~], (b), and (c)]~~ or 335.090(1)(a) and (b)~~], (b), and (c)]~~. The
16 social worker shall, when possible, be chosen from among employees of the
17 Cabinet for Health and Family Services residing or working in the area, and there
18 shall be no additional compensation for their service on the interdisciplinary
19 evaluation team.
- 20 (2) At least one (1) person participating in the compilation of the report shall have
21 knowledge of the particular disability which the respondent is alleged to have or
22 knowledge of the skills required of the respondent to care for himself or herself and
23 his or her estate.
- 24 (3) If the respondent is alleged to be partially disabled or disabled due to mental illness,
25 at least one (1) person participating in the compilation of the interdisciplinary
26 evaluation report shall be a qualified mental health professional as defined in KRS
27 202A.011(12). If the respondent is alleged to be partially disabled or disabled due

1 to an intellectual disability, at least one (1) person participating in the compilation
2 of the evaluation report shall be a qualified professional in the area of intellectual
3 disabilities as defined in KRS 202B.010(12).

4 (4) The interdisciplinary evaluation report shall contain:

5 (a) A description of the nature and extent of the respondent's disabilities, if any;

6 (b) Current evaluations of the respondent's social, intellectual, physical, and
7 educational condition, adaptive behavior, and social skills. Such evaluations
8 may be based on prior evaluations not more than three (3) months old, except
9 that evaluations of the respondent's intellectual condition may be based on
10 individual intelligence test scores not more than one (1) year old;

11 (c) An opinion as to whether guardianship or conservatorship is needed, the type
12 of guardianship or conservatorship needed, if any, and the reasons therefor;

13 (d) An opinion as to the length of time guardianship or conservatorship will be
14 needed by the respondent, if at all, and the reasons therefor;

15 (e) If limited guardianship or conservatorship is recommended, a further
16 recommendation as to the scope of the guardianship or conservatorship,
17 specifying particularly the rights to be limited and the corresponding powers
18 and duties of the limited guardian or limited conservator;

19 (f) A description of the social, educational, medical, and rehabilitative services
20 currently being utilized by the respondent, if any;

21 (g) A determination whether alternatives to guardianship or conservatorship are
22 available;

23 (h) A recommendation as to the most appropriate treatment or rehabilitation plan
24 and living arrangement for the respondent and the reasons therefor;

25 (i) A listing of all medications the respondent is receiving, the dosage, and a
26 description of the impact of the medication upon the respondent's mental and
27 physical condition and behavior;

- 1 (j) An opinion whether attending a hearing on a petition filed under KRS
2 387.530 would subject the respondent to serious risk of harm;
- 3 (k) The names and addresses of all individuals who examined or interviewed the
4 respondent or otherwise participated in the evaluation; and
- 5 (l) Any dissenting opinions or other comments by the evaluators.
- 6 (5) The evaluation report may be compiled by a community center for mental health or
7 individuals with an intellectual disability, a licensed facility for mentally ill or
8 developmentally disabled persons, if the respondent is a resident of such facility, or
9 a similar agency.
- 10 (6) In all cases where the respondent is a resident of a licensed facility for mentally ill
11 or developmentally disabled persons and the petition is filed by an employee of that
12 facility, the petition shall be accompanied by an interdisciplinary evaluation report
13 prepared by the facility.
- 14 (7) Except as provided in subsection (6) of this section, the court shall order
15 appropriate evaluations to be performed by qualified persons or a qualified agency.
16 The report shall be prepared and filed with the court and copies mailed to the
17 attorneys for both parties at least ten (10) days prior to the hearing. All items
18 specified in subsection (4) of this section shall be included in the report.
- 19 (8) If the person evaluated is a poor person as defined in KRS 453.190, the examiners
20 shall be paid by the county in which the petition is filed upon an order of allowance
21 entered by the court. Payment shall be in an amount which is reasonable as
22 determined by the court, except no payment shall be required of the county for an
23 evaluation performed by a salaried employee of a state agency for an evaluation
24 performed within the course of his *or her* employment. Additionally, no payment
25 shall be required of the county for an evaluation performed by a salaried employee
26 of a community center for mental health or individuals with an intellectual
27 disability or private facility or agency where the costs incurred by the center,

1 facility, or agency are reimbursable through third-party payors. Affidavits or other
2 competent evidence shall be admissible to prove the services rendered but not to
3 prove their value.

4 (9) The respondent may file a response to the evaluation report no later than five (5)
5 days prior to the hearing.

6 (10) The respondent may secure an independent evaluation. If the respondent is unable
7 to pay for the evaluation, compensation for the independent evaluation may be paid
8 by the county in an amount which is reasonable as determined by the court.

9 ➔Section 72. KRS 457.090 is amended to read as follows:

10 (1) A power of attorney is effective when executed unless the principal provides in the
11 power of attorney that it becomes effective at a future date or upon the occurrence
12 of a future event or contingency.

13 (2) If a power of attorney becomes effective upon the occurrence of a future event or
14 contingency, the principal, in the power of attorney, may authorize one (1) or more
15 persons to determine in a writing or other record that the event or contingency has
16 occurred.

17 (3) If a power of attorney becomes effective upon the principal's incapacity and the
18 principal has not authorized a person to determine whether the principal is
19 incapacitated, or the person authorized is unable or unwilling to make the
20 determination, the power of attorney becomes effective upon a determination in a
21 writing or other record by:

22 (a) A physician, an advanced practice registered nurse, a psychologist licensed or
23 certified under the provisions of KRS Chapter 319, or a person licensed or
24 certified as a social worker or an employee of the Cabinet for Health and
25 Family Services who meets the qualifications of KRS 335.080(1)(a) and (b),
26 ~~(b), and (e)~~ or 335.090(1)(a) and (b), ~~(b), and (e)~~, that the principal is
27 incapacitated within the meaning of KRS 457.020(5)(a); or

- 1 (b) An attorney-at-law or a judge that the principal is incapacitated within the
2 meaning of KRS 457.020(5)(b).
- 3 (4) A person authorized by the principal in the power of attorney to determine that the
4 principal is incapacitated may act as the principal's personal representative pursuant
5 to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179
6 of the Social Security Act, 42 U.S.C. sec. 1320d, as amended, and applicable
7 regulations, to obtain access to the principal's health-care information and
8 communicate with the principal's health-care provider for the sole purpose of
9 determining whether the principal is incapacitated, unless the power of attorney
10 otherwise provides.