

AN ACT related to licensing occupations.

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

➔Section 1. KRS 310.042 is amended to read as follows:

- (1) The board may deny or refuse to renew a license or certificate, suspend or revoke a license or certificate, or issue orders to cease and desist from certain conduct or to otherwise discipline an applicant, a licensee, a certificate holder, or a person found guilty of violating any provisions of this chapter, if that person has:
 - (a) Attempted to or obtained licensure or certification by fraud or misrepresentation;
 - (b) Engaged in habitual intoxication or unprofessional conduct, including, but not limited to, willful acts of negligence or a pattern of continued and repeated malpractice, negligence, or incompetence in the course of professional practice;
 - (c) Engaged in habitual intoxication or personal misuse of any drug, narcotics, or controlled substances so as to adversely affect his ability to practice;
 - (d) Been convicted of a felony or any offense under state and federal laws involving *sexual misconduct or a crime where dishonesty is a necessary element*~~[-moral turpitude]~~;
 - (e) Violated any lawful order or ruling of the board or any administrative regulation promulgated by the board; or
 - (f) Violated any provisions of this chapter.
- (2) All administrative hearings for the disciplinary action against a license or certificate holder shall be conducted in accordance with KRS Chapter 13B.

➔Section 2. KRS 329.030 is amended to read as follows:

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

- (b) Each application for a trainee's license shall be made to the cabinet within ten (10) days of the commencement of the trainee's internship, and said application shall contain such information as may be reasonably required by the cabinet.
 - (c) Each application for a trainee license or a renewal or extension shall be accompanied by a fee of twenty-five dollars (\$25), which is nonrefundable.
 - (d) Each application for an examiner's license shall be made to the cabinet in writing on forms provided by the cabinet and shall contain such information as may be required by the cabinet to determine the eligibility of the applicant.
 - (e) Each application for an examiner's license shall be accompanied by a fee of fifty dollars (\$50), which is nonrefundable.
- (2) Each applicant for an examiner's license shall submit his or her fingerprints to the cabinet. The cabinet is authorized to exchange fingerprint data with the Department of Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of the applicant. Each applicant shall also submit a sworn affidavit that said applicant:
- (a) Is a citizen of the United States;
 - (b) Is at least eighteen (18) years of age;
 - (c) Has administered detection of deception examinations for a period of at least one (1) year using the instrumentation prescribed in KRS 329.020;
 - (d) Has completed a course of formal training in detection of deception in an institution accepted by the cabinet;
 - (e) Has not been convicted of a misdemeanor involving sexual misconduct or a crime where dishonesty is a necessary element~~[moral turpitude]~~ or a felony, or who has not been released or discharged under other than honorable conditions from any of the Armed Services of the United States, or any branch of the state, city or federal government; and

- (f) Any other information required by the cabinet to determine the examiner's competency to obtain a license to practice in this state.
- (3) Upon receipt of an application for a trainee's license or for an examiner's license, the secretary shall investigate each application, and no license will be issued until said investigation is complete.
- (4) The cabinet shall establish such reasonable rules and regulations for the trainee during his internship as may be reasonably necessary for the purpose of ensuring~~[insuring]~~ that the trainee meets adequate professional standards established by the cabinet.
- (5) The cabinet may require applicants for an examiner's license to pass an examination which shall be confined to such knowledge, practical ability, and skill as is essential for performing the duties of a detection of deception examiner. The cabinet shall promulgate administrative regulations for conducting examinations and shall define the standards to be acquired to constitute passing the examination.
- (6) The cabinet shall promulgate administrative regulations for the purpose of ensuring~~[insuring]~~ that the examiner maintain adequate professional standards established by the cabinet.