

311.565 Powers and functions of board -- Fees -- Fines -- Guidelines and training for allegations of sexual misconduct by professionals.

- (1) The board may:
 - (a) Exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy, which shall include but not be limited to promulgation of reasonable administrative regulations enabling the board to regulate the conduct of its licensees;
 - (b) Promulgate reasonable administrative regulations establishing moral, physical, intellectual, educational, scientific, technical, and professional qualifications of applicants for licenses and permits that may be issued by the board;
 - (c) Issue, deny, suspend, limit, restrict, and revoke any licenses or permits that may be issued by the board, and to reprimand or to place licensees on probation, in compliance with the provisions of KRS 311.530 to 311.620;
 - (d) Appoint an executive director and assistant executive directors and fix their compensation. The executive director shall oversee the work of the board, shall be authorized to discharge the duties of the secretary, as provided by KRS 311.530 to 311.620, and shall carry out the duties of the executive director as set forth elsewhere in this chapter;
 - (e) Appoint a general counsel and assistant general counsel and fix their compensation;
 - (f) Appoint investigatory personnel and fix their compensation;
 - (g) Appoint one (1) or more hearing officers, who need not be members of the board, and fix their compensation. Every hearing officer shall be vested with the full and complete power and authority of the board to schedule and conduct hearings on behalf of and in the name of the board on all matters referred for hearing by the board or secretary thereof, including, among other things, proceedings for placing licensees on probation and for limitation, suspension, and revocation of licenses. All administrative hearings conducted by the board, a member of the board, or a hearing officer appointed by the board, shall be conducted in accordance with KRS Chapter 13B. No hearing officer shall be empowered to place any licensee on probation or to issue, refuse, suspend, limit, or revoke any license;
 - (h) Appoint committees of licensees, who need not be board members, to review issues of public or medical interest before the board and to make recommendations to the board on the issues;
 - (i) Promulgate administrative regulations to promote the efficient and fair conduct of disciplinary proceedings;
 - (j) Promulgate a code of conduct governing the practice of medicine and osteopathy, which shall be based upon generally recognized principles of professional ethical conduct;

- (k) Utilize the services and facilities of professional organizations, and procure and receive the assistance and recommendations of professional organizations in administering KRS 311.530 to 311.620;
- (l) Make its personnel and facilities available to other governmental entities under mutually agreeable terms and conditions;
- (m) Issue regular licenses without further testing by endorsement from another state having qualifications and standards at least as high as those of this state or by endorsement from the National Board of Medical Examiners, the National Board of Examiners for Osteopathic Physicians and Surgeons, the National Joint Committee of Preregistration Physician Training Programs, or any approved successors thereof;
- (n) Issue and renew regular licenses to practice medicine or osteopathy in accordance with KRS 311.530 to 311.620 and any reasonable regulations of the board;
- (o) Issue and renew, or refuse to issue or renew, or cancel and terminate limited licenses pursuant to administrative regulations promulgated by the board; provided however, no person who held a limited license for institutional practice or general practice as of September 1, 1972, shall be denied the renewal of that limited license for nondisciplinary reasons;
- (p) Appoint examiners, who need not be members of the board, and employ or contract with the Federation of State Medical Boards of the United States, Inc., or the National Board of Medical Examiners or other organizations, agencies, or individuals to prepare examination questions and grade examination papers;
- (q) Determine the schools, colleges, universities, institutions, and training acceptable in connection with licensure under KRS 311.530 to 311.620;
- (r) Prescribe the time, place, method, manner, scope, and content of examinations;
- (s) Prescribe all forms which it considers appropriate, and require the submission of photographs, fingerprints, and personal history data;
- (t) Require a criminal background investigation of all persons applying for licensure at the time of initial application, and at other times at the request of the board for good cause shown, by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation;
- (u) Prescribe and collect reasonable fees and charges for examinations, directories, and the issuance and renewal of licenses and permits; and
- (v) Impose fines of not greater than five thousand dollars (\$5,000) per violation and require the licensee to reimburse the board for the costs of the administrative proceedings including consultant fees, upon a finding pursuant to disciplinary proceedings that the licensee has violated any provision of KRS 311.595 to 311.597 or duly promulgated disciplinary regulation of the board.

- (2) The board shall develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by a physician licensed by the board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a physician is falsely accused.
- (3) The board, the hearing officer, and investigators hired by the board shall receive training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 294, effective June 26, 2007. -- Amended 2003 Ky. Acts ch. 27, sec. 1, effective June 24, 2003. -- Amended 2002 Ky. Acts ch. 130, sec. 6, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 228, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 254, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 3, effective July 15, 1994; and ch. 470, sec. 3, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 109, sec. 1, effective July 15, 1986; and ch. 302, sec. 6, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 251, sec. 2, effective July 13, 1984. -- Amended 1972 Ky. Acts ch. 218, sec. 8. -- Created 1952 Ky. Acts ch. 150, sec. 5, effective June 19, 1952.

Legislative Research Commission Note (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.