

**311.686 Emergency order suspending, limiting, or restricting certificate --
Complaint and hearing -- Procedural rules for hearing -- Emergency order
invalid after issuance of final order.**

- (1) At any time when an inquiry panel established under KRS 311.591 has probable cause to believe that an acupuncturist has violated the terms of an agreed order as defined in KRS 311.550(19), or violated the terms of a disciplinary order, or that an acupuncturist's practice constitutes a danger to the health, welfare, or safety of patients or the general public, the inquiry panel may issue an emergency order in accordance with KRS 13B.125 suspending, limiting, or restricting the acupuncturist's certificate.
- (2) For the purposes of a hearing conducted under KRS 311.592 on an emergency order issued under this section, the findings of fact in the emergency order shall constitute a rebuttable presumption of substantial evidence of a violation of law that constitutes immediate danger to the health, welfare, or safety of patients or the general public. For the purposes of this hearing only, hearsay shall be admissible and may serve as a basis of the board's findings.
- (3) An emergency order as described in subsection (1) of this section shall not be issued unless grounds exist for the issuance of a complaint. The inquiry panel shall issue a complaint prior to the date of the emergency hearing or the emergency order shall become void.
- (4) An emergency order suspending, limiting, or restricting a certificate shall not be maintained after a final order as defined in KRS 311.550(20) is served on the charged acupuncturist pursuant to the proceeding on the complaint. An appeal of an emergency order shall not prejudice the board from proceeding with the complaint.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 249, sec. 16, effective July 12, 2006.