

317B.045 Denial, suspension, probation, or revocation of license -- Grounds -- Administrative fine -- Reprimand or admonishment -- Hearing -- Mediation.

- (1) The board may refuse to issue or renew a license, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine, issue a written reprimand or admonishment, or any combination thereof regarding proof of any applicant's or licensee's:
 - (a) Conviction of a felony;
 - (b) Gross malpractice or incompetence;
 - (c) Mental or physical health that would endanger public health or safety;
 - (d) False or deceptive practice or misrepresentation including advertising;
 - (e) Practicing in an unlicensed salon or in a salon knowing that the practice is not in compliance with KRS 317B.010 to 317B.060 or the administrative regulations of the board promulgated pursuant to KRS 317B.010 to 317B.060;
 - (f) Immoral conduct, unprofessional conduct, or a violation of the code of ethics;
 - (g) Teaching in an unlicensed school or in a school knowing that the school is not in compliance with KRS 317B.010 to 317B.060 or the administrative regulations of the board promulgated pursuant to KRS 317B.010 to 317B.060; or
 - (h) Failure to comply with KRS 317B.010 to 317B.060 or the administrative regulations promulgated by the board.
- (2) Payments in lieu of suspension collected by the board shall be deposited in the State Treasury and credited to the trust and agency account of the board.
- (3) The board may require retesting of any licensee upon proper showing of gross malpractice or incompetence on the part of the licensee.
- (4) Three (3) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license upon a finding that the individual has complied with any terms prescribed by the board, including retesting, and is again able to competently engage in the practice of esthetics.
- (5)
 - (a) The board may issue a written admonishment to the licensee, when in the judgment of the board:
 1. An alleged violation is not of a serious nature; and
 2. The evidence presented to the board after the investigation and appropriate opportunity for the licensee to respond provides a clear indication that the alleged violation did in fact occur.
 - (b) A copy of the admonishment shall be placed in the permanent file of the licensee.
 - (c) The licensee may file a response to the admonishment within thirty (30) days of its receipt. A copy of the licensee's response shall be placed in the permanent licensure file.

- (d) The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board.
- (e) Upon receipt of this request the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (6) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the licensee which effectively deals with the complaint.
- (7) The board may utilize mediation as a technique in reasonably handling disciplinary matters. The board may appoint any member or members of the board, any staff member, or any other person or combination thereof to serve in the mediation process.
- (8) The board may reconsider, modify, or reverse its probation, suspension, or other disciplinary action.

Effective: June 24, 2003

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