

311.592 Emergency order suspending, limiting, or restricting license -- Hearing.

- (1) At any time when an inquiry panel has probable cause to believe that a physician has violated the terms of an agreed order or violated the terms of a disciplinary order, or a physician's practice constitutes a danger to the health, welfare, and safety of his patients or the general public, the inquiry panel may issue an emergency order, in accordance with KRS 13B.125, suspending, limiting, or restricting the physician's license.
- (2) For the purposes of a hearing conducted under KRS 13B.125 on an emergency order issued under subsection (1) of 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 or a motion to revoke probation or an order of indefinite restriction or limitation. The inquiry panel shall issue a complaint or a motion to revoke probation or indefinite restriction or limitation prior to the date of the emergency hearing or the emergency order shall become void.
- (4) An order of temporary suspension, restriction, or limitation shall not be maintained after a final order is served on the charged physician pursuant to the proceeding on the complaint or on the motion to revoke. An appeal of an emergency order shall not prejudice the board from proceeding upon the complaint or the motion to revoke.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 175, sec. 3, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 130, sec. 15, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 318, sec. 256, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 190, sec. 7, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 302, sec. 9, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 251, sec. 5, effective July 13, 1984.