

311B.180 Civil Penalties.

- (1) The board shall assess civil penalties authorized by KRS 311B.190 against an individual or licensee who performs diagnostic or therapeutic procedures without a valid license.
- (2) Prior to assessing civil penalties, the board shall confirm the violation of the requirements by any of the following:
 - (a) Observing the violation;
 - (b) Obtaining records, documents, or other physical evidence;
 - (c) Obtaining statements from either the employer or the employee that confirm the existence of the violation; or
 - (d) Obtaining statements from third parties, such as patients or coworkers, that corroborate the allegation that a violation has occurred.
- (3) Civil penalties shall be assessed against individuals who perform diagnostic or therapeutic procedures without a valid license as follows:
 - (a) Failure to apply for an initial license by an individual who is fully qualified for licensure at the time the violation is discovered shall be assessed a civil penalty plus the license application fee;
 - (b) Failure to apply for renewal by an individual who would be eligible for renewal of a license but would not currently qualify due to insufficient continuing education at the time the violation is discovered shall be assessed a civil penalty plus the license renewal fee;
 - (c) Performance of a diagnostic or therapeutic procedure requiring licensure by an individual who is not qualified for a license at the time the violation is discovered shall be assessed a civil penalty; and
 - (d) Civil penalties for repeating the above offenses shall be doubled. Each day the violation occurs shall count as a separate repeat offense.
- (4) Civil penalties, double the amount assessed against the licensee, shall also be assessed against the employer of the individual without a valid license pursuant to subsection (3) of this section.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 50, sec. 18, effective July 12, 2012.