

313.100 Sanctions for violation of statute, administrative regulation, or practice standard -- Administrative hearing -- Criminal charges -- Expungement of record.

- (1) If it is determined that an entity regulated by the board, a dentist, dental hygienist, dental specialist, or dental assistant has violated a statute, administrative regulation, or practice standard relating to serving as an entity regulated by the board, a dentist, dental hygienist, dental specialist, or dental assistant, the Office of the Board may impose any of the sanctions provided in subsection (2) of this section. Any party to the complaint shall have the right to propose findings of fact and conclusions of law, and to recommend sanctions.
- (2) The Office of the Board shall require an acceptable plan of correction and may use any one (1) or more of the following sanctions when disciplining a dentist, dental hygienist, dental specialist, or dental assistant or any entity regulated by the board:
 - (a) Private admonishment;
 - (b) Public reprimand;
 - (c) Fines;
 - (d) Revocation of licensure or registration;
 - (e) Suspension of licensure or registration until a time certain;
 - (f) Suspension until a certain act or acts are performed;
 - (g) Limitation of practice permanently;
 - (h) Limitation of practice until a time certain;
 - (i) Limitation of practice until a certain act or acts are performed;
 - (j) Repassing a portion of the clinical examination;
 - (k) Probation for a specified time and conditions of probation; or
 - (l) Costs of the disciplinary action as defined by administrative regulation.
- (3) A private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l). A private admonishment shall not constitute disciplinary action but may be used by the board for statistical purposes or in subsequent disciplinary action against the same licensee, certificate holder, or applicant.
- (4) The filing of criminal charges or a criminal conviction for violation of the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the Office of the Board from instituting or imposing board disciplinary action authorized by this chapter against any person or organization violating this chapter or the administrative regulations promulgated thereunder.
- (5) The institution or imposition of disciplinary action by the Office of the Board against any person or organization violating the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the filing of criminal charges against or a criminal conviction of any person or organization for violation of the provisions of this chapter or the administrative regulations promulgated thereunder.
- (6) The board may maintain an action to enjoin the practice of or the attempt to practice

as a dentist, dental hygienist, or dental assistant without a license or registration to do so.

- (7) In case of a violation of any injunction granted under this section, the court may use its inherent powers for adequate relief.
- (8)
 - (a) Any licensee or certificate holder who has received a private admonishment may request in writing for the board to expunge the private admonishment from the licensee or certificate holder's permanent record.
 - (b) The request for expungement may be filed no sooner than three (3) years after the date on which the licensee or certificate holder has completed disciplinary sanctions imposed and if the licensee or certificate holder has not been disciplined for any subsequent violation of the same nature within this period of time.
 - (c) No person may have his record expunged under this chapter more than once.
- (9) If it is found the person who is licensed or registered by the board has been convicted of, pled guilty to, or entered an Alford plea to a Class A, B, or C felony offense, or has completed a diversion program for a Class A, B, or C felony offense, the license or registration shall be revoked.
- (10) A licensee subject to any disciplinary proceeding under this chapter shall be afforded an administrative hearing conducted in accordance with KRS Chapter 13B and may appeal any final order of the board to the Franklin Circuit Court.

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 85, sec. 16, effective July 15, 2010.
-- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2636-3, 2636-6.