

335.150 Grievance procedures -- Denial, revocation, or suspension of licenses -- Other sanctions -- Reconsideration.

- (1) The board may revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; impose an administrative fine; issue a written reprimand or admonishment; or any combination of actions regarding any applicant, license, or licensee upon proof that the applicant or licensee has:
 - (a) Committed any act of dishonesty or corruption. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence creates a rebuttable presumption at the ensuing disciplinary hearing of the guilt of the applicant or licensee. Conviction includes all instances in which a plea of no contest is the basis of the conviction;
 - (b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement thereof;
 - (c) Committed any unfair, false, misleading, or deceptive act or practice;
 - (d) Been incompetent or negligent in the practice of social work;
 - (e) Violated any state statute or administrative regulation governing the practice of social work or any activities undertaken by a social worker;
 - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
 - (g) Violated the code of ethical conduct as set forth by the board by promulgation of an administrative regulation;
 - (h) Been legally declared mentally incompetent;
 - (i) Aided or abetted another person in falsely procuring or attempting to procure a license;
 - (j) Aided or abetted an unlicensed person in the practice of social work; or
 - (k) Failed to comply with the requirements of KRS 214.615(1).
- (2) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement.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 and is again able to engage competently in the practice of social work.
- (3) If an alleged violation is not of a serious nature and 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, the board may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response within thirty (30) days of its receipt and to have the response placed in the licensee's permanent file. Alternatively, the licensee may file a request for a hearing, within thirty (30) days of the receipt of the written admonishment. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing.

- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order with, or accept an assurance of voluntary compliance from, the licensee that effectively satisfies the complaint.
- (5) The board may reconsider, modify, or reverse its decision regarding probation, suspension, or any other disciplinary action.
- (6) Upon proof substantiating that sexual contact occurred between a social worker licensed by the board and a client while the client was under the care of or in a professional relationship with the social worker, the social worker's license may be revoked or suspended with mandatory treatment of the social worker as prescribed by the board. The board may require the social worker to pay a specified amount for mental health services for the client which are needed as a result of the sexual contact.
- (7) The board may revoke the license of a social worker if the social worker has been convicted of a misdemeanor offense under KRS Chapter 510 involving a client or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or has been found to have had sexual contact as defined in KRS 510.010(7) with a client while the client was under the care of the social worker.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 182, sec. 62, effective July 12, 2006. -- Amended 1996 Ky. Acts ch. 318, sec. 308, effective July 15, 1996; and ch. 369, sec. 15, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 12, effective July 15, 1994; and ch. 470, sec. 12, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 443, sec. 14, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 114, sec. 93, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 279, sec. 15.

Legislative Research Commission Note ((7/2/97). In editing during codification, the reference to KRS 214.615(1) in subsection (1)(k) of this statute was mistakenly shown as KRS 214.615(4). The correct subsection reference has been restored. See 1996 Ky. Acts ch. 369, sec. 15.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 318 and 369. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 369, which was last enacted by the General Assembly, prevails under KRS 446.250.

Legislative Research Commission Note (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.