

### **335.348 Grounds for disciplinary action -- Investigation -- Hearing.**

- (1) The board may refuse to issue a license or permit, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine, issue a written reprimand or admonishment, or any combination thereof regarding any licensee or permit holder upon proof that the licensee or permit holder 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 are presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant. 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 marriage and family therapy;
  - (e) Violated any state statute or administrative regulation governing the practice of marriage and family therapy or any activities undertaken by a marriage and family therapist;
  - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (g) Violated the code of ethics as set forth by the board in administrative regulations; or
  - (h) Violated any applicable provision of any federal or state law.
- (2) Five (5) years from the date of a revocation, any person whose license or permit has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license or permit upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of marriage and family therapy.
- (3) If, after an investigation that includes opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it 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 to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing under the provisions of KRS Chapter 13B.
- (4) 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.
- (5) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary actions.

- (6) The surrender of a license or permit shall not serve to deprive the board of jurisdiction to proceed with disciplinary actions pursuant to this chapter.

**Effective:** January 1, 1999

**History:** Created 1998 Ky. Acts ch. 594, sec. 11, effective January 1, 1999.