## 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.

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