

311.685 Hearing required before imposition of sanctions -- Right to hearing and appeal -- Petition for reissuance of revoked license -- Probation -- Decisions of board not subject to judicial review.

- (1) The board, before suspending, revoking, imposing probationary or supervisory conditions upon a licensed acupuncturist, imposing an administrative fine, issuing a written reprimand, or any combination of these actions regarding any licensed acupuncturist under KRS 311.671 to 311.686, shall set the matter for a hearing under the provisions of KRS Chapter 13B.
- (2) After denying an application under KRS 311.671 to 311.686 or issuing a written admonishment, the board, at the request of the aggrieved party, shall grant a hearing under the provisions of KRS Chapter 13B.
- (3) Except for final orders denying an initial application or renewal for licensure or final orders issued pursuant to KRS 13B.125(3), all final orders of the board affecting an acupuncturist's license shall become effective thirty (30) days after notice is given to the license holder unless otherwise agreed; however, the board's panels may provide that a final order be effective immediately when, in the panel's opinion, based upon sufficient reasonable cause, the health, welfare, and safety of patients or the general public would be endangered by delay.
- (4) Any acupuncturist who is aggrieved by a final order of the board denying an initial or renewal application for licensure or rendering disciplinary action against a license holder may seek judicial review of the order by filing a petition with the Circuit Court of the county in which the board's offices are located in accordance with KRS Chapter 13B. Decisions of the board's panels relating to petitions for reinstatement of revoked licenses are not final orders for purposes of this statute, and are not subject to judicial review.
- (5) The court shall not award injunctive relief against the board without providing the board with the reasonable opportunity to be heard.
- (6) An acupuncturist whose license has been revoked may, after five (5) years from the effective date of the revocation order, petition the board to reissue the license to again practice acupuncture in the Commonwealth of Kentucky.
- (7) The board shall not be required to issue a new license, and a decision of the board not to reissue a license shall not be subject to judicial review. A license shall not be reissued following a petition under subsection (6) of this section unless the former license holder satisfies the board that he or she is presently of good moral character and qualified both physically and mentally to resume the practice of medicine without undue risk or danger to patients or the public.
- (8) In the event the board reissues a revoked license under the circumstances as described in this section, the reissued license shall be under probation for a period of not less than two (2) years nor more than five (5) years with conditions fixed by the board, including a condition that any violation of the remaining conditions of probation shall result in automatic revocation of the license.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 24, sec. 13, effective July 15, 2014. -- Created 2006 Ky. Acts ch. 249, sec. 15, effective July 12, 2006.

Legislative Research Commission Note (7/12/2006). 2006 Ky. Acts ch. 249

related to the regulation of the practice of acupuncture. However, in 2006 Ky. Acts ch. 249, sec. 15, subsec. 7, the drafter of that Act inadvertently included a reference to the "practice of medicine" in the second sentence of that subsection. It is clear to the Reviser of Statutes that reference should have read "practice of acupuncture;" however, since it could not be corrected as a manifest clerical or typographical error under the authority of KRS 7.136(1)(h), subsection (7) of this statute retains the reference as it appeared in 2006 Ky. Acts ch. 249.