

309.406 Duties of board -- Administrative regulations -- Order for violator to pay reasonable costs of investigation and prosecution.

- (1) The board may:
 - (a) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary to regulate and control all matters set forth in KRS 309.400 to 309.422 relating to manufacturers and wholesale distributors of home medical equipment and home medical equipment and services providers in this state, to the extent that regulation and control has not been delegated to some other agency of the Commonwealth, provided that:
 1. Administrative regulations relating to home medical equipment and services providers shall be limited to the regulation and control of home medical equipment sold pursuant to a medical order; and
 2. Nothing contained in KRS 309.400 to 309.422 shall be construed as authorizing the board to promulgate any administrative regulations relating to prices or fees or to advertising or the promotion of the sales or use of commodities or services;
 - (b) Issue subpoenas, schedule and conduct hearings, or appoint hearing officers to schedule and conduct hearings on behalf of the board on any matter under the jurisdiction of the board;
 - (c) Issue and renew all licenses for home medical equipment and services providers;
 - (d) Investigate all complaints or violations of the home medical equipment laws and the administrative regulations promulgated by the board;
 - (e) Perform all other functions necessary to carry out applicable provisions of law and the administrative regulations promulgated by the board, relating to manufacturers and wholesale distributors of home medical equipment and home medical equipment and services providers;
 - (f) Assess reasonable fees, in addition to the fees specifically provided for in KRS 309.400 to 309.422 consistent with KRS 61.870 to 61.884, for services rendered to perform its duties and responsibilities, including but not limited to the following:
 1. Issuance of duplicate licenses;
 2. Mailing lists or reports of data maintained by the board;
 3. Making copies of documents; or
 4. Providing notices of meetings;
 - (g) Seize any item of home medical equipment found by the board to constitute an imminent danger to the public health and welfare; and
 - (h) Oversee and administer the licensure of home medical equipment and services providers pursuant to KRS 309.400 to 309.422.
- (2) In addition to the sanctions provided in KRS 309.418, the board or its hearing officer shall direct any licensee found guilty of a charge involving a violation of home medical equipment laws, rules, or administrative regulations of the state, any

other state, or federal government, to pay to the board a sum not to exceed the reasonable costs of investigation and prosecution of the case, not to exceed twenty-five thousand dollars (\$25,000).

- (3) In an action for recovery of costs, proof of the board's order shall be conclusive proof of the validity of the order of payment and any terms for payment.

Effective: July 15, 2016

History: Created 2016 Ky. Acts ch. 103, sec. 9, effective July 15, 2016.