

311.555 Legislative declaration of policy -- Standards for judicial review.

It is the declared policy of the General Assembly of Kentucky that the practice of medicine and osteopathy should be regulated and controlled as provided in KRS 311.530 to 311.620 in order to prevent empiricism and to protect the health and safety of the public. Further, the General Assembly of Kentucky has created the board, as defined in KRS 311.530, to function as an independent board, the majority of whose members are licensed physicians, with the intent that such a peer group is best qualified to regulate, control and otherwise discipline the licensees who practice medicine and osteopathy within the Commonwealth of Kentucky. In furtherance of this intent, the judiciary of the Commonwealth of Kentucky, who may be caused to review the actions of the board, shall not interfere or enjoin the board's actions until all administrative remedies are exhausted, and modify, remand, or otherwise disturb those actions only in the event that the action of the board:

- (1) Constitutes a clear abuse of its discretion;
- (2) Is clearly beyond its legislative delegated authority; or
- (3) Violated the procedure for disciplinary action as described in KRS 311.591.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 190, sec. 2, effective July 15, 1994. -- Amended 1984 Ky. Acts ch. 251, sec. 8, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 188, sec. 252, effective July 1, 1980. -- Amended 1978 Ky. Acts ch. 107, sec. 2, effective June 17, 1978. -- Created 1952 Ky. Acts ch. 150, sec. 2, effective June 19, 1952.