

### **323.130 Hearing in disciplinary action -- Appeal.**

- (1) In any action taken pursuant to KRS 323.120, the board shall conduct a hearing in accordance with the provisions of this chapter and KRS Chapter 13B. The hearing may be conducted by the full board or at its designation, a member thereof, a panel of the board, a hearing officer, or a combination of the foregoing;
- (2) If the hearing is conducted by less than a majority of the full board, or by a hearing officer, the board members or hearing officer, as the case may be, may only issue a recommended order, and the recommended order shall be subject to review by a majority of the full board, which shall issue a final order; and
- (3) The board may proceed against a licensee on its own initiative, on the basis of either information contained in its own records or information obtained through its informal investigation. If a formal complaint verified by affidavit is filed with the board by a responsible citizen or organization, containing allegations that if true would warrant action pursuant to KRS 323.120, the board may proceed against the licensee.
- (4) Any final order of the board may be appealed to Franklin Circuit Court in accordance with KRS Chapter 13B.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 318, sec. 287, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 190, sec. 8, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 114, sec. 79, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 315, sec. 58. -- Amended 1960 Ky. Acts ch. 218, sec. 11. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 73-12.