

**313.080 Grounds for discipline or for revocation or suspension of license or registration -- Criminal prosecution.**

- (1) No person shall:
  - (a) Call or hold himself out as or use the title dentist, dental specialist, dental hygienist, or dental assistant unless licensed or registered under the provisions of this chapter;
  - (b) Operate, offer to operate, or represent or advertise the operation of a dental practice of any type unless licensed by or employing individuals licensed by the board;
  - (c) Employ a dentist, dental hygienist, or dental assistant unless that person is licensed or registered under the provisions of this chapter; or
  - (d) Maintain any license or certificate authorized by this chapter if convicted of, having entered a guilty plea to, having entered an Alford plea to, or having completed a diversion program for a Class A, B, or C felony offense on or after the date of initial licensure or registration.
- (2) Persons licensed or registered by the board or who are applicants for licensure or registration by the board shall be subject to disciplinary action by the board if they:
  - (a) If licensed or registered by the board:
    1. Violate:
      - a. Any provision of this chapter or any administrative regulation promulgated by the board; or
      - b. KRS 304.39-215; or
    2. Engage in conduct that is subject to the penalties under KRS 304.99-060(4) or (5);
  - (b) Use fraud or deceit in obtaining or attempting to obtain a license or registration from the board, or are granted a license upon mistake of a material fact;
  - (c) If licensed or registered by the board, negligently act in a manner inconsistent with the practice of the discipline for which the person is licensed or registered;
  - (d) Are unable to practice a discipline regulated by the board with reasonable skill or safety or are unfit or incompetent to practice a discipline regulated by the board;
  - (e) Abuse, misuse, or misappropriate any drugs placed in the custody of the licensee or certified person for administration, or for use of others, or those drugs prescribed by the licensee;
  - (f) Falsify or fail to make essential entries on essential records;
  - (g) Are convicted of a misdemeanor which involved acts which bear directly on the qualifications or ability of the applicant, licensee, or certified person to practice the discipline for which the person is an applicant, licensee, or certified person, if in accordance with KRS Chapter 335B;

- (h) Are convicted of a misdemeanor which involved fraud, deceit, breach of trust, or physical harm or endangerment to self or others, acts which bear directly on the qualifications or ability of the applicant, licensee, or certificate holder to practice acts in the license or registration held or sought, if in accordance with KRS Chapter 335B;
  - (i) Are convicted of a misdemeanor offense under KRS Chapter 510 involving a patient;
  - (j) Have had a license or certificate to practice as a dentist, dental hygienist, or dental assistant denied, limited, suspended, probated, revoked, or otherwise disciplined in Kentucky or in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth;
  - (k) Have a license or registration to practice any activity regulated by the board denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or registration to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth;
  - (l) Violate any lawful order or directive previously entered by the board;
  - (m) Have been listed on the National Practitioner Databank with a substantiated finding of abuse, neglect, or misappropriation of property;
  - (n) Fail to notify the board in writing of any change in the person's name, residential address, employment address, preferred mailing address, or telephone number within thirty (30) days of the change;
  - (o) Fail to comply with KRS 422.317 regarding patient records; or
  - (p) Fail to report to the board any negative outcome related to dental treatment involving intravenous or conscious sedation beyond anxiety control that requires hospital admission.
- (3) A person who violates subsection (1)(a), (b), (c), or (d) of this section shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for each subsequent offense. The board shall consider each individual count of a violation as a separate and subsequent offense.
- (4) The provisions of this section shall not preclude prosecution for the unlawful practice of dentistry by an agency of the Commonwealth.
- (5) The filing of criminal charges or a criminal conviction for violation of the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the Office of the Board from instituting or imposing board disciplinary action authorized by this chapter against any person or organization violating this chapter or the administrative regulations promulgated thereunder.
- (6) The institution or imposition of disciplinary action by the Office of the Board against any person or organization violating the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the filing of criminal charges against or a criminal conviction of any person or organization for violation of the provisions of this chapter or the administrative regulations

promulgated thereunder.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 143, sec. 11, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 158, sec. 57, effective June 29, 2017. -- Repealed and reenacted 2010 Ky. Acts ch. 85, sec. 13, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 61, sec. 8, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 552, sec. 1, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 387, sec. 2, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 443, sec. 7, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 351, sec. 1, effective June 17, 1978. -- Amended 1970 Ky. Acts ch. 75, sec. 2. -- Amended 1964 Ky. Acts ch. 12, sec. 5. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2636-9, 2636-19.