

**314A.225 Denial, suspension, probation, or revocation of certificate -- Grounds -- Administrative fine -- Reprimand or admonishment -- Reinstatement of certificate.**

- (1) The board may refuse to issue a certificate, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine, issue a written reprimand or admonishment, or any combination thereof regarding any certificate holder upon proof that the certificate holder has:
  - (a) Committed any crime, act of dishonesty, or corruption, if in accordance with KRS Chapter 335B. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the certificate holder or applicant. Conviction includes all instances in which a plea of no contest is the basis of conviction;
  - (b) Misrepresented or concealed a material fact in obtaining, renewing or reinstating a certificate;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the practice of respiratory care;
  - (e) Violated any state statute or administrative regulation governing the practice of respiratory care or any activities undertaken by a respiratory care practitioner, which shall include violation of KRS 304.39-215 and conduct that is subject to the penalties under KRS 304.99-060(4) or (5);
  - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (g) Violated the code of ethics as set forth in administrative regulations promulgated by the board; or
  - (h) Violated any applicable provision of any federal or state law, if in accordance with KRS Chapter 335B.
- (2) One (1) year from the date of revocation, any person whose certificate has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the certificate upon a finding that the individual has complied with any terms prescribed by that board and is again able to competently engage in the practice of respiratory care.
- (3) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary actions.
- (4) The surrender of a certificate shall not serve to deprive the board of jurisdiction to proceed with disciplinary action under this chapter.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 143, sec. 13, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 158, sec. 59, effective June 29, 2017. -- Amended 2002 Ky. Acts ch. 237, sec. 4, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 295, sec. 7, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 318, sec. 270, effective July 15, 1996. -- Created 1990 Ky. Acts ch. 201, sec. 11, effective July 13, 1990.