

309.355 Powers and duties of board -- Criminal background investigations.

- (1) The board shall administer and enforce the provisions of KRS 309.350 to 309.364 and shall have the responsibility to evaluate the qualifications of applicants for licensure and to authorize issuing, renewing, suspending, and revoking licenses.
- (2) The board shall investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of KRS 309.350 to 309.364 and administrative regulations promulgated pursuant to KRS 309.350 to 309.364. The board shall have the authority to administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence. The board may institute civil and criminal proceedings against violators of KRS 309.350 to 309.364. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of KRS 309.350 to 309.364.
- (3) The board shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including creating a code of ethics, standards of practice, standards of educational program curriculum and instructor qualification, and continuing education requirements for licensed massage therapists.
- (4) The board shall keep a record of its proceedings and a register of all persons licensed as massage therapists. The register shall include the name, license number and date of issue, last known place of business, and residence of each licensee. The board shall publish annually a directory of licensed massage therapists and their places of business. The list shall be available to any Kentucky citizen upon request and payment of a fee not to exceed the cost of the publication.
- (5) The board shall make an annual report to the Governor and the General Assembly, which shall contain an account of its duties performed, actions taken, and appropriate recommendations.
- (6) The board may seek an injunction in the Circuit Court of the county where the alleged violation occurred against any individual who practices massage therapy in the Commonwealth without a license.
- (7) The board shall require a national and state criminal background investigation for every applicant seeking a license, certificate, or temporary permit issued by the board permitting the applicant to engage in the practice of massage therapy. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation, pursuant to the following requirements:
 - (a) The applicant shall provide his or her fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation after a state criminal background check is conducted;
 - (b) The results of the national and state criminal background check shall be sent to the board for the screening of applicants;
 - (c) The board shall be prohibited from releasing any criminal history record

information to any private entity or other licensing board, or authorizing receipt by such entity or board; and

- (d) Any fee charged by the Department of Kentucky State Police or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check. The board may charge this fee to the applicant for licensure or certification.
- (8) The board may employ staff as needed in the conduct of its duties and functions, and shall fix their compensation.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 63, sec. 1, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 29, sec. 4, effective June 29, 2021. -- Amended 2010 Ky. Acts ch. 112, sec. 4, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 29, sec. 4, effective July 12, 2006. -- Created 2003 Ky. Acts ch. 45, sec. 6, effective June 24, 2003; and ch. 70, sec. 6, effective June 24, 2003.

Legislative Research Commission Note (6/24/2003). 2003 Ky. Acts ch. 45, sec. 6, and 2003 Ky. Acts ch. 70, sec. 6, are substantially identical and have been codified together.