

**326.090 Causes for revocation or suspension of licenses -- Fines -- Reprimand.**

- (1) The board may refuse to issue a license, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine upon, or issue a written reprimand against the holder of a license to practice ophthalmic dispensing or an apprentice license if the applicant or licensee has:
  - (a) Committed a dishonest or corrupt act, if in accordance with KRS Chapter 335B. If the act is a crime, conviction in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence of guilt at the ensuing disciplinary hearing of the licensee. Conviction includes all instances in which a plea of no contest is the basis of the conviction;
  - (b) Committed any unfair, false, misleading, or deceptive act or practice;
  - (c) Been incompetent or negligent in the practice of ophthalmic dispensing;
  - (d) Failed to comply with a lawful order of the board;
  - (e) Aided or abetted another person in falsely procuring or attempting to procure a license;
  - (f) Aided or abetted an unlicensed person in activities which violate KRS 326.030 and which are not otherwise exempted from the provisions of this chapter;
  - (g) Exhibited chronic or persistent inebriety or addiction to a drug habit, to an extent that disqualifies the applicant or the licensee from practicing with safety to the public;
  - (h) Committed fraud or deception in the application or in the examination for the license; or
  - (i) Violated any provisions of this chapter or administrative regulations promulgated in accordance with this chapter.
- (2) The board may impose a fine against any person who:
  - (a) Operates an optical establishment without the supervision of a Kentucky-licensed ophthalmic dispenser;
  - (b) Allows, aids, or abets an unlicensed person to perform activities that violate KRS 326.030 and are not otherwise exempted from the provisions of this chapter; or
  - (c) Allows a Kentucky licensed ophthalmic dispenser to supervise more than one (1) optical establishment at the same time.
- (3) After investigating an alleged violation and offering the licensee the opportunity to respond to the allegation, the board may issue a written reprimand to the licensee if the board determines that a violation that is not of a serious nature has occurred. A copy of the reprimand shall be placed in the permanent file of the licensee. The licensee may file a written response to the reprimand within thirty (30) days of receiving the reprimand or may request a hearing with the board. If the licensee responds to the reprimand, his or her response shall be placed in the licensee's permanent file. If the licensee requests a hearing, the board shall set aside the written reprimand, pending the outcome of a hearing by the board under the provisions of KRS Chapter 13B.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 158, sec. 76, effective June 29, 2017. -- Amended 2007 Ky. Acts ch. 105, sec. 3, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 65, sec. 4, effective July 14, 2000. -- Created 1954 Ky. Acts ch. 27, sec. 12, effective June 17, 1954.