

334A.175 Complaints -- Procedure -- Disciplinary sanctions -- Prohibited conduct.

- (1)
 - (a) Any person who desires to make a complaint against a licensee under this chapter shall file a written complaint with the board.
 - (b) The board may conduct an investigation into any complaint which it feels may constitute a violation of this chapter or the administrative regulations it promulgates.
 - (c) The board may require that the licensee file a written statement or report regarding the facts and circumstances concerning the complaint along with other information, material, or data reasonably related to it.
 - (d) The board may request the assistance of the Attorney General in connection with an investigation.
 - (e) The board may employ the services of a hearing officer to:
 1. Conduct hearings and prehearing conferences;
 2. Advise the board as to legal matters; and
 3. Provide other legal services deemed appropriate by the board.
- (2) If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in accordance with KRS Chapter 13B.
- (3) The provisions of this chapter shall in no way limit the jurisdiction and authority of the Attorney General to take any necessary action under the Kentucky Consumer Protection Act, KRS 367.110 to 367.300.
- (4) The board may suspend, revoke, refuse to issue or renew any license for a fixed period of time, place on probation, issue a written reprimand to a licensee, levy a fine not to exceed one thousand dollars (\$1,000), or any combination thereof, based on a finding of the board that a person licensed under this chapter has committed any of the following acts:
 - (a) Change of personal name, corporate name, charter, entity, or partnership name or composition to avoid the imposition of liens or court action;
 - (b) The conviction of a felony or misdemeanor, if in accordance with KRS Chapter 335B, including KRS 335B.020. The record of conviction, or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of that conviction;
 - (c) Procuring of a license by fraud or deceit practiced upon the board;
 - (d) Unethical conduct as defined by the board by promulgation of an administrative regulation;
 - (e) Engaging in any unfair, false, misleading, or deceptive act or practice;
 - (f) Incompetence or negligence in the practice of selling or fitting hearing instruments; or
 - (g) Violating any provision of this chapter or administrative regulation promulgated by the board.

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