

### **309.137 Disciplinary action.**

- (1) The board may refuse to issue a license or may deny any application, or suspend, or revoke, impose probationary conditions upon, issue a written reprimand or admonishment, or perform any combination thereof regarding any license held or applied for under the provisions of KRS 309.133 if the person:
  - (a) Is found guilty of fraud, deceit, or misrepresentation in procuring or renewing or attempting to procure or renew a license to practice art therapy;
  - (b) Committed any unfair, false, misleading, or deceptive act or practice;
  - (c) Has been negligent in the practice of art therapy;
  - (d) Is adjudicated mentally incompetent;
  - (e) Is found guilty of a felony or misdemeanor involving sexual misconduct or a crime where dishonesty is a necessary element. Conviction includes all instances in which a plea of no contest is the basis of the conviction;
  - (f) Is found guilty of unprofessional or unethical conduct in this or any other jurisdiction;
  - (g) Has been using any controlled substance or alcoholic beverage to an extent or in a manner dangerous to the person, any other person, or the public, or to an extent that the use impairs the ability to perform as a licensed professional art therapist;
  - (h) Has violated any provision of KRS 309.130 to 309.1399 or administrative regulations promulgated thereunder;
  - (i) Failed to comply with an order issued by the board or an assurance of voluntary compliance; or
  - (j) Willfully or negligently divulges a professional confidence.
- (2) A certified copy of the record of conviction shall be conclusive evidence of the conviction.
- (3) Disciplinary proceedings may be initiated upon the receipt by the board of a sworn complaint by any person, including members of the board.
- (4) Two (2) years from the date of revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the licensee if the board finds that the individual has complied with any terms prescribed by the board and is able to competently engage in the practice of art therapy.
- (5) If, after an investigation that includes an opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for a hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for a hearing under KRS Chapter 13B.

- (6) The surrender of a license shall not deprive the board of its jurisdiction to proceed with disciplinary actions authorized under KRS 309.130 to 309.1399.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 48, sec. 8, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 7, effective July 15, 1994.