314.085 Mental health, chemical dependency, or physical evaluation of licensee or applicant -- Suspension or denial of application until person submits to evaluation.

(1) If the board has reasonable cause to believe that any licensee; applicant for licensure by examination, endorsement, reinstatement, or change of status; holder of the privilege to practice as a nurse; credential holder; or holder of a temporary work permit is unable to practice with reasonable skill and safety or has abused alcohol or drugs, it may require the person to submit to a mental health, chemical dependency, or physical evaluation by a licensed or certified practitioner designated by the board. Upon the failure of the person to submit to a mental health, chemical dependency or physical evaluation, unless due to circumstances beyond the person's control, the board may initiate an action for immediate temporary suspension pursuant to KRS 314.089 or deny the application until the person submits to the required evaluation.

(2) Every licensee; applicant for licensure by examination, endorsement, reinstatement, or change of status; holder of the privilege to practice as a nurse; credential holder; or holder of a temporary work permit shall be deemed to have given consent to submit to a mental health, chemical dependency, or physical evaluation when so directed in writing by the board. The direction to submit to an evaluation shall contain the basis of the board's reasonable cause to believe that the person is unable to practice with reasonable skill and safety, or has abused alcohol or drugs. The person shall be deemed to have waived all objections to the admissibility of the examining practitioner's testimony or examination reports on the ground of privileged communication.

(3) The licensee; applicant for licensure by examination, endorsement, reinstatement, or change of status; holder of the privilege to practice as a nurse; credential holder; or holder of a temporary work permit shall bear the cost of any mental health, chemical dependency, or physical evaluation ordered by the board.

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History: Amended 2006 Ky. Acts ch. 86, sec. 7, effective June 1, 2007. -- Amended 2002 Ky. Acts ch. 266, sec. 4, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 391, sec. 14, effective July 14, 2000. -- Created 1992 Ky. Acts ch. 128, sec. 13, effective July 14, 1992.