

320.310 Causes for refusal, limitation, revocation, or suspension of licenses -- Restitution or fines -- Branch offices -- Expungement.

- (1) The board may refuse to issue, refuse to renew, limit or restrict, revoke, or suspend a license, may place on probation, or reprimand a licensee, may order restitution, may impose a fine not to exceed one thousand dollars (\$1,000) for each violation of this chapter or the corresponding administrative regulations, or may impose any combination of these penalties if it finds that an applicant or a licensee has:
 - (a) Engaged in any practice of fraud or deceit in obtaining or attempting to obtain a license;
 - (b) Been convicted of any felony or has been convicted of a misdemeanor involving sexual misconduct. A record of the conviction or a certified copy of the record shall be conclusive evidence;
 - (c) Chronic or persistent inebriety or addiction to a drug habit to an extent that continued practice is dangerous to patients or to the public safety;
 - (d) Been granted a license upon a mistake of material fact;
 - (e) Engaged in incompetence, as determined by the board;
 - (f) Practiced as an itinerant, peddled from door to door, established a temporary office, or practiced optometry outside of or away from his or her regular office or place of practice, except that the board may promulgate administrative regulations to authorize the practice of optometry outside of the licensee's regular office for a charitable purpose as defined by the board;
 - (g) Employed, procured, induced, aided, or abetted any person, not holding a Kentucky license, to practice optometry or in practicing optometry;
 - (h) Used the title "doctor" or its abbreviation without further qualifying this title or abbreviation with the word "optometrist" or suitable words or letters designating an optometry degree;
 - (i) Engaged in any conduct likely to deceive or defraud the public;
 - (j) Violated any order issued by the board;
 - (k) Had his or her license to practice optometry in any other jurisdiction revoked, suspended, limited, placed on conditions of probation, or subjected to any other disciplinary action by that jurisdiction's licensing authority;
 - (l) Prescribed any therapeutic agent in an amount that the optometrist knows, or should know, is excessive under accepted and prevailing standards, or which the optometrist knows, or has reason to know, will be used or is likely to be used other than for an accepted therapeutic purpose;
 - (m) Developed a physical or mental disability, or other condition, which renders the continued practice by the optometrist dangerous to patients or the public;
or
 - (n) Violated any statute under this chapter or administrative regulation promulgated under those statutes.
- (2) Nothing in this section shall prevent an optometrist from establishing branch offices if each office contains minimum equipment as required by administrative regulation

of the board, ensures patient care as necessary, and has a Kentucky licensed optometrist in charge of the office.

- (3) Any licensee, permit holder, or certificate holder who is disciplined under this chapter for a minor violation may request in writing that the board expunge the minor violation from the licensee's, permit holder's, or certificate holder's permanent record.
 - (a) The request for expungement may be filed no sooner than three (3) years after the date on which the licensee, permit holder, or certificate holder has completed disciplinary sanctions imposed and if the licensee, permit holder, or certificate holder has not been disciplined for any subsequent violation of the same nature within this period of time.
 - (b) No person may have his or her record expunged under this chapter more than once.

The board shall promulgate administrative regulations under KRS Chapter 13A to establish violations which are minor violations under this subsection. A violation shall be deemed a minor violation if it does not demonstrate a serious inability to practice the profession; adversely affect the public health, safety or welfare; or result in economic or physical harm to a person, or create a significant threat of such harm.

Effective: March 11, 2009

History: Amended 2009 Ky. Acts ch. 5, sec. 1, effective March 11, 2009. -- Amended 2002 Ky. Acts ch. 335, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 361, sec. 11, effective July 14, 2000. -- Amended 1990 Ky. Acts ch. 256, sec. 14, effective July 13, 1990. -- Created 1954 Ky. Acts ch. 183, sec. 12.

Legislative Research Commission Note (7/15/2002). A manifest clerical or typographical error has been corrected in codification in subsection (3)(a) of this statute as amended by 2002 Ky. Acts ch. 335, sec 2, under the authority of KRS 7.136(1)(h), by removing the duplicated words "completed disciplinary sanctions imposed and if the licensee, permit holder, or certificate holder has."