

**335.540 Standards of conduct -- Disciplinary sanctions -- Reinstatement.**

- (1) The board may refuse to issue a credential, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine, or issue a written reprimand or admonishment if the credential holder has:
  - (a) Committed a dishonest or corrupt act. 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 at the ensuing disciplinary hearing of the guilt of the credential holder or applicant. Conviction includes all instances in which a plea of no contest is the basis of the conviction;
  - (b) Misrepresented or concealed a material fact in obtaining or reinstating a credential;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the activities he has undertaken within his or her practice;
  - (e) Violated any state statute or administrative regulation promulgated pursuant to KRS 335.500 to 335.599;
  - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (g) Violated the code of ethics; or
  - (h) Violated any applicable provisions of federal or state law.
- (2) Any person whose credential has been revoked for at least five (5) or more years may petition the board for reinstatement. The board shall investigate the petition and may reinstate the credential upon a finding that the individual has complied with the terms prescribed by the board and is able to competently engage in professional practice.
- (3) The board may issue a written admonishment to the credential holder if the board determines based on the evidence, that a violation that is not serious has occurred. A copy of the written admonishment shall be placed in the permanent file of the credential holder. The credential holder may respond in writing to the admonishment within thirty (30) days of its receipt and may have it placed in his permanent credential file. Alternatively, the credential holder may file a request for a hearing with the board within thirty (30) days of the admonishment. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the credential holder.
- (5) The board may consider, modify, or reverse its probation, suspensions, or other disciplinary action.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 79, sec. 8, effective July 15, 2002. -- Created

1996 Ky. Acts ch. 364, sec. 9, effective July 15, 1996.