

309.086 Revocation, suspension, probation, or restriction of certificate -- Hearings -- Appeals.

- (1) The board may revoke, suspend, place on probation, or restrict the certificate of a certificate holder; refuse to issue or renew a certificate; and reprimand, admonish, or fine a certificate holder for the following:
 - (a) Fraud or deceit in obtaining certification;
 - (b) Transferring the authority granted by the certificate to another person;
 - (c) Using unfair, false, misleading, or deceptive trade practices;
 - (d) Willfully or deliberately disregarding professional standards of practice or violating the code of ethics;
 - (e) Aiding and abetting a person who obtains a certificate fraudulently;
 - (f) Conspiring or combining with others to obtain a certificate to be used by an uncertified person with the intent to evade the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections;
 - (g) Negligence or incompetence in complying with the applicable code of ethics and standards of practice or failure to comply with continuing education requirements;
 - (h) Violating KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections; or
 - (i) Being convicted of a felony or any other crime in which an element of the crime is dishonesty or fraud, under the laws of any state or the United States within the past three (3) years.
- (2) The board shall, upon the request of a certified alcohol and drug counselor or an applicant for certification as an alcohol and drug counselor, hold a hearing pursuant to KRS Chapter 13B before denying an application for certification, refusing to renew a certificate, suspending a certificate, or imposing a fine. The affected party may appeal the board's decision in the Circuit Court where the certificate holder resides. The action of the board shall remain in effect pending any appeals unless the board rescinds or modifies its order.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 8, effective July 15, 1996.