

1 AN ACT relating to the licensure of genetic counselors.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 7 of this Act:*

- 6 *(1) "ABGC" means the American Board of Genetic Counseling or its successor or*
7 *equivalent;*
- 8 *(2) "ABMG" means the American Board of Medical Genetics and Genomics or its*
9 *successor or equivalent;*
- 10 *(3) "ACGC" means the Accreditation Council for Genetic Counseling or its*
11 *successor or equivalent;*
- 12 *(4) "Active candidate status" or "ACS" means a status conferred upon a person who*
13 *has met the requirements to take the ABGC certification examination in general*
14 *genetics and genetic counseling and has been granted this designation by the*
15 *ABGC;*
- 16 *(5) "Board" means the State Board of Medical Licensure created in KRS 311.530;*
- 17 *(6) "CEU" means a continuing education unit approved by the National Society of*
18 *Genetic Counselors (NSGC);*
- 19 *(7) "Committee" means the Kentucky Genetic Counselors Advisory Committee*
20 *created in Section 6 of this Act under the State Board of Medical Licensure;*
- 21 *(8) "Examination for licensure" means the ABGC or ABMG certification*
22 *examination;*
- 23 *(9) "Genetic counseling" means the provision of services by a genetic counselor to:*
24 *(a) Obtain and evaluate individual, family, and medical histories to determine*
25 *genetic risk for genetic or medical conditions and diseases in a patient, his*
26 *or her offspring, and other family members;*
27 *(b) Discuss the features, natural history, means of diagnosis, genetic and*

- 1 environmental factors, and management of risk for genetic or medical
2 conditions and diseases;
- 3 (c) Identify, order, and coordinate genetic laboratory tests and other diagnostic
4 studies as appropriate for the genetic assessment consistent with practice-
5 based competencies provided by ACGC;
- 6 (d) Integrate genetic laboratory test results and other diagnostic studies with
7 personal and family medical history to assess and communicate risk factors
8 for genetic or medical conditions and diseases;
- 9 (e) Explain the clinical implications of genetic laboratory tests and other
10 diagnostic studies and their results;
- 11 (f) Evaluate the client's or family's responses to the condition or risk of
12 recurrence and provide client-centered counseling and anticipatory
13 guidance;
- 14 (g) Identify and utilize community resources that provide medical, educational,
15 financial, and psychosocial support and advocacy; or
- 16 (h) Provide written documentation of medical, genetic, and counseling
17 information for families and health care professionals;
- 18 (10) "Genetic counseling intern" means a student enrolled in a genetic counseling
19 program accredited by the ACGC or ABMG;
- 20 (11) "Genetic counselor" means an individual licensed by the board to engage in the
21 competent practice of genetic counseling;
- 22 (12) "NSGC" means the National Society of Genetic Counselors or its successor or
23 equivalent;
- 24 (13) "Qualified supervisor" means any person licensed as a genetic counselor under
25 Sections 1 to 7 of this Act or a licensed physician; and
- 26 (14) "Supervision" means the overall responsibility of a qualified supervisor to assess
27 the work of the genetic counselor with a temporary license, including regular

1 meetings and chart review, if an annual supervision contract signed by the
2 supervisor and the temporarily licensed genetic counselor is on file with both
3 parties. The supervisor's presence shall not be required during the performance
4 of the service.

5 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) On and after January 1, 2018, a person shall not engage in the practice of genetic
8 counseling in this state without a valid license issued by the board.

9 (2) A person shall not hold himself or herself out as a genetic counselor unless he or
10 she holds a license issued by the board in accordance with Section 4 of this Act. A
11 person not licensed by the board shall not use in connection with his or her name
12 or place of business the terms "genetic counselor," "licensed genetic counselor,"
13 "gene counselor," "genetic consultant," "genetic associate," or any words,
14 letters, abbreviations, or insignia indicating or implying the person holds a
15 genetic counseling license.

16 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
17 READ AS FOLLOWS:

18 The provisions of Sections 1 to 7 of this Act shall not apply to:

19 (1) Any person licensed by the state to practice in a profession other than that of a
20 genetic counselor when acting within the scope of the person's profession and
21 doing work of a nature consistent with the person's training. The person shall
22 not hold himself or herself out to the public as a genetic counselor;

23 (2) Any person employed as a genetic counselor by the federal government or an
24 agency of the federal government if the person provides genetic counseling
25 services solely under the direction and control of the organization by which he or
26 she is employed; and

27 (3) A student or intern enrolled in an ACGC-accredited genetic counseling

1 educational program if genetic counseling services performed by the student are
2 an integral part of the student's course of study and are performed while:

3 (a) Under the direct instruction of a licensed genetic counselor assigned to the
4 student;

5 (b) The student is on duty and available in the assigned patient care area; and

6 (c) The student is designated with the title of "genetic counseling intern."

7 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) The board may issue a license as a genetic counselor to an applicant who:

10 (a) Submits an application to the board on a form prescribed by the board;

11 (b) Pays a fee determined by the board in an administrative regulation
12 promulgated in accordance with KRS Chapter 13A; and

13 (c) Provides satisfactory evidence of possessing certification as a:

14 1. Genetic counselor by the ABGC or ABMG; or

15 2. Medical geneticist by the ABMG.

16 (2) (a) The board may issue a temporary license to an applicant who:

17 1. Has been granted an active candidate status by the ABGC; and

18 2. Pays a fee determined by the board in an administrative regulation
19 promulgated in accordance with KRS Chapter 13A.

20 (b) A person issued a temporary license under this subsection:

21 1. Shall apply for and take the examination for certification within
22 twelve (12) months of the issuance of the temporary license; and

23 2. May only practice if he or she has entered into a genetic supervision
24 contract and is directly supervised by a licensed genetic counselor or a
25 licensed physician.

26 (c) A temporary license granted by the board shall be valid for one (1) year
27 from the date issued and shall expire upon the earliest of the following:

- 1 1. Issuance of a license pursuant to subsection (1) of this section;
2 2. Thirty (30) days after the holder fails to pass the complete certification
3 examination; or
4 3. The expiration date printed on the license.
- 5 (3) (a) Whenever, in the opinion of the executive director of the board, based upon
6 verified information contained in the application, an applicant for a license
7 to practice as a genetic counselor is eligible for licensure under this section,
8 the executive director may issue to the applicant, on behalf of the board, a
9 temporary license which shall entitle the holder to practice as a genetic
10 counselor for a maximum of one (1) year from the date of issuance. The
11 temporary license shall not be renewable.
- 12 (b) The temporary license may be canceled by the executive director, who may
13 cancel it at any time, without a hearing, for reasons deemed sufficient with
14 appropriate consultation with the president, and who shall cancel it
15 immediately upon direction by the board or upon the board's denial of the
16 holder's application for a regular license.
- 17 (4) The executive director shall present to the board the application for licensure
18 made by the holder of the temporary license. If the board issues a regular license
19 to the holder of a temporary license, the fee paid in connection with the
20 temporary license shall be applied to the regular license fee.
- 21 (5) If the executive director cancels a temporary license, he or she shall promptly
22 notify, by United States certified mail, the holder of the temporary license at the
23 last known address on file with the board. The temporary license shall be
24 terminated and have no further force or effect three (3) days after the date the
25 notice was sent by certified mail.

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
27 READ AS FOLLOWS:

- 1 (1) A license issued by the board shall expire on June 30 of even-numbered years
2 unless sooner suspended or revoked.
- 3 (2) To renew a license, an applicant shall:
4 (a) Pay a renewal fee; and
5 (b) Meet all other requirements for renewal under this chapter.
- 6 (3) If a licensee fails to pay a renewal fee, the license becomes inactive without
7 further action by the board.
- 8 (4) If a person holds an inactive license, the board shall reinstate the license if the
9 applicant for reinstatement:
10 (a) Submits a completed renewal application;
11 (b) Pays the current renewal fee;
12 (c) Pays a reinstatement fee determined by the board in an administrative
13 regulation promulgated in accordance with KRS Chapter 13A; and
14 (d) Provides the board with a sworn statement, signed by the applicant, that he
15 or she has fulfilled the continuing education requirements prescribed by the
16 board for the current renewal period.
- 17 (5) (a) Except for disciplinary actions taken pursuant to Section 7 of this Act, a
18 licensee whose license has been revoked may, after two (2) years from the
19 effective date of the revocation order, petition the board for a license to
20 again practice in the Commonwealth of Kentucky.
21 (b) The board shall not be required to issue a new license as described in this
22 subsection. No new license shall be issued unless the applicant satisfies the
23 board that the former licensee is presently of good moral character and
24 qualified both physically and mentally to resume the practice of genetic
25 counseling without undue risk or danger to the licensee's patients or the
26 public.
27 (c) If the board issues a new license under the circumstances described in this

1 subsection, the new license shall be under probation for a period of not less
2 than two (2) years nor more than five (5) years, and any subsequent
3 violation during the probationary period shall result in automatic
4 revocation of the license.

5 (6) To renew a license under this section, an applicant shall complete continuing
6 education. The continuing education shall consist of the completion in each two
7 (2) year license cycle of thirty (30) contact hours that have been approved by
8 NSGC.

9 (7) An applicant seeking renewal of a license shall certify that he or she:
10 (a) Has complied with the continuing education requirements; or
11 (b) Has not complied with the continuing education requirements, but is
12 seeking a waiver from the board under subsection (8) of this section.

13 (8) The board may grant an applicant seeking renewal of a license a waiver from all
14 or part of the continuing education requirement for the renewal period if the
15 applicant was not able to fulfill the requirement due to a hardship that resulted
16 from any of the following conditions:

17 (a) Service in the Armed Forces of the United States during a substantial part
18 of the renewal period;
19 (b) An incapacitating illness or injury; or
20 (c) Other circumstances determined by the board.

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) The board shall exercise all the administrative functions of the state in the
24 prevention of empiricism and in the regulation of genetic counselors, which shall
25 include but not be limited to promulgation of reasonable administrative
26 regulations enabling the board to regulate the conduct of genetic counselor
27 licensees. The board shall also:

- 1 (a) Promulgate reasonable administrative regulations establishing moral,
2 physical, intellectual, educational, scientific, technical, and professional
3 qualifications of applicants for licensure or permits that may be issued by
4 the board; and
- 5 (b) Prescribe and collect reasonable fees and charges for the issuance and
6 renewal of licenses.
- 7 (2) There is hereby created the Kentucky Genetic Counselors Advisory Committee,
8 composed of seven (7) members appointed by the board from a list of nine (9)
9 names submitted by the Kentucky Association of Genetic Counselors or its
10 successor. The committee shall review and make recommendations to the board
11 regarding all matters relating to genetic counselors, including but not limited to:
- 12 (a) Applications for licensure;
13 (b) Licensure renewal requirements;
14 (c) Disciplinary investigations or action, when specifically requested by one (1)
15 of the board's panels established under KRS 311.591; and
16 (d) Promulgation of administrative regulations.
- 17 (3) Members of the committee shall be appointed by the board for four (4) year
18 terms, except for initial appointments, and shall consist of:
- 19 (a) Four (4) practicing licensed genetic counselors who shall each be selected
20 for each vacancy from a list of at least six (6) licensed genetic counselors
21 submitted by the Kentucky Association of Genetic Counselors or its
22 successor;
- 23 (b) One (1) supervising physician;
24 (c) One (1) member of the board; and
25 (d) One (1) citizen at large.
- 26 (4) The chair of the committee shall be a licensed genetic counselor elected by a
27 majority vote of the committee members and shall preside over meetings.

1 Meetings shall be held quarterly at a time and place within the Commonwealth as
2 designated by the chair. Additional meetings may be held at the call of the chair
3 or upon the written request of three (3) committee members.

4 (5) Initial appointments shall be for staggered terms. Three (3) members shall serve
5 a four (4) year term, three (3) members shall serve a two (2) year term, and one
6 (1) member shall serve a one (1) year term.

7 (6) Members of the committee shall not be compensated for their service but shall
8 receive reimbursement for expenditures relating to attendance at committee
9 meetings, consistent with state policies for the reimbursement of travel expenses
10 for state employees.

11 (7) A committee member may be removed by the board for good cause or if he or she
12 misses two (2) consecutive committee meetings without good cause.

13 (8) Upon the death, resignation, or removal of any member, the vacancy for the
14 unexpired term shall be filled by the board in the same manner as the original
15 appointment.

16 (9) The quorum required for any meeting of the committee shall be four (4)
17 members. No action by the committee or its members shall have any effect unless
18 a quorum of the committee is present at the meeting where the action is taken.

19 (10) The board shall not be required to implement or adopt the recommendations of
20 the committee.

21 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the
24 license of a genetic counselor, or may fine, reprimand, or place a genetic
25 counselor on probation for no more than five (5) years upon proof that a genetic
26 counselor has:

27 (a) Knowingly made or presented or caused to be made or presented any false,

- 1 fraudulent, or forged statement, writing, certificate, diploma, or other
2 document relating to an application for licensure;
- 3 **(b) Practiced, aided, or abetted in the practice of fraud, forgery, deception,**
4 **collusion, or conspiracy relating to an examination for licensure;**
- 5 **(c) Been convicted by any court of a misdemeanor offense involving moral**
6 **turpitude or been convicted of an act that is or would be a felony under the**
7 **laws of the Commonwealth of Kentucky or of the United States;**
- 8 **(d) Become addicted to or is an abuser of alcohol, drugs, or any illegal**
9 **substance;**
- 10 **(e) Developed a physical or mental disability or other condition that presents a**
11 **danger in continuing to practice genetic counseling to patients, the public,**
12 **or other health care personnel;**
- 13 **(f) Knowingly made or caused to be made or aided or abetted in the making of**
14 **a false statement in any document executed in connection with the practice**
15 **of genetic counseling;**
- 16 **(g) Performed any act or service as a genetic counselor without designated**
17 **supervision;**
- 18 **(h) Exceeded the scope of practice for which the genetic counselor is licensed**
19 **by the board;**
- 20 **(i) Aided, assisted, or abetted the unlawful practice of genetic counseling;**
- 21 **(j) Willfully violated a confidential communication;**
- 22 **(k) Performed the services of a genetic counselor in an unprofessional,**
23 **incompetent, or grossly or chronically negligent manner;**
- 24 **(l) Been removed, suspended, expelled, or placed on probation by any health**
25 **care facility or professional society for unprofessional conduct,**
26 **incompetence, negligence, or violation of any provision of Sections 1 to 7 of**
27 **this Act;**

1 (m) Violated any applicable provision of administrative regulations relating to
2 genetic counseling;

3 (n) Violated any term of probation or other discipline imposed by the board; or

4 (o) Failed to complete the required number of hours of approved continuing
5 education.

6 (2) All disciplinary proceedings against a genetic counselor shall be conducted in
7 accordance with KRS Chapter 13B. Any party aggrieved by a final order of the
8 board may appeal to the Jefferson Circuit Court.

9 ➔Section 8. KRS 311.990 is amended to read as follows:

10 (1) Any person who violates KRS 311.250 shall be guilty of a violation.

11 (2) Any college or professor thereof violating the provisions of KRS 311.300 to
12 311.350 shall be civilly liable on his bond for a sum not less than one hundred
13 dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation,
14 which may be recovered by an action in the name of the Commonwealth.

15 (3) Any person who presents to the county clerk for the purpose of registration any
16 license which has been fraudulently obtained, or obtains any license under KRS
17 311.380 to 311.510 by false or fraudulent statement or representation, or practices
18 podiatry under a false or assumed name or falsely impersonates another practitioner
19 or former practitioner of a like or different name, or aids and abets any person in the
20 practice of podiatry within the state without conforming to the requirements of KRS
21 311.380 to 311.510, or otherwise violates or neglects to comply with any of the
22 provisions of KRS 311.380 to 311.510, shall be guilty of a Class A misdemeanor.
23 Each case of practicing podiatry in violation of the provisions of KRS 311.380 to
24 311.510 shall be considered a separate offense.

25 (4) Each violation of KRS 311.560 shall constitute a Class D felony.

26 (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under
27 this subsection of a holder of a license or permit shall result automatically in

- 1 permanent revocation of such license or permit.
- 2 (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or
3 interfering with the board or any of its members, or of any officer, agent, inspector,
4 or investigator of the board or the Cabinet for Health and Family Services, in the
5 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
6 A misdemeanor.
- 7 (7) Each violation of subsection (1) of KRS 311.375 shall, for the first offense, be a
8 Class B misdemeanor, and, for each subsequent offense shall be a Class A
9 misdemeanor.
- 10 (8) Each violation of subsection (2) of KRS 311.375 shall, for the first offense, be a
11 violation, and, for each subsequent offense, be a Class B misdemeanor.
- 12 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
13 separate offense.
- 14 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
15 the requirements of KRS 311.723(1) shall be guilty of a Class D felony; and
16 (b) Any person who intentionally, knowingly, or recklessly violates the
17 requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.
- 18 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
19 311.765 shall be guilty of a Class D felony. However, a physician shall
20 not be guilty of the criminal offense if the partial-birth abortion was
21 necessary to save the life of the mother whose life was endangered by a
22 physical disorder, illness, or injury.
- 23 2. A physician may seek a hearing before the State Board of Medical
24 Licensure on whether the physician's conduct was necessary to save the
25 life of the mother whose life was endangered by a physical disorder,
26 illness, or injury. The board's findings, decided by majority vote of a
27 quorum, shall be admissible at the trial of the physician. The board shall

1 promulgate administrative regulations to carry out the provisions of this
2 subparagraph.

3 3. Upon a motion of the physician, the court shall delay the beginning of
4 the trial for not more than thirty (30) days to permit the hearing, referred
5 to in subparagraph 2. of this paragraph, to occur.

6 (b) Any person other than a physician who performs a partial-birth abortion shall
7 not be prosecuted under this subsection but shall be prosecuted under
8 provisions of law which prohibit any person other than a physician from
9 performing any abortion.

10 (c) No penalty shall be assessed against the woman upon whom the partial-birth
11 abortion is performed or attempted to be performed.

12 (12) Any person who intentionally performs an abortion with knowledge that, or with
13 reckless disregard as to whether, the person upon whom the abortion is to be
14 performed is an unemancipated minor, and who intentionally or knowingly fails to
15 conform to any requirement of KRS 311.732 is guilty of a Class A misdemeanor.

16 (13) Any person who negligently releases information or documents which are
17 confidential under KRS 311.732 is guilty of a Class B misdemeanor.

18 (14) Any person who performs an abortion upon a married woman either with
19 knowledge or in reckless disregard of whether KRS 311.735 applies to her and who
20 intentionally, knowingly, or recklessly fails to conform to the requirements of KRS
21 311.735 shall be guilty of a Class D felony.

22 (15) Any person convicted of violating KRS 311.750 shall be guilty of a Class B felony.

23 (16) Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.

24 (17) Any person who violates KRS 311.770 or 311.780 shall be guilty of a Class D
25 felony.

26 (18) A person convicted of violating KRS 311.780 shall be guilty of a Class C felony.

27 (19) Any person who violates KRS 311.810 shall be guilty of a Class A misdemeanor.

- 1 (20) Any professional medical association or society, licensed physician, or hospital or
2 hospital medical staff who shall have violated the provisions of KRS 311.606 shall
3 be guilty of a Class B misdemeanor.
- 4 (21) Any administrator, officer, or employee of a publicly owned hospital or publicly
5 owned health care facility who performs or permits the performance of abortions in
6 violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.
- 7 (22) Any person who violates KRS 311.905(3) shall be guilty of a violation.
- 8 (23) Any person who violates the provisions of KRS 311.820 shall be guilty of a Class A
9 misdemeanor.
- 10 (24) (a) Any person who fails to test organs, skin, or other human tissue which is to be
11 transplanted, or violates the confidentiality provisions required by KRS
12 311.281, shall be guilty of a Class A misdemeanor;
- 13 (b) Any person who has human immunodeficiency virus infection, who knows he
14 is infected with human immunodeficiency virus, and who has been informed
15 that he may communicate the infection by donating organs, skin, or other
16 human tissue who donates organs, skin, or other human tissue shall be guilty
17 of a Class D felony.
- 18 (25) Any person who sells or makes a charge for any transplantable organ shall be guilty
19 of a Class D felony.
- 20 (26) Any person who offers remuneration for any transplantable organ for use in
21 transplantation into himself shall be fined not less than five thousand dollars
22 (\$5,000) nor more than fifty thousand dollars (\$50,000).
- 23 (27) Any person brokering the sale or transfer of any transplantable organ shall be guilty
24 of a Class C felony.
- 25 (28) Any person charging a fee associated with the transplantation of a transplantable
26 organ in excess of the direct and indirect costs of procuring, distributing, or
27 transplanting the transplantable organ shall be fined not less than fifty thousand

1 dollars (\$50,000) nor more than five hundred thousand dollars (\$500,000).

2 (29) Any hospital performing transplantable organ transplants which knowingly fails to
3 report the possible sale, purchase, or brokering of a transplantable organ shall be
4 fined not less than ten thousand dollars (\$10,000) or more than fifty thousand
5 dollars (\$50,000).

6 **(30) Any person who violates Section 2 of this Act shall be guilty of a Class B**
7 **misdemeanor for the first offense, and a Class A misdemeanor for a second or**
8 **subsequent offense. In addition to any other penalty imposed for that violation,**
9 **the board may, through the Attorney General, petition a Circuit Court to enjoin**
10 **the person who is violating Section 2 of this Act from practicing genetic**
11 **counseling in violation of the requirements of Sections 1 to 7 of this Act.**

12 ➔Section 9. KRS 311.550 is amended to read as follows:

13 As used in KRS 311.530 to 311.620 and KRS 311.990(4) to (6):

- 14 (1) "Board" means the State Board of Medical Licensure;
- 15 (2) "President" means the president of the State Board of Medical Licensure;
- 16 (3) "Secretary" means the secretary of the State Board of Medical Licensure;
- 17 (4) "Executive director" means the executive director of the State Board of Medical
18 Licensure or any assistant executive directors appointed by the board;
- 19 (5) "General counsel" means the general counsel of the State Board of Medical
20 Licensure or any assistant general counsel appointed by the board;
- 21 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
22 this state;
- 23 (7) "Limited license" means a license to practice medicine or osteopathy in a specific
24 institution or locale to the extent indicated in the license;
- 25 (8) "Temporary permit" means a permit issued to a person who has applied for a regular
26 license, and who appears from verifiable information in the application to the
27 executive director to be qualified and eligible therefor;

- 1 (9) "Emergency permit" means a permit issued to a physician currently licensed in
2 another state, authorizing the physician to practice in this state for the duration of a
3 specific medical emergency, not to exceed thirty (30) days;
- 4 (10) Except as provided in subsection (11) of this section, the "practice of medicine or
5 osteopathy" means the diagnosis, treatment, or correction of any and all human
6 conditions, ailments, diseases, injuries, or infirmities by any and all means,
7 methods, devices, or instrumentalities;
- 8 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
9 Science, the domestic administration of family remedies, the rendering of first aid
10 or medical assistance in an emergency in the absence of a person licensed to
11 practice medicine or osteopathy under the provisions of this chapter, the use of
12 automatic external defibrillators in accordance with the provisions of KRS 311.665
13 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice of a
14 midlevel health care practitioner as defined in KRS 216.900, the practice of
15 dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
16 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
17 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
18 as defined in KRS 327.010, *the practice of genetic counseling as defined in*
19 *Section 1 of this Act*, the performance of duties for which they have been trained by
20 paramedics licensed under KRS Chapter 311A, first responders, or emergency
21 medical technicians certified under Chapter 311A, the practice of pharmacy by
22 persons licensed and registered under KRS 315.050, the sale of drugs, nostrums,
23 patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses,
24 instruments, apparatus, or mechanisms that are intended, advertised, or represented
25 as being for the treatment, correction, cure, or relief of any human ailment, disease,
26 injury, infirmity, or condition, in regular mercantile establishments, or the practice
27 of midwifery by women. KRS 311.530 to 311.620 shall not be construed as

- 1 repealing the authority conferred on the Cabinet for Health and Family Services by
2 KRS Chapter 211 to provide for the instruction, examination, licensing, and
3 registration of all midwives through county health officers;
- 4 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;
- 5 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
6 physician;
- 7 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
8 this chapter;
- 9 (15) "Complaint" means a formal administrative pleading that sets forth charges against
10 a physician and commences a formal disciplinary proceeding;
- 11 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those
12 crimes which have dishonesty as a fundamental and necessary element, including
13 but not limited to crimes involving theft, embezzlement, false swearing, perjury,
14 fraud, or misrepresentation;
- 15 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to
16 deliver health care. It includes the use of electronic media for diagnosis,
17 consultation, treatment, transfer of medical data, and medical education;
- 18 (18) "Order" means a direction of the board or its panels made or entered in writing that
19 determines some point or directs some step in the proceeding and is not included in
20 the final order;
- 21 (19) "Agreed order" means a written document that includes but is not limited to
22 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,
23 a complaint, or a show cause order issued informally without expectation of further
24 formal proceedings in accordance with KRS 311.591(6);
- 25 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or
26 more disciplinary sanctions authorized by this chapter;
- 27 (21) "Letter of agreement" means a written document that informally resolves a

1 grievance, a complaint, or a show cause order and is confidential in accordance with
2 KRS 311.619;

3 (22) "Letter of concern" means an advisory letter to notify a physician that, although
4 there is insufficient evidence to support disciplinary action, the board believes the
5 physician should modify or eliminate certain practices and that the continuation of
6 those practices may result in action against the physician's license;

7 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the
8 licensee has violated a term or condition of probation and that fixes a date and time
9 for a revocation hearing;

10 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter
11 13B to determine whether the licensee has violated a term or condition of probation;

12 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a
13 medically diagnosable disease characterized by chronic, habitual, or periodic
14 consumption of alcoholic beverages resulting in the interference with the
15 individual's social or economic functions in the community or the loss of powers of
16 self-control regarding the use of alcoholic beverages;

17 (26) "Addicted to a controlled substance" means an individual who is suffering from a
18 medically diagnosable disease characterized by chronic, habitual, or periodic use of
19 any narcotic drug or controlled substance resulting in the interference with the
20 individual's social or economic functions in the community or the loss of powers of
21 self-control regarding the use of any narcotic drug or controlled substance;

22 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the
23 active practice of medicine within this Commonwealth who has admitted to
24 violating any provision of KRS 311.595 that permits the licensee to continue the
25 practice of medicine until the board issues a final order on the registration or
26 reregistration of the licensee;

27 (28) "Fellowship training license" means a license to practice medicine or osteopathy in

1 a fellowship training program as specified by the license; and
2 (29) "Special faculty license" means a license to practice medicine that is limited to the
3 extent that this practice is incidental to a necessary part of the practitioner's
4 academic appointment at an accredited medical school program or osteopathic
5 school program and any affiliated institution for which the medical school or
6 osteopathic school has assumed direct responsibility.