1	AN ACT relating to licensed certified professional midwives.
2	Be it enacted by the General Assembly of the Commonwealth of Kentucky:
3	→SECTION 1. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
4	READ AS FOLLOWS:
5	As used in Sections 1 to 8 of this Act:
6	(1) ''APRN-designated certified nurse-midwife'' means an advanced practice
7	registered nurse as defined in KRS 314.011 who is designated by the board as a
8	certified nurse-midwife;
9	(2) "Certified professional midwifery services":
10	(a) Means the provision of care to a person during a low-risk pregnancy,
11	childbirth, and the postpartum period, and the care of a normal newborn
12	immediately following birth;
13	(b) Includes consultation with or referral to medical and other health care
14	providers as specified by the board by administrative regulation or when
15	otherwise indicated; and
16	(c) Does not have the same meaning as the practice of an APRN-designated
17	certified nurse-midwife, or the practice of medicine or osteopathy as defined
18	in Section 12 of this Act;
19	(3) "Council" means the Licensed Certified Professional Midwives Advisory Council
20	created in Section 2 of this Act; and
21	(4) "Licensed certified professional midwife" means a person who is certified by the
22	North American Registry of Midwives and issued a license by the board to
23	provide certified professional midwifery services in the Commonwealth of
24	Kentucky.
25	→SECTION 2. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
26	READ AS FOLLOWS:
27	(1) The Licensed Certified Professional Midwives Advisory Council is hereby

Page 1 of 17 SB008410.100 - 291 - XXXX

1		created, under the Board of Nursing. The council shall at regular intervals and
2		guided by newly available evidence in peer-reviewed medical literature, advise the
3		board on promulgating administrative regulations regarding qualifications,
4		standards for training, competency determination of licensed certified
5		professional midwives, any necessary statutory changes, and all other matters
6		relating to licensed certified professional midwives.
7	<u>(2)</u>	The council shall be appointed by the board and shall consist of:
8		(a) One (1) member of the board, who shall be a nonvoting, ex officio member
9		and serve as the liaison between the chair of the council and the board;
10		(b) Three (3) certified professional midwives who shall be licensed certified
11		professional midwives within six (6) months of the license availability;
12		(c) Two (2) APRN-designated certified nurse-midwives licensed in Kentucky;
13		(d) Two (2) obstetricians licensed in Kentucky;
14		(e) One (1) practicing neonatal health care provider licensed in Kentucky; and
15		(f) One (1) member of the general public.
16		The chair of the council shall be elected annually by members of the council.
17	<u>(3)</u>	The board may solicit nominations for the council from interested parties or
18		organizations and shall give consideration to nominees who have experience
19		collaborating with providers of, providing, or utilizing out-of-hospital midwifery
20		services.
21	<u>(4)</u>	The board shall specify the terms for the council members, not to exceed four (4)
22		years. Members shall serve at the discretion of the board, may be reappointed at
23		the end of their terms, and shall receive reimbursement for their actual and
24		necessary expenses incurred in the performance of their official duties.
25	<u>(5)</u>	A licensed certified professional midwife has the same authority and
26		responsibility as licensed health care providers regarding following public health
27		laws, reporting reportable diseases and conditions, controlling and preventing

Page 2 of 17 SB008410.100 - 291 - XXXX GA

1	communicable diseases, recording of vital statistics, obtaining health histories,
2	and performing physical examinations, except that this authority is limited to
3	activity consistent with provision of services authorized by Sections 1 to 8 of this
4	Act.
5	(6) A licensed certified professional midwife shall keep appropriate medical records
6	regarding treatment and outcomes as required by the board by administrative
7	regulation.
8	→SECTION 3. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
9	READ AS FOLLOWS:
10	The board shall promulgate administrative regulations in accordance with KRS
11	Chapter 13A to:
12	(1) Establish required standards for training programs for licensed certified
13	professional midwives;
14	(2) Establish licensing requirements for licensed certified professional midwives,
15	including but not limited to:
16	(a) Educational requirements that are consistent with United States
17	educational accreditation standards and the United States Midwifery
18	Education, Regulation, and Association statement on the licensure of
19	certified professional midwives;
20	(b) Competency validation certified by a national organization or agency that
21	meets United States accreditation standards and recognized by the board;
22	<u>and</u>
23	(c) Licensed certified professional midwife preceptor programs;
24	(3) Establish statewide requirements for licensed certified professional midwives and
25	hospitals regarding the transfer of care from a licensed certified professional
26	midwife to a hospital as developed by the Transfer Guidelines Work Group
27	established in Section 8 of this Act;

Page 3 of 17
SB008410.100 - 291 - XXXX GA

1	<u>(4)</u>	Establish provisions for disciplinary actions for licensed certified professional
2		midwives;
3	<u>(5)</u>	Establish fees for the initial license not to exceed one thousand dollars (\$1,000),
4		renewal of a license, reinstatement of a license, and other fees as may be
5		necessary, for licensed certified professional midwives;
6	<u>(6)</u>	Establish requirements for informed consent by individuals receiving services
7		from a licensed certified professional midwife, which shall include:
8		(a) A description of the licensed certified professional midwife's education and
9		<u>credentials;</u>
10		(b) A description of the scope of practice of certified professional midwifery
11		permitted under Sections 1 to 8 of this Act, including a summary of the
12		limitations of the skills and practices of a licensed certified professional
13		midwife;
14		(c) Instructions for obtaining a copy of the administrative regulations
15		promulgated by the board pursuant to this section;
16		(d) Instructions for filing complaints with the board;
17		(e) A written protocol for emergencies, including hospital transport;
18		(f) A description of the procedures, benefits, and risks of birth in the client's
19		chosen environment, primarily those conditions that may arise during
20		<u>delivery;</u>
21		(g) Disclosure of professional liability insurance held by the licensed certified
22		professional midwife; and
23		(h) Any other information deemed necessary by the board for the patient to
24		provide informed consent for care by a licensed certified professional
25		midwife;
26	<u>(7)</u>	Establish a list of medical tests that a licensed certified professional midwife may
27		order when providing certified professional midwifery services that is limited to

SB008410.100 - 291 - XXXX GA

I		only those tests that are indicated and approved for the safe conduct of
2		pregnancy, labor and birth, and care of a client;
3	<u>(8)</u>	Establish a formulary of medications that a licensed certified professional
4		midwife may obtain, transport, and administer when providing certified
5		professional midwifery services that is limited to only those medications that are
6		indicated and approved by the board for the safe conduct of pregnancy, labor and
7		birth, and immediate care of the newborn, and that the licensed certified
8		professional midwife is approved to administer and monitor. This subsection
9		shall not be interpreted to bestow prescriptive authority, and the formulary shall
10		not include Schedule II, III, IV, or V drugs as defined in the Controlled
11		Substances Act, 21 U.S.C. secs. 812 et seq.;
12	<u>(9)</u>	Further regulate, as necessary, the provision of certified professional midwifery
13		services; and
14	<u>(10)</u>	Require licensed certified professional midwives to report to the board the
15		following information regarding cases in which the licensed certified
16		professional midwife provided services during the previous calendar year when
17		the intended place of birth at the onset of care was in an out-of-hospital setting:
18		(a) The total number of clients provided certified professional midwife services
19		at the onset of care;
20		(b) The number of live births attended as a licensed certified professional
21		midwife;
22		(c) The number of cases of fetal demise, newborn deaths, and maternal deaths
23		attended as a licensed certified professional midwife at the discovery of the
24		demise or death;
25		(d) The number, reason for, and outcome of each transport of a client in the
26		antepartum, intrapartum, or immediate postpartum periods;
27		(e) A brief description of any complications resulting in the morbidity or

Page 5 of 17 SB008410.100 - 291 - XXXX

1	mortality of a mother or a newborn;
2	(f) Planned location of delivery and the actual location of delivery; and
3	(g) Any other information deemed necessary by the board.
4	→SECTION 4. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
5	READ AS FOLLOWS:
6	The board may require a criminal background investigation of an applicant for a
7	license as a licensed certified professional midwife by means of a fingerprint check by
8	the Department of Kentucky State Police and the Federal Bureau of Investigation.
9	→ SECTION 5. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
10	READ AS FOLLOWS:
11	(1) It shall be unlawful for any person to provide certified professional midwifery
12	services as defined in Section 1 of this Act unless that person is a licensed
13	certified professional midwife currently issued a license by the board in
14	accordance with Sections 1 to 8 of this Act or is a licensed health care provider
15	providing services that are within his or her scope of practice.
16	(2) It shall be unlawful for any person to hold herself or himself out as a licensed
17	certified professional midwife authorized to provide services in Kentucky unless
18	he or she has been issued a license by the board in accordance with Sections 1 to
19	8 of this Act.
20	(3) It shall be unlawful for any person to operate or to offer to operate or to represent
21	or advertise the operation of a school or program of certified professional
22	midwifery unless the school or program has been approved by the board to do so.
23	(4) It shall be unlawful for any licensed certified professional midwife or employer of
24	a licensed certified professional midwife having knowledge of facts to refrain
25	from reporting to the board a licensed certified professional midwife who violates
26	any provision set forth in administrative regulation for licensed certified
27	professional midwives.

Page 6 of 17
SB008410.100 - 291 - XXXX

1	(5) It shall be unlawful for any person to provide certified professional midwifery
2	services who is listed on the nurse aide abuse registry with a substantiated finding
3	of abuse, neglect, or misappropriation of property.
4	(6) Nothing in Sections 1 to 8 of this Act shall prohibit a traditional birth attendant
5	providing midwifery services without a license if the traditional birth attendant
6	has cultural or religious traditions that have historically included the attendance
7	of traditional birth attendants at birth, and the birth attendant serves only women
8	and families in that distinct cultural or religious group.
9	(7) Nothing in Sections 1 to 8 of this Act shall prohibit a licensed health care
10	provider or other person from providing emergency delivery services.
11	(8) In accordance with KRS 311.723, a licensed certified professional midwife issued
12	a license by the board in accordance with Sections 1 to 8 of this Act shall not
13	perform an abortion.
14	→SECTION 6. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
15	READ AS FOLLOWS:
16	Within one (1) year of the convening of the council, the council shall make
17	recommendations to the board for the promulgation of administrative regulations by
18	the board regarding non-cephalic presentation, multifetal gestation, previous cesarean
19	section, and any conditions as determined by the council that preclude a client from
20	being classified as having a low-risk pregnancy, labor, delivery, or postpartum period.
21	The council's recommendations shall be considered by the board to form the basis for
22	any requirements or restrictions imposed by the board on the provision of certified
23	professional midwifery services to a client whose condition is not classified as low-risk.
24	The recommendations shall be based on evolving medical evidence published in peer-
25	reviewed medical literature and with consideration to the likelihood of serious harm or
26	death to the mother or newborn.
27	→ SECTION 7. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO

Page 7 of 17
SB008410.100 - 291 - XXXX GA

READ	$\Delta C$	FOI	T	OI	<i>X/</i> <b>C</b> ·
NEAL	A, )			. , ,	/V

1

2	(1) A licensed physician, advanced practice registered nurse, hospital, emergence
3	room personnel, emergency medical technician ambulance personnel, or other
4	licensed health care provider shall be immune from civil liability for any injurie
5	or death resulting from acts or omissions of a licensed certified professiona
6	midwife.
7	(2) Notwithstanding any state law to the contrary, a licensed physician, advanced
8	practice registered nurse, hospital, emergency room personnel, emergenc
9	medical technician ambulance personnel, or other licensed health care provide
10	who consults or collaborates with a licensed certified professional midwife o
11	accepts transfer of care of clients of a licensed certified professional midwife i
12	not liable for damages for injuries or death alleged to have occurred by reason o
13	an act or omission, unless it is established that the injuries or the death were
14	caused willfully, wantonly or recklessly, or by gross negligence on the part of the
15	licensed physician, advanced practice registered nurse, hospital, emergency room
16	personnel, emergency medical technician ambulance personnel, or other licenses
17	health care provider.
18	→SECTION 8. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
19	READ AS FOLLOWS:
20	The Transfer Guidelines Work Group is hereby established as an independent entity to
21	develop statewide requirements for licensed certified professional midwives and
22	hospitals which shall be based upon evidence in peer-reviewed medical literature and
23	accepted best practice standards, regarding the transfer of care from a licensed
24	certified professional midwife to a hospital. The work group shall select a chair from
25	among the members. The work group shall meet as necessary and submit the
26	developed statewide requirements agreed to unanimously by the work group to the
27	board within one (1) year of the effective date of this Act. The board shall promulgate

Page 8 of 17
SB008410.100 - 291 - XXXX GA

1	administrative	regulations to	implement th	e reauirements	developed l	by the work group.
	wwiitelitesti wett		viiip voiivoivi vi	oc i cquiu ciiiciiis	<i>acretopea</i> e	y tite work group

- 2 The work group shall cease to exist after the developed requirements have been
- 3 submitted to the board unless the board directs its continuance. The members of the
- 4 work group shall not be paid or reimbursed for travel or other expenses. The work
- 5 group shall consist of the following members:

23

24

25

26

27

- 6 (1) Three (3) individuals to be appointed by the Kentucky Hospital Association;
- 7 (2) Three (3) individuals appointed by the Kentucky Chapter of the National
- 8 Association of Certified Professional Midwives;
- 9 (3) One (1) individual appointed by the Kentucky Home Birth Coalition; and
- 10 (4) One (1) member of the board who shall be a nonvoting, ex officio member and
- who shall serve as the liaison between the work group chair and the board.
- → Section 9. KRS 164.298 is amended to read as follows:
- 13 The governing board as defined in KRS 164.001 of each eligible postsecondary 14 education institution and college as defined in KRS 164.945 that offers an advanced 15 practice doctoral degree in nursing shall be accredited by a national nursing 16 accrediting body that includes but is not limited to the Accreditation Commission 17 for Education in Nursing, the National League for Nursing Commission for Nursing Education Accreditation, the Council on Accreditation of Nurse Anesthesia 18 19 Educational Programs, the Accreditation Commission for Midwifery Education, or the Commission on Collegiate Nursing Education and with minimal education and 20 21 licensure standards for admission to and graduation from an advanced practice 22 doctoral program in nursing.
  - (2) Each university offering an advanced nursing practice doctoral program shall refer to the degree as the "doctor of nursing practice," with the degree being abbreviated as "DNP." Any advertisement about the advanced nursing practice doctoral program shall not refer to graduates using the term "doctor." Graduates of the program shall accurately portray their academic credentials as well as their registered nurse and

SB008410.100 - 291 - XXXX GA

2	under KRS 311.375(4).
1	advanced practice registered nurse credentials, if applicable, subject to sanction

- 3 (3) A licensed certified professional midwife as defined in Section 1 of this Act shall
  4 not have the same meaning as an advanced practice registered nurse with a
  5 designation by the Board of Nursing as a certified nurse-midwife.
- Section 10. KRS 211.180 (Effective July 1, 2019) is amended to read as follows:

- (1) The cabinet shall enforce the administrative regulations promulgated by the secretary of the Cabinet for Health and Family Services for the regulation and control of the matters set out below and shall formulate, promote, establish, and execute policies, plans, and comprehensive programs relating to all matters of public health, including but not limited to the following matters:
  - (a) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and other diseases and health hazards that may be controlled;
  - (b) The adoption of regulations specifying the information required in and a minimum time period for reporting a sexually transmitted disease. In adopting the regulations the cabinet shall consider the need for information, protection for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. The cabinet shall require reporting of physician-diagnosed cases of acquired immunodeficiency syndrome based upon diagnostic criteria from the Centers for Disease Control and Prevention of the United States Public Health Service. No later than October 1, 2004, the cabinet shall require reporting of cases of human immunodeficiency virus infection by reporting of the name and other relevant

SB008410.100 - 291 - XXXX

> data as requested by the Centers for Disease Control and Prevention and as further specified in KRS 214.645. Nothing in this section shall be construed to prohibit the cabinet from identifying infected patients when and if an effective cure for human immunodeficiency virus infection or any immunosuppression caused by human immunodeficiency virus is found or a treatment which would render a person noninfectious is found, for the purposes of offering or making the cure or treatment known to the patient;

- (c) The control of insects, rodents, and other vectors of disease; the safe handling of food and food products; the safety of cosmetics; the control of narcotics, barbiturates, and other drugs as provided by law; the sanitation of schools, industrial establishments, and other public and semipublic buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semipublic recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval, or disapproval of plans for construction, modification, or extension of equipment related to food-handling in food-handling establishments; the licensure of hospitals; and the control of such other factors, not assigned by law to another agency, as may be necessary to insure a safe and sanitary environment;
- (d) The construction, installation, and alteration of any on-site sewage disposal system, except for a system with a surface discharge;
- (e) Protection and improvement of the health of expectant mothers, infants, preschool, and school-age children; and
- (f) The practice of midwifery, including the issuance of permits to and supervision of women who practice midwifery; and
- (g) Protection and improvement of the health of the people through better nutrition.

Page 11 of 17 SB008410 100 - 291 - XXXX GA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

(2) The secretary shall have authority to establish by regulation a schedule of reasonable fees, not to exceed costs of the program to the cabinet to cover inspector hours, but in no event shall the total fees for permitting and inspection increase more than five percent (5%) per year, travel pursuant to state regulations for travel reimbursement, to cover the costs of inspections of manufacturers, retailers, and distributors of consumer products as defined in the Federal Consumer Product Safety Act, 15 U.S.C. secs. 2051 et seq.; 86 Stat. 1207 et seq. or amendments thereto, and of youth camps for the purpose of determining compliance with the provisions of this section and the regulations adopted by the secretary pursuant thereto. Fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of the account shall lapse to the general fund at the end of each biennium.

- Any administrative hearing conducted under authority of this section shall be conducted in accordance with KRS Chapter 13B.
- 16 → Section 11. KRS 311.271 is amended to read as follows:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

21

- 17 No person shall be eligible for licensure to practice any healing art in this state (1) 18 unless and until he furnishes satisfactory evidence to the appropriate licensing 19 agency, that prior to being licensed by the respective state agency that he was 20 credited with not less than sixty (60) transferable units of study by a college or university accredited by the Southern Association of Colleges and Schools or an 22 accrediting agency recognized by the Southern Association of Colleges and Schools 23 or any successor to the powers of either; provided, however, that the transferability 24 of credits from colleges and universities located outside the United States and Canada shall be determined by the appropriate licensing agency. 25
- The term "healing art," as used herein, includes the practices of medicine, 26 (2) (a) 27 osteopathy, dentistry, chiropody (podiatry), optometry, and chiropractic, but

SB008410 100 - 291 - XXXX GA

1		does not include the practices of Christian Science or midwifery or the
2		provision of certified professional midwifery services by a licensed certified
3		professional midwife as defined in Section 1 of this Act.
4		(b) The term "transferable units of study" means semester hour (or equivalent)
5		credits and may include advance placement credits.
6	(3)	This section shall not apply to any student who is enrolled in any school of
7		medicine, osteopathy, dentistry, chiropody (podiatry), optometry, or chiropractic on
8		June 13, 1968, nor shall it affect the right of any person who is presently licensed to
9		practice a healing art in this state, to have his license renewed upon compliance
10		with all other requirements of law.
11		→ Section 12. KRS 311.550 is amended to read as follows:
12	As u	sed in KRS 311.530 to 311.620 and 311.990(4) to (6):
13	(1)	"Board" means the State Board of Medical Licensure;
14	(2)	"President" means the president of the State Board of Medical Licensure;
15	(3)	"Secretary" means the secretary of the State Board of Medical Licensure;
16	(4)	"Executive director" means the executive director of the State Board of Medical
17		Licensure or any assistant executive directors appointed by the board;
18	(5)	"General counsel" means the general counsel of the State Board of Medical
19		Licensure or any assistant general counsel appointed by the board;
20	(6)	"Regular license" means a license to practice medicine or osteopathy at any place in
21		this state;
22	(7)	"Limited license" means a license to practice medicine or osteopathy in a specific
23		institution or locale to the extent indicated in the license;
24	(8)	"Temporary permit" means a permit issued to a person who has applied for a regular
25		license, and who appears from verifiable information in the application to the
26		executive director to be qualified and eligible therefor;

Page 13 of 17 SB008410.100 - 291 - XXXX

27

(9)

"Emergency permit" means a permit issued to a physician currently licensed in

another state, authorizing the physician to practice in this state for the duration of a specific medical emergency, not to exceed thirty (30) days;

3 (10) Except as provided in subsection (11) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities;

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

(11) The "practice of medicine or osteopathy" does not include the practice of Christian Science, the domestic administration of family remedies, the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter, the use of automatic external defibrillators in accordance with the provisions of KRS 311.665 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015, the practice as a nurse as defined in KRS 314.011, the practice of physical therapy as defined in KRS 327.010, the practice of genetic counseling as defined in KRS 311.690, the performance of duties for which they have been trained by paramedics licensed under KRS Chapter 311A, first responders, or emergency medical technicians certified under Chapter 311A, the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised, or represented as being for the treatment, correction, cure, or relief of any human ailment, disease, injury, infirmity, or condition, in regular mercantile establishments, or the practice of midwifery, or the provision of certified professional midwifery services by a licensed certified professional midwife as defined in Section 1 of this Act by women. KRS 311.530 to 311.620 shall not be construed as repealing the authority

SB008410.100 - 291 - XXXX GA

1		conferred on the Cabinet for Health and Family Services by KRS Chapter 211 to
2		provide for the instruction, examination, licensing, and registration of all midwives
3		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;

SB008410.100 - 291 - XXXX GA

(21) "Letter of agreement" means a written document that informally resolves a

27

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

Page 16 of 17
SB008410.100 - 291 - XXXX GA

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.
7	→ SECTION 13. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
8	READ AS FOLLOWS:
9	If any provision of Sections 1 to 8 of this Act or the application thereof to any person
10	or circumstance is held invalid, the invalidity shall not affect other provisions or
11	applications of Sections 1 to 8 of this Act that can be given effect without the invalid
12	provision or application, and to this end the provisions of Section 1 to 8 of this Act are
13	severable.