

Board Policy Physicians Applying For License With Pending Investigation/Disciplinary Action In Another State

The Board periodically receives applications for licensing in which the applicant acknowledges or the Board learns of a pending investigation or disciplinary action by the licensing board of a sister state. KRS 311.595(17) specifically provides that the Board may deny an application or reregistration upon proof that an applicant has,

Had his license to practice medicine or osteopathy in any other state, territory, or foreign nation revoked, suspended, restricted, or limited or has been subjected to other disciplinary action by the licensing authority thereof. This subsection shall not require relitigation of the disciplinary action.

Accordingly, the ultimate resolution of the pending disciplinary investigation/action in the other state is likely to affect the Board's decision whether or not to grant the application for licensing. For that reason, the Board has routinely deferred any action on the pending application until it has learned the ultimate resolution of the licensing action in the sister state. For all of these reasons, the Board hereby adopts the following policy that will be applied to all future applications, which meet these criteria:

The Kentucky Board of Medical Licensure will accept, and conduct all preliminary administrative steps regarding, applications which demonstrate that the applicant meets basic statutory requirements, but in which the applicant acknowledges or the Board learns of a pending disciplinary investigation/action by the licensing authority of a sister state. However, such application(s) will not be placed on the Board agenda for consideration or action until the Board has received notification by the sister state that the disciplinary investigation/action has been finally resolved and, in those cases in which disciplinary action was taken by the sister state, receipt of the official action taken by that licensing authority. Once such information is received by the Board's staff, the application and other relevant information shall be placed on the agenda of the next regularly scheduled Board meeting for consideration and action.

Adopted: March 21, 2002