



1 GENERAL GOVERNMENT BOARDS & COMMISSIONS

2 BOARD OF PODIATRY

3 (New Administrative Regulation)

4 201 KAR 25:100. Administrative hearings for denials, discipline, and revocation of probation.

5 RELATES TO: KRS 311.410(4), 311.480, 311.490

6 STATUTORY AUTHORITY: KRS 311.410(4)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410(4) requires the board to promulgate  
8 administrative regulations necessary to carry out and enforce the provisions of KRS 311.390 to 311.510.

9 KRS 311.490(1) requires the board to conduct administrative hearings as necessary pursuant to KRS  
10 Chapter 13B. This administrative regulation establishes the procedures for an individual to request an  
11 administrative hearing from the denial of or refusal to renew, or revocation of probation.

12 Section 1. Right of administrative hearing from a denial of license issuance or a refusal to renew a license.

13 (1) The board shall issue written notice of the denial informing the applicant:

14 (a) Of the specific reason for the board's action, including:

15 1. The statutory or regulatory violation; and

16 2. The factual basis on which the denial is based; and

17 (b) That the applicant may appeal the pending denial to the board within twenty (20) calendar days  
18 after receipt of this notification, excluding the day he or she receives notice, or the date that the  
19 notification is returned to the board as unclaimed.

20 (2) A written request for an administrative hearing shall be filed with the board within twenty (20)  
21 calendar days after receipt of this notification, excluding the day the applicant receives notice, or the date

1 that the notification is returned to the board as unclaimed. The request shall identify the specific issues in  
2 dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

3 (3) If the request for an appeal is not timely filed, the notice of denial shall be effective upon the  
4 expiration of the time for the applicant or license holder to request an appeal.

5 (4) The documentary evidence shall be limited to the application and supporting documents submitted  
6 to the board during the application process and that was considered as part of the denial of the application.

7 (5) A renewal applicant may petition the board, in writing, for a stay of the denial of the license until  
8 completion of the administrative hearing process.

9 Section 2. Administrative hearing for suspension, revocation, probation, or fine.

10 (1) All administrative hearings for the board's suspension, revocation, probation, or for the imposition  
11 of a fine upon a license, shall be conducted in accordance with KRS Chapter 13B.

12 (2) The board shall prepare a formal administrative complaint and notice of administrative hearing in  
13 accordance with KRS Chapter 13B.

14 Section 3. Revocation of Probation.

15 (1) If the board moves to revoke probation, the board shall issue written notice of the revocation and  
16 inform the probationee:

17 (a) Of the factual basis on which the revocation is based;

18 (b) Of each probation term violated;

19 (c) Of the sanction to be imposed; and

20 (d) That the probationee may appeal the revocation to the board within twenty (20) calendar days  
21 after receipt of this notification, excluding the day notice is received, or the date that the notification  
22 is returned to the board as unclaimed. The notification shall be sent to the last known address on file  
23 with the board for the license holder.

1       (2) A written request for an administrative hearing shall be filed with the board within twenty (20)  
2       calendar days after receipt of this notification, excluding the day the probationee receives notice, or the  
3       date that the notification is returned to the board as unclaimed. The request shall identify the specific  
4       issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

5       (3) If the request for an administrative hearing is not timely filed, the revocation of probation shall be  
6       effective upon the expiration date for the certificate holder to request an appeal.

7       Section 4. A request for an administrative hearing shall be sent to the Kentucky Board of Podiatry by mail  
8       to P.O. Box 1360, Frankfort, Kentucky 40602 or by hand-delivery to 500 Mero Street, Frankfort,  
9       Kentucky 40601.

10      Section 5. An administrative hearing shall be governed in accordance with KRS Chapter 13B.

11      Section 6. If the final order of the board is adverse to a licensee or applicant, or if the hearing is scheduled  
12      at the request of a licensee or applicant for relief from sanctions previously imposed by the board, the  
13      costs in an amount equal to the cost of stenographic services, the cost of the hearing officer, and the board's  
14      attorney fees may be assessed against the licensee or applicant. In a case of financial hardship, the board  
15      may waive all or part of the fee.

APPROVED BY AGENCY:

Paul Krestik /sw

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President, Board of Podiatry

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