

Kansas Administrative Regulations

Board of Examiners in Optometry

Article 5.—Licenses

65-5-9. Suspension, termination or denial of licensee's authority to practice when found in contempt of court pursuant to subsection (f) of K.

S.A. 20-1204a. (a) (1) Within 30 days after receipt of a court-ordered notice and a copy of the court order finding an individual in contempt of court in a child support proceeding, the individual shall be notified by the board in writing of the board's intent to suspend, deny or withhold renewal of a license and of the individual's rights and duties under K.S.A. 1995 Supp. 74-147.

(2) If the notice accompanied by the court order provides inadequate information identifying the person in contempt, the person serving the notice shall be promptly contacted by the board for additional information. The 30-day notice shall commence when sufficient information identifying the person to contact is received.

(b) Notice to licensee. The written notice issued by the board shall inform the licensee of the following:

(1) The board's intent to deny, refuse to renew, or suspend a license commencing six months after the date the notice is issued unless the licensee furnishes to the board a court order releasing the individual from the contempt citation; and

(2) If the individual does not furnish the release before the expiration of the six-month period, proceedings will be commenced by the board to deny the issuance, refuse to renew, or to suspend the license following the summary procedure stated in K.S.A. 1995 Supp. 77-537 and amendments thereto.

(c) Temporary license.

(1) If an individual has applied for issuance or renewal of a license and is otherwise eligible, a temporary license shall be issued by the board and shall accompany the notice issued pursuant to subsection (b). The temporary license shall be valid for six months after the date of the notice issued pursuant to subsection (b).

(2) If a licensee is eligible to request renewal of a license and has previously received the notice required by subsection (b), the temporary license shall be valid only for the remainder of the six-month period that commenced upon issuance of the notice.

(3) The temporary license shall include a date of issuance and a date of expiration.

(4) A temporary license shall not be extended except that the temporary license may be extended by the board for up to 30 days to prevent extreme hardship for a patient of the licensee.

(5) The licensee shall obtain a release from the court which found the individual in contempt before the permanent license may be issued or renewed by the board.

(6) The release shall be furnished to the board before the expiration of the temporary license. If the release is not furnished within the six-month period of time, the temporary license shall expire and summary proceedings to deny issuance shall be commenced by the board or renewal of the permanent license may be refused by the board.

(d) Hearing.

(1) If the licensee does not provide a copy of the release pursuant to paragraph (c)(5) to the board within the six-month time period, the permanent license shall be denied, refused for renewal or suspended by the board in accordance with the summary proceedings of K.S.A. 1995 Supp. 57-537 and amendments thereto.

(2)(A) The issues at the hearing shall be limited to the following:

(i) the identity of the individual;

(ii) the validity of the notices pursuant to K.S.A. 1995 Supp. 74-147; and

(iii) the validity of any additional conditions imposed by the board if such conditions are otherwise subject to review.

(B) The board shall not have jurisdiction over any issues related to child support.

(3) If the board issues an order denying, refusing to renew, or suspending a permanent license of an individual pursuant to this subsection, the individual may apply for reinstatement of the application or license, as appropriate, if the individual furnishes a court order releasing the individual from the contempt citation and it is determined by the board that the individual is otherwise eligible for a license.

(e) Fees. If a license is denied, refused for renewal or suspended, any fees paid by the individual shall not be refunded.

(Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1995 Supp. 74-146 and K.S.A. 1995 Supp. 74-147; effective Feb. 28, 1997.)

***** Authenticated Kansas Administrative Regulation *****