

Disqualifying Offenses

Pursuant to 906 KAR 1:190, a “disqualifying offense” is:

- Identification on the Kentucky Nurse Aide Abuse Registry, Kentucky Child Abuse and Neglect Central Registry, or Federal List of Excluded Individuals and Entities (LEIE);
- Registration as a sex offender under federal law or under the law of any state; or
- A conviction of, or a plea of guilty, an Alford plea, or a plea of nolo contendere to:
 - A misdemeanor offense related to abuse, neglect, or exploitation of an adult or child, or a sexual offense;
 - A criminal offense against a victim who is a minor, as defined in KRS 17.500;
 - A felony conviction involving a child victim;
 - Any crime described in 42 U.S.C. sec. 1320a-7;
 - An offense under a criminal statute of the United States or of another state similar to an offense specified herein; or
 - A felony offense as described in the following table:

		Description
A felony offense under KRS Chapter 209, Protection of Adults includes:	KRS 209.990(2)	Any person who knowingly abuses or neglects an adult.
	KRS 209.990(3)	Any person who wantonly abuses or neglects an adult.
	KRS 209.990(5)	Any person who knowingly exploits an adult, resulting in a total loss to the adult of more than three hundred dollars (\$300) in financial or other resources, or both.
	KRS 209.990(6)	Any person who wantonly or recklessly exploits an adult, resulting in a total loss to the adult of more than three hundred dollars (\$300) in financial or other resources, or both.
A felony offense under KRS Chapter 218A, Controlled Substances includes:	KRS 218A.140(1)	(a) No person shall obtain or attempt to obtain a prescription for a controlled substance by knowingly misrepresenting to, or knowingly withholding information from, a practitioner.
		(b) No person shall procure or attempt to procure the administration of a controlled substance by knowingly misrepresenting to, or withholding information from, a practitioner.

		(c) No person shall obtain or attempt to obtain a controlled substance or procure or attempt to procure the administration of a controlled substance by the use of a false name or the giving of a false address.
		(d) No person shall knowingly make a false statement regarding any prescription, order, report, or record required by this chapter.
		(g) No person shall affix any false or forged label to a package or receptacle containing any controlled substance.
	KRS 218A.140(2)	No person shall possess, manufacture, sell, dispense, prescribe, distribute, or administer any counterfeit substance.
	KRS 218A.140(3)	No person shall knowingly obtain or attempt to obtain a prescription for a controlled substance without having formed a valid practitioner-patient relationship with the practitioner or his or her designee from whom the person seeks to obtain the prescription.
	KRS 218A.1401	A person is guilty of selling controlled substances to a minor when he or she, being eighteen (18) years of age or older, knowingly and unlawfully sells or transfers any quantity of a controlled substance other than synthetic drugs or salvia to any person under eighteen (18) years of age.
	KRS 218A.1402	Conspiracy to traffic in a controlled substance.
	KRS 218A.1404(1)	No person shall traffic in any controlled substance except as authorized by law.
	KRS 218A.1404(3)	No person shall dispense, prescribe, distribute, or administer any controlled substance except as authorized by law.
	KRS 218A.1405	It shall be unlawful for any person who has knowingly received any income derived directly or indirectly from trafficking in a controlled substance to use or invest any part of that income, or any proceeds thereof, to acquire any property, or to establish or operate any commercial enterprise.
	KRS 218A.1411	Trafficking in controlled substance within 1000 feet of a school.

	KRS 218A.1412	Trafficking in controlled substance in first degree.
	KRS 218A.1413	Trafficking in controlled substance in second degree.
	KRS 218A.1414	Trafficking in controlled substance in third degree.
	KRS 218A.1415	Possession of controlled substance in first degree.
	KRS 218A.1418	Theft of a controlled substance.
	KRS 218A.1421(2)	Trafficking in marijuana, less than 8 oz, 2nd or subsequent offense.
	KRS 218A.1421(3) and (4)	Trafficking in marijuana, 8 oz. or more
	KRS 218A.1423(2)	Marijuana cultivation of five (5) or more plants of marijuana
	KRS 218A.1423(3)	Marijuana cultivation of fewer than five (5) plants for a second or subsequent offense
	KRS 218A.1432	Manufacturing methamphetamine
	KRS 218A.1437	Unlawful possession of a methamphetamine precursor
	KRS 218A.1438	Unlawful possession of a methamphetamine precursor
	KRS 218A.1439	Trafficking in or transferring a dietary supplement, 2nd or subsequent offense
	KRS 218A.1441	Controlled substance endangerment to a child in the first degree
	KRS 218A.1442	Controlled substance endangerment to a child in the 2nd degree
	KRS 218A.1443	Controlled substance endangerment to a child in the 3rd degree
	KRS 218A.1444	Controlled substance endangerment to a child in the fourth degree
	KRS 218A.180	Wrongfully filling prescriptions, 2nd or subsequent offense.
	KRS 218A.200	Dr./Pharmacy failing to keep records of controlled substances administered, dispensed, 2nd or subsequent offense
	KRS 218A.202	Unauthorized disclosure of KASPER data
	KRS 218A.282	Forgery of a prescription.
	KRS 218A.284	Criminal possession of a forged prescription.

	KRS 218A.286	Theft, criminal possession, trafficking, or unlawful possession of a prescription or blank.
	KRS 218A.320	Criminal possession of a medical record
	KRS 218A.322	Theft of a medical record
	KRS 218A.324	Criminal falsification of a medical record
	KRS 218A.350	Prohibited practices concerning substances that simulate controlled substances
KRS 507, Criminal Homicide:	KRS 507.020	Murder.
	KRS 507.030	Manslaughter in the first degree.
	KRS 507.040	Manslaughter in the second degree.
A felony offense under KRS Chapter 508, Assault and related offenses includes:	KRS 508.010	Assault in the first degree.
	KRS 508.020	Assault in the second degree.
	KRS 508.025	Assault in the third degree.
	KRS 508.032	Assault in the fourth degree of family member or member of an unmarried couple
	KRS 508.040	Assault under extreme emotional disturbance.
	KRS 508.060	Wanton endangerment in the first degree.
	KRS 508.075	Terroristic threatening in the first degree.
	KRS 508.078	Terroristic threatening in the second degree.
	KRS 508.100	Criminal abuse in the first degree.
	KRS 508.110	Criminal abuse in the second degree.
	KRS 508.140	Stalking in the first degree.
	KRS 508.160	Disarming a police officer.
A felony offense under KRS Chapter 509, Kidnapping and related offenses includes:	KRS 509.020	Unlawful imprisonment in the first degree.
	KRS 509.040	Kidnapping.
	KRS 509.070	Felony custodial interference.
A felony offense under KRS Chapter 510, Sexual offenses and related offenses includes:	KRS 510.015	3rd or subsequent misdemeanor sexual offense.
	KRS 510.040	Rape in 1st degree.
	KRS 510.050	Rape in 2nd degree.
	KRS 510.060	Rape in 3rd degree.
	KRS 510.070	Sodomy in the first degree.
	KRS 510.080	Sodomy in the 2nd degree.
	KRS 510.090	Sodomy in the 3rd degree.
	KRS 510.110	Sexual abuse in the first degree.

	KRS 510.148	Indecent exposure in the first degree, Class D felony for the third offense, if it was committed within three (3) years of the second conviction; Class D felony for any subsequent offense, if it was committed within three (3) years of the prior conviction.
	KRS 510.155	Unlawful use of electronic means originating or received within the Commonwealth to induce a minor to engage in sexual or other prohibited activities
A felony offense under KRS Chapter 511, Burglary and related offenses includes:	KRS 511.020	Burglary in the first degree.
	KRS 511.030	Burglary in the second degree.
	KRS 511.040	Burglary in the third degree.
A felony offense under KRS Chapter 513, Arson and related offenses includes:	KRS 513.020	Arson, 1st degree.
	KRS 513.030	Arson, 2nd degree.
	KRS 513.040	Arson, 3rd degree.
	KRS 513.060	Burning personal property to defraud insurer.
KRS 514, Theft and related offenses	KRS 514.030	Theft by unlawful taking or disposition-shoplifting \$10,000 or more.
A felony offense under KRS Chapter 515, Robbery includes:	KRS 515.020	Robbery in the first degree.
	KRS 515.030	Robbery in the second degree.
KRS 529, Prostitution offenses	KRS 529.100	Human trafficking.
	KRS 529.110	Promoting human trafficking.
A felony offense under KRS Chapter 530, Family Offenses includes:	KRS 530.010	Bigamy
	KRS 530.020	Incest
	KRS 530.040	Abandonment of minor.
	KRS 530.050	Nonsupport and flagrant nonsupport.
	KRS 530.064(1)(a)	A person is guilty of unlawful transaction with a minor in the first degree when he or she knowingly induces, assists, or causes a minor to engage in: (a) illegal sexual activity.
	KRS 530.064(1)(b)	A person is guilty of unlawful transaction with a minor in the first degree when he or she knowingly induces, assists, or causes a minor to engage in: (b) Illegal controlled substances activity other than activity involving marijuana, synthetic drugs, or salvia, as defined in KRS 218A.010.

	KRS 530.065	Unlawful transaction with a minor in the second degree.
A felony offense under KRS Chapter 531, Pornography includes:	KRS 531.030	Distribution of obscene matter to minors.
	KRS 531.040	Using minors to distribute obscene material.
	KRS 531.060	Promoting sale of obscenity.
	KRS 531.100	Video voyeurism.
	KRS 531.310	Use of a minor in a sexual performance.
	KRS 531.320	Promoting a sexual performance by a minor.
	KRS 531.335	Possession of matter portraying a sexual performance by a minor.
	KRS 531.340	Distribution of matter portraying a sexual performance by a minor.
	KRS 531.350	Promoting sale of material portraying a sexual performance by a minor.
	KRS 531.360	Advertising material portraying a sexual performance by a minor.
	KRS 531.370	Using minors to distribute material portraying a sexual performance by a minor.