

1 BOARDS AND COMMISSIONS

2 Kentucky Board of Veterinary Examiners

3 (New Administrative Regulation)

4 201 KAR 16:731. Examination requirements for AAHP providers.

5 RELATES TO: KRS 321.175, 321.181(1)-(4), 321.235

6 STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c),
7 (2)(b)2.

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) and (2)(b) authorize the
9 board to promulgate administrative regulations in accordance with KRS Chapter 13A to
10 effectively carry out and enforce the provisions of the Kentucky Veterinary Medicine Practice
11 Act. KRS 321.235(2)(b)2. requires the Kentucky Board of Veterinary Examiners to establish
12 examination requirements and passing scores for allied animal health professionals. This
13 administrative regulation establishes examination requirements as one part of the requirements to
14 qualify for an allied animal health professional (AAHP) permit from the board.

15 Section 1. State Exam Qualifications for Allied Animal Health Professional providers.

16 (1) The board shall require a passing score on the Kentucky Board of Veterinary
17 Examiners Jurisprudence Examination for AAHPs as one requirement for permitting by the
18 board as an allied animal health professional.

19 (2) Candidates seeking an AAHP permit shall pay a state examination fee pursuant to 201
20 KAR 16:513.

1 (3) Candidates shall successfully complete the Kentucky Board of Veterinary Examiners
2 Jurisprudence Examination for AAHPs, which shall cover the specific requirements of KRS
3 Chapter 321 and 201 KAR Chapter 16, in either paper or electronic format.

4 (4) To successfully complete the Kentucky Board of Veterinary Examiners
5 Jurisprudence Examination, Applicants for an AAHP permit shall be required to achieve a score
6 of eighty (80) percent or higher.

7 Section 2. National Exam Qualifications for Allied Animal Health Professionals.

8 (1) The examination required for permitting by the board as an allied animal health
9 professional shall be the successful completion of a certification exam required by an approved
10 allied animal health professional program, pursuant to 201 KAR 16:730.

11 (a) A candidate shall be limited to five (5) examination attempts.

12 (b) An official score report, verified certificate of completion, or other official
13 documentation from the certifying body shall be provided directly from the certifying body to the
14 board to provide proof of successful completion of the board approved exam.


15 (2) For AAHP animal chiropractor providers, the board approved examinations and
16 passing scores are established in this paragraph.

17 (a) American Veterinary Chiropractic Association (ACVA) passing score shall be the
18 passing score set by ACVA.

19 (b) International Veterinary Chiropractic Association (ICVA) passing score shall be the
20 passing score set by ICVA.

21 (3) Applicants for an AAHP permit to the board shall pay any required national exam or
22 score transfer fees directly to the approved allied animal health professional program, their
23 designee, or official records custodian.

APPROVED: 4/25/2024

A handwritten signature in black ink, appearing to read "Michelle M. Shane", written over a horizontal line.

p.p Michelle M. Shane, Executive Director
on behalf of John C. Park, DVM, Board Chair
Kentucky Board of Veterinary Examiners

A handwritten date "10/14/2024" written in black ink over a horizontal line.

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on December 23, 2024, at 10:00 am EST, at the offices of the Kentucky Board of Veterinary Examiners, 4047 Iron Works Pkwy, Suite 104, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Pwky, Suite 104, Lexington, KY 40511, Phone: 502-564-5433, Fax: 502-753-1458, Email: Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 016:731

Contact Person: Michelle M. Shane

Phone: 502-564-9905

Email: Michelle.Shane@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes examination requirements as one part of the requirements to qualify for an allied animal health professional (AAHP) permit from the board.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the required examinations needed for applicants to qualify for an AAHP permit from the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 321.235(1)(b) and (2)(b) authorize the board to promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of the Kentucky Veterinary Medicine Practice Act. KRS 321.235(2)(b)2. requires the Kentucky Board of Veterinary Examiners to establish examination requirements and passing scores for allied animal health professionals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist in effective administration by clearly defining the testing requirements for AAHP permittees as approved by the KBVE.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

N/A - This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation:

N/A - This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes:

N/A - This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes:

N/A - This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Future applicants to the board for an AAHP permit. The board anticipates receiving approximately 20 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Applicants will be required to complete a board approved AAHP exam within the approved scope for the AAHP work to qualify for permitting as an AAHP in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will not be any additional costs to the applicant. This administrative regulation simply clarifies the testing requirements needed to obtain an AAHP permit and provide public protection related to competency to preform services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Applicants who complete the required AAHP exams shall have met one of the requirements of the board for permitting as an AAHP.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The KBVE currently runs licensing and certificate programs for other credentials to ensure competency to practice for public protections. This program will be added to the current operations. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this

administrative regulation, if new, or by the change if it is an amendment:

There is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.

- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish or increase any fees, directly or indirectly.

- (9) TIERING: Is tiering applied?

Tiering is not applied because this new administrative regulation applies to all entities holding an AAHP permit.

FISCAL IMPACT STATEMENT

201 KAR 016:731

Contact Person: Michelle M. Shane

Phone: 502-564-9905

Email: Michelle.Shane@ky.gov

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

- (2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

- (a) Estimate the following for the first year:

Expenditures: This is a new program, but will not generate much revenue. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?

Staff time and database management will be required for record keeping. Costs will be minimal.

- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

KBVE does not anticipate that any local entities will be impacted.

- (a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

- (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

- (4) Identify additional regulated entities not listed in questions (2) or (3):

KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates for permitting as an allied animal health professional (AAHP).

(b) Methodology and resources used to determine the fiscal impact:

A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion:

This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.