

1 BOARDS AND COMMISSIONS

2 Kentucky Board of Veterinary Examiners

3 (Amended After Comments)

4 201 KAR 16:732. Application requirements for AAHP permits -- reinstatement.

5 RELATES TO: KRS 321.175, 321.181(1)-(4), 321.189, 321.200, 321.235

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires~~authorizes~~ the
8 board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS
9 321.235(2)(b)2. authorizes~~provides~~ the board [~~authority~~] to promulgate administrative
10 regulations to limit the scope of practice of allied animal health professional (AAHP) work on
11 animals and to require an AAHP applicant to apply to the board on an approved application to
12 qualify for a permit from the board. This administrative regulation establishes application
13 requirements for individuals applying for an AAHP permit from the board in the Commonwealth
14 of Kentucky.

15 Section 1. Definitions.

16 (1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

17 (2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).

18 (3) "Allied animal health professional manager" or "AAHP manager" is defined by KRS
19 321.181(3).

20 (4) "Allied animal health professional permit" or "AAHP permit" is defined by KRS 321.181(4).

21 (5) "Fixed facility" is defined by KRS 321.181(38).

1 (6) "Legacy candidate" means a candidate for permitting that did not complete the board approved
2 allied animal health professional program or board approved qualifying exam for an AAHP permit,
3 but holds significant experience as defined in Section 3 of this administrative regulation which
4 shall qualify the person for consideration of an AAHP permit from the board.

5 (7) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).

6 (8) "Registered responsible party" is defined by KRS 321.181(57).

7 (9) "Veterinarian" is defined by KRS 321.181(67).

8 Section 2. Allied animal health professional provider practice falls under the scope and meaning
9 of the practice of veterinary medicine.

10 (1) A veterinarian shall not be subject to the scope of practice limitations established
11 ~~for~~~~proscribed to~~ an allied animal health professional permittee ~~regarding the scope of~~
12 ~~practice~~.

13 (2) Pursuant to KRS 321.200(1)(o), after receiving a permit from the board, an AAHP~~[AAP]~~
14 provider shall be limited to providing services for animal patients within the scope designated
15 within 201 KAR 16:737.

16 (3) Practice on animals without a board credential shall be prohibited. Except as provided for in
17 KRS 321.200, ~~a~~~~no~~ person shall not~~may~~ provide veterinary or allied animal health professional
18 services to any animal without holding a valid credential in active status issued by the board.

19 Section 3. Legacy Candidate Pathway ~~[Candidates]~~ for the AAHP Animal Chiropractic
20 Provider (ACP) Permit.

21 (1) In lieu of proof of completion of a board approved allied animal health professional program
22 and board approved qualifying exam for an AAHP permit, legacy candidates may submit
23 application materials in accordance with the provisions of this section.

1 (2) For AAHP ~~ACP~~**[animal chiropractor provider (ACP)]** applicants, legacy candidates shall
2 be eligible until June 30, 2026. ACP legacy candidates shall submit:

3 (a) Proof of employment or 1099 showing self-employment as an ACP for a minimum of ten (10)
4 years prior to the date of application;

5 (b) Identification of school where trained and hours of training;

6 (c) Letters of recommendation from at least two (2) licensed veterinarians;

7 (d) Letters of recommendation from at least two (2) licensed chiropractors;

8 (e) Details regarding the duration of experience and times during which practice occurred,
9 including:

10 1. Length of time of practice; and

11 2. Average number of hours practicing per year;

12 (f) Letter of Good Standing from any other jurisdictions in which they are credentialed; and

13 (g) Information about CE earned each year (number of hours, etc.).

14 (3) The board shall conduct a mandatory interview of each legacy candidate to confirm their
15 eligibility and experience.

16 (4) Legacy candidates awarded an AAHP ~~permit~~**[certificate]** by the board shall be required to
17 comply with all ~~provisions~~**[terms]** of ~~an AAHP permit~~**[permitting]**, including earning
18 continuing education requirements as established ~~in 201 KAR 16:730, Section 4~~**[by the board in**
19 ~~administrative regulation]~~**].**

20 Section 4. Approval of an Allied Animal Health Professional **Provider Permit Application**
21 ~~[provider permit application]~~. The board shall issue a permit as an AAHP provider in a specific
22 area of practice, as defined in KRS 321.181, to an applicant who meets the following requirements:

23 (1) Has completed an Application for Allied Animal Health Professional **Provider** Permit form or

- 1 online equivalent form, including all required attachments;
- 2 (2) Has paid the appropriate fees as established in 201 KAR 16:513;
- 3 (3) Is a person of good moral character. As one (1) element of good moral character, the board
4 shall require each applicant for licensure to submit a full set of the applicant's fingerprints for the
5 purpose of obtaining criminal records checks, pursuant to applicable law and KRS 321.189. All
6 good moral character information, including the information obtained through the criminal
7 background checks, shall be relevant to permit eligibility determinations to the extent permitted
8 by law;
- 9 (4) Has graduated and received a degree or certificate from an approved allied animal health
10 professional program, as approved by the board in 201 KAR 16:730, or qualifies as a legacy
11 candidate **according to the provisions established in Section 3 of this administrative**
12 **regulation** during the legacy application window;
- 13 (5) Has achieved passing examination scores, on examinations required by the board, as
14 established in 201 KAR 16:731, or qualifies as a legacy candidate during the legacy application
15 window;
- 16 (6) Holds licensure in the AAHP practice area as established in 201 KAR 16:730, Section 2, or
17 qualifies as a legacy candidate;[.]
- 18 (7) Has been approved for permitting by the board; and
- 19 (8) Has complied with any other requirement of the board.

20 Section 5. New Application for an Allied Animal Health Professional Permit.

- 21 (1) A new application to the board for an allied animal health professional permit shall include the
22 following components:
- 23 (a) A completed application on an Application for Allied Animal Health Professional (AAHP)

- 1 Provider Permit form or online equivalent form, including all required attachments;
- 2 (b) Designation of one **(1)** or more qualified AAHP scopes as listed in the application, and
- 3 designated as available scope of practice in KRS 321.181 and 201 KAR 16:730;
- 4 (c) A current color photograph of the applicant not smaller than 2 in. x 2 in., or a color copy of the
- 5 applicant's current valid driver's license or passport with photo;
- 6 (d) An official licensure verification letter from the professional licensing board in Kentucky in
- 7 the human AAHP discipline, if required by the application;
- 8 (e) An official copy of the certificate of completion or diploma showing graduation from an
- 9 approved allied animal health professional program established in 201 KAR 16:730;
- 10 (f) A copy of any court documents, final orders, settlement agreements, or other documents
- 11 required by the board in support of the application;
- 12 (g) The completed Kentucky Board of Veterinary Examiners Jurisprudence Examination for
- 13 **AAHPs**~~[Allied Animal Health Professionals]~~ Exam Answer Sheet; and
- 14 (h) Payment for the application fee required by 201 KAR 16:513.
- 15 (2) In addition to the requirements listed in subsection (1) of this section, requirements for AAHP
- 16 permit endorsement applications shall include: Verifications of good standing from all
- 17 jurisdictions in which an applicant once held or currently holds a permit or equivalent credential
- 18 by the jurisdictional entities which regulate the applicant's profession in both human and animal
- 19 practice.
- 20 Section 6. Permit Renewal Required. An AAHP permit holder of the board shall renew their permit
- 21 pursuant to 201 KAR 16:735.
- 22 Section 7. Inactive Status for an AAHP Permit. An AAHP permit holder may place their permit
- 23 into an inactive status in accordance with 201 KAR 16:580.

1 Section 8. An allied animal health professional may apply for reinstatement of an expired permit
2 if not more than five (5) years have elapsed since the last date of permit expiration.

3 (1) A reinstatement application shall be required during this period; an application for a new permit
4 shall not be accepted until five (5) years after the last date of expiration. Legacy candidates five
5 (5) years after the last date of expiration shall be required to meet the current requirements of the
6 Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16 and shall no longer qualify
7 for the legacy candidate pathway.

8 (2) Reinstatement applications to the board for a permit as an allied animal health professional
9 shall include the following components:

10 (a) A completed application on a Reinstatement Application for AAHP Permits form or online
11 equivalent form, including all required attachments;

12 (b) A copy of any court documents, final orders, settlement agreements, or other documents
13 requested by the board in support of the application;

14 (c) Proof of current certification in the allied animal health profession, including any required
15 continuing education by the board-approved allied animal health professional program;

16 (d) Payment for the reinstatement application fee pursuant to 201 KAR 16:513~~;~~ ~~and~~

17 (e) If the permit is in expired status for more than one (1) year since the date of expiration, an
18 official licensure verification letter from the professional licensing board in Kentucky in the human
19 AAHP discipline, if required by the application; **and**

20 (f) If the permit is in expired status for more than two (2) years since the date of expiration~~;~~~~]~~

21 **1. [(g)]** A background check pursuant to Section 9 of this administrative regulation; and

22 **2. [(h)]** Verifications of good standing from all jurisdictions in which an applicant once held or
23 currently holds a permit or equivalent credential by the jurisdictional entities which regulate the

1 profession.];

2 Section 9. Background checks. Pursuant to KRS 321.189, the board may:

3 (1) Conduct a national or jurisdictional level background check on each applicant for licensure.

4 The check shall be processed by a board-approved background check provider, and may include a
5 copy of the applicant's fingerprints captured at a board-approved location;

6 (2) Reject background checks that do not have an official seal or watermark, or that are more than
7 ninety (90) days old; and

8 (3) Impose additional requirements as a condition of licensure or deny licensure following the
9 board's review of findings from a background check.

10 Section 10. Denial. If any of the requirements of this regulation are not met by the applicant, the
11 board shall deny the permit application.

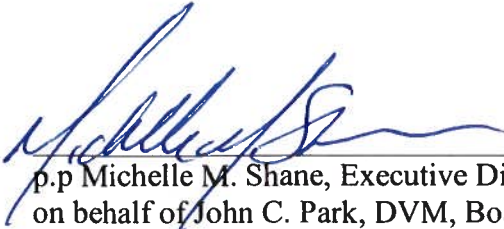
12 Section 11. Incorporation by Reference.

13 (1) The following material is incorporated by reference:

14 (a) "Application for Allied Animal Health Professional (AAHP) Provider Permit",
15 2/2025~~[10/2024]~~; and

16 (b) "Reinstatement Application for AAHP Permits", 2/2025~~[10/2024]~~.

17 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at
18 the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Lexington, Kentucky
19 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at
20 kbve.ky.gov.



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

2/13/2025
Date

APPROVED BY AGENCY: 4/25/2024, with updates 1/30/2025

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 201 KAR 016:732

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 application requirements for allied animal health professionals (AAHPs) applying for an AAHP permit from the board in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the application requirements for individuals to apply 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) authorizes the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved application to qualify for a permit from the board.

(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 application 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 application to apply for an AAHP permit 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 application 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 application 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

Regulation Number: 201 KAR 016:732

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.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

1) The “Application for Allied Animal Health Professional (AAHP) Provider Permit” form, 10/2024, is the 6-page permit application form that applicants are required to file before engaging in the practice of an allied animal health professional (AAHP) provider. KRS 321.235(2)(b)2. requires the board to establish conditions for application for individuals to apply to the board for an AAHP permit.

2) The “Reinstatement Application for AAHP Permits” form, 10/2024, is the 6-page permit application form that former credential holders are required to file before reengaging in the practice of an AAHP provider. KRS 321.235(2)(b)2. requires the board to establish conditions for application for individuals to apply to the board for an AAHP permit.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

1) The “Application for Allied Animal Health Professional (AAHP) Provider Permit” form, 2/2025, is the 6-page permit application form that applicants are required to file before engaging in the practice of an allied animal health professional (AAHP) provider.

- All pages were updated in the footer to show an edition date of 2/2025.
- Page 6 – Attestation statement, paragraph two, line 3, the word “or” was changed to “of” between “withholding” and “pertinent”

2) The “Reinstatement Application for AAHP Permits” form, 2/2025, is the 6-page permit application form that former credential holders are required to file before reengaging in the practice of an AAHP provider.

- All pages were updated in the footer to show an edition date of 2/2025.
- Page 6 – Attestation statement, paragraph one on this page, line 3, the word “or” was changed to “of” between “withholding” and “pertinent”

STATEMENT OF CONSIDERATION

RELATING TO 201 KAR 16:732

BOARDS AND COMMISSIONS

Kentucky Board of Veterinary Examiners
(Amended After Comments)

I. The public hearing on 201 KAR 016:732, scheduled for December 23, 2024, at 10:00 a.m. at the offices of the Kentucky Board of Veterinary Examiners (KBVE) was held per request; however, no one appeared at the hearing. Written comments were received during the public comment period, which closed December 31, 2024.

II. The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Jessica Hollis, DC	ProAnimal Chiropractic
Francisco Maia, PT, DPT, CCRT	American Physical Therapy Association – Kentucky Chapter (APTA-KY)
Avery Schroyer, PT, DPT, CMTPT	APTA-KY
Rachel Wendt, DC	Kentucky Association of Chiropractors
Agency	Kentucky Board of Veterinary Examiners

III. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
John C. Park, DVM, KBVE Chair
Gene Smith, DVM, KBVE Vice Chair
Dianne Dawes, DVM, KBVE Board Member
Tom Dorman, Citizen-at-large, KBVE Board Member
Tim Gardner, DVM, KBVE Board Member
Stephanie Kennedy, DVM, KBVE Board Member
Phil Prater, DVM, KBVE Board Member
Jennifer Quammen, DVM, KBVE Board Member

Amy Staton, EdD, LVT, KBVE Board Member

R. Steve Velasco, DVM, State Veterinarian, Proxy for KDA Commissioner Jonathan Shell

Michelle M. Shane, KBVE Executive Director

Carmine G. Iaccarino, KBVE Legal Counsel

IV. Summary of Comments and Responses

(1) Subject Matter: Continuing Education (CE) requirements

(a) Comment: Dr. Wendt – The commentor states that the certifying bodies AVCA and IVCA require continuing education in the amount of 30 hours over a three-year period. The current KBVE regulation requires 10 hours per year. If an AVCA/ICVA certified animal chiropractic provider earns CE, they can earn their 30 hours all in one year. This does not align to the 10 hours/year required by KBVE.

(b) Response: KBVE invited both the American Veterinary Chiropractic Association (AVCA) and the International Veterinary Chiropractic Association (IVCA) to speak to the Board at their January 30, 2025, meeting. At that meeting, AVCA indicated that AVCA used to be a part of the IVCA and that their requirements are similar. AVCA has a focus on North America, while ICVA focuses on international work. Of the 30 hours of CE required, only a portion of those hours are required in clinical hours, while other hours may be earned in scientific areas, areas of practice management, or other non-clinical topics. While the association requires 30 hours in a three-year period, AVCA indicated that their certified practitioners who wished to work in Kentucky would follow state rules as established by the Board. In response to this comment, KBVE amended the proposed regulation 201 KAR 16:735 to reflect the need for CE in the amount of six (6) clinical hours annually, however, no changes were made to this regulation.

(2) Subject Matter: Subject Matter: CE requirements for Legacy Candidates (i.e., grandfathered candidates)

(a) Comment: Dr. Wendt – The commentor states that the proposed regulation does not specify a number of CE hours required for legacy candidates. Due to the nature of the approved certifying programs AVCA and IVCA, the legacy candidates will not be eligible for CE from these organizations as AVCA and IVCA only offer courses to licensed chiropractors and licensed veterinarians. The commentor states that if a non-chiropractor or non-veterinarian obtains an AAHP under these regulations, they would be unable to meet the renewal requirements, as the continuing education programs are only available to certified animal chiropractors and are exclusively offered to licensed veterinarians and licensed chiropractors. This regulation effectively prevents these legacy candidates from maintaining their certification. However, because the legacy candidate has not received appropriate training through a board-approved program, there should still be a requirement for these candidates to obtain continuing

education. The commentor recommends that KBVE add a specific number of required continuing education hours for legacy candidates that would allow them to renew their license by obtaining CE through other providers. The commentor concedes that this additional requirement may be more appropriate in 201 KAR 16:735.

(b) Response: All AAHP permittees shall be required to earn the same number of hours of CE, regardless of their pathway to hold an AAHP permit. To accommodate legacy candidates who may not be a licensed chiropractor, the Board already has a program in place to review and approve CE programs which will be accessible to legacy candidates. Additionally, some legacy candidates are likely licensed chiropractors who did not complete the AVCA or IVCA certification programs, and these candidates will still have access to the AVCA and IVCA CE offerings because they are a licensed chiropractor. In response to this comment, KBVE amended the proposed regulation 201 KAR 16:735 to state that legacy pathway candidates are still required to earn the same amount of CE as traditional candidates and added an option for legacy pathway candidates to obtain CE from a program approved by the Board; however, no changes were made to this regulation.

(3) Subject Matter: Lack of inclusion in discussions regarding AAHP permits

(a) Comment: Dr. Maia, Dr. Schroyer – The commentors indicate the organization they represent, the American Physical Therapy Association - Kentucky Chapter (APTA-KY), were not included in stakeholder discussions regarding this administrative regulation with KBVE like the Kentucky Association of Chiropractors.

(b) Response: The KBVE began discussions with the Kentucky Board of Chiropractic Examiners (KBCE) at their request in 2020 related to multiple grievances received by that board. The Kentucky Association of Chiropractors (KAC) was invited to join the talks by the KBCE. In contrast, it should be noted that, until the letter from APTA-KY was received in response to this October 2024 filing, KBVE was not previously contacted by the APTA-KY regarding their desire to practice on animals. Further, KBVE did meet with the Kentucky Board of Physical Therapists (KBPT) in 2024, and that board has clearly indicated that they do not support licensed PTs extending their practice to work on animals. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(4) Subject Matter: Physical Therapists (PTs) should be allowed to practice on animals in Kentucky

(a) Comment: Dr. Maia, Dr. Schroyer – The commentors indicate that the American Physical Therapy Association (APTA) Animal Physical Therapy Special Interest Group (APTSIG) was founded in 1998, after PTs were working with animals since the mid-1990's. The APTSIG represents some 500 members nationally, and has released statements supporting PT work with animals. Further, in 2023, the Federation of State Boards of Physical Therapy (FSBPT) released an updated Model Practice Act which allows PTs to work on animals so long as they have the

proper training as established in state rules. They further quote the commentary from the FSBPT Model Act, stating, “The practice of physical therapy continues to evolve including the treatment of animals. While there is currently no consistent standard of specified education and training, it is appropriate to note that additional rule development in a jurisdiction may address minimum standards to demonstrate competency to provide physical therapy to animals”.

(b) Response: The Board would like to bring attention to the details referenced in the FSBPT Practice Act model, including that practice is allowable “as established in state rules”. In Kentucky, both under the Veterinary Medicine Practice Act and the Physical Therapist Practice Act, PT work on animals is against the law. In Kentucky, only veterinarians have been authorized by the General Assembly to provide therapy to animal patients. Additionally, FSBPT notes that there is no set of consistent standards or a common national exam. This is very different from human chiropractors who complete an extensive, standardized training curriculum to work on animals through two approved sister organizations; they also take a common exam to test their competency. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(5) Subject Matter: APTSIG publication regarding PT standards for practice on animals

(a) Comment: Dr. Maia, Dr. Schroyer – The commentors state that in 2019, the APTA-APTSIG published a detailed “Clinical Practice Standards for Physical Therapy on Animals” to advance their professional work on animals and help guide federal and state organizations in this process.

(b) Response: KBVE appreciates APTA-KY bringing the APTSIG report to the Board’s attention. However, it should be noted that there are many organizations that have draft model statute and regulation documents allowing practices that are not appropriate or legal in most state jurisdictions. If states allowed all of these associations to draft their own rules and then practice on animals, there would be little left of the practice of veterinary medicine for veterinarians to make a living while providing essential services of the profession to benefit public health and safety. Associations who wish to negotiate incorporation of model language into existing Practice Acts should take the initiative to contact state jurisdictions and work with stakeholder entities toward change through a multiyear process. Until the letter from APTA-KY was received in response to this October 2024 filing, KBVE was not previously contacted by the APTA-KY regarding their desire to practice on animals.

For example, extensive talks were held 2021-2023 regarding veterinary shortages in Kentucky between stakeholders in the veterinary profession and agriculture. Discussions focused on veterinary shortages in the state, including the detrimental impact of carveouts from the practice of veterinary medicine which allowed non-veterinarians to practice in various niche areas of the profession. Through these discussions, a Veterinary Shortage Working Group (VSWG) was established by the Kentucky Department of Agriculture lead by then Commissioner Ryan Quarles. The VSWG produced a comprehensive report with multiple action recommendations to assist with shortages. As a result, in 2024 through the momentum of the

VSWG and partners, a new bill was passed to establish the Kentucky Rural Veterinary Loan Repayment Program (KRVLRP), enacted as KRS 164.7895. Stakeholders working together affected a change that will over the next ten years help veterinarians earn a livable wage in rural and underserved communities.

Members of the Board believe that more carveouts from the profession do not align with the VSWG Report conclusions, and that such carveouts may worsen the veterinary shortage situation in Kentucky. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(6) Subject Matter: Animal PT programs – PT not taught to veterinarians

(a) Comment: Dr. Maia, Dr. Schroyer – The commentors state that there are currently multiple institutions in the U.S. that train and certify both veterinarians and physical therapists to work with animals, including the University of Tennessee (canine and equine programs), North Carolina State University (companion animal program), the Canine Rehabilitation Institute, the Animal Rehab Institute, and the Healing Oasis. The commentors claim that rehabilitation and physical therapy are not a part of the curriculum for any veterinary program, therefore the professionals working in this field must have completed their training through one of the listed institutions.

(b) Response: The national board exam for veterinarians tests knowledge and workforce readiness on all species (except humans). When a veterinarian enters the workforce, they typically specialize on a select few species or branch of medicine. As they do, they seek additional trainings to aid them in their focused learning objectives. Some veterinarians specialize in physical therapy and do seek additional training in this modality to enhance their already solid foundation of eight (8) years of learning about animals. Others go on to study in areas of specialty requiring four (4) or more additional years. No one is more prepared to properly provide appropriate services to animals than veterinarians.

Nonetheless, the AAHP permit was created by the General Assembly only for animal chiropractors. This was with the consideration that both the American Veterinary Chiropractic Association (AVCA) and the International Veterinary Chiropractic Association (IVCA) offer specialized trainings to doctors in both professions, ensuring high educational standards, a rigorous certification exam, and mandatory continuing education to support ongoing learning. In Kentucky, the statutes do not allow practice on animals by physical therapists or other modalities beyond animal chiropractors. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(7) Subject Matter: PTs are allowed to provide physical therapy on animals in other states

(a) Comment: Dr. Maia, Dr. Schroyer – The commentors state that multiple states have already included animal physical therapy as part of the Physical Therapy Practice Act, including

Utah, Colorado, New Hampshire, and Oregon, whereas many other state associations have worked with their respective veterinary board to craft language in the veterinary practice for those states, including Nebraska, Nevada, Illinois.

(b) Response: State law varies by jurisdiction in accordance with the needs of each jurisdiction and the desires of the State General Assembly for that jurisdiction. What's right for one state doesn't automatically mean it fits in all other states. In Kentucky and most other states in the Union, the practice of physical therapy on animals is limited to veterinarians. Specifically in Kentucky, it is against the law for PT on animals to be practiced by a non-veterinarian or without the direct supervision of a veterinarian. The subject matter experts seated on both the Kentucky Board of Physical Therapy (KBPT) and the Kentucky Board of Veterinary Examiners (KBVE) do not support the expansion of the scope of practice for PTs to work on animals. Finally, this regulation only governs the work of qualified animal chiropractors as AAHP providers. To include physical therapy on animals under the AAHP permit would be a statutory change and involve future amended regulations. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(8) Subject Matter: PTs should be allowed to provide physical therapy on animals in Kentucky, and KBVE needs to work with / consult APTA-KY and APTA-APTSIG

(a) Comment: Dr. Maia, Dr. Schroyer – The commentors state that KBVE should work with APTA-KY and the APTA-APTSIG to provide the right for licensed, certified physical therapists to work with animals.

(b) Response: The KBVE has a meeting scheduled with APTA-KY in February 2025. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(9) Subject Matter: Conformity with KRS Chapter 13A

(a) Comment: Agency – Following legal review, the agency notes changes are necessary to conform with KRS Chapter 13A.

(b) Response: In response to this comment, the Board made edits to the regulation for clarity of intent and conformity with KRS Chapter 13A.

(10) Subject Matter: Appreciation for regulations

(a) Comment: Dr. Hollis – The commentor states they are thrilled to see the AAHP-ACP changes in the law, and thanks all of those who have contributed to the regulations.

(b) Response: Members of the Board acknowledged this comment and are interested to see how many AAHP-ACP providers register with KBVE. In response to this comment, the Board did not make any changes to the proposed administrative regulation.

V. Summary of Statement of Consideration and
Action Taken by Promulgating Administrative Body

The public hearing on 201 KAR 016:732 was held per request; however, no one appeared at the hearing. Written comments were received during the public comment period. The Kentucky Board of Veterinary Examiners responded to the comment as noted above and amends the administrative regulation as follows:

Page 1
RELATES TO
Line 5

After “321.181(1)-(4),” insert the following:
321.189, 321.200,

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 7

After “KRS 321.235(1)(b),” insert the following:
requires
Delete “authorizes”.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 8

After “implement”, insert the following:
and enforce

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line #

At the beginning of the line, insert the following:
authorizes
Delete “authority”.

Page 1

Section 1(2)

Line 16

After “defined”, insert the following:

by

Page 1

Section 1(3)

Line 18

After “321.181(3)”, insert the following:

:

Page 1

Section 1(3)

Line 19

After “KRS 321.181(4)”, insert the following:

:

Page 2

Section 2(1)

Line 9

After “to the”, insert the following:

scope of practice

After “limitations”, insert the following:

established for

Delete “proscribed to”.

Page 2

Section 2(1)

Line 10

Delete “regarding the scope of practice”.

Page 2

Section 2(2)

Line 11

After “board, an”, insert the following:

AAHP

Delete “AAP”.

Page 2

Section 2(3)

Line 15

After “KRS 321.200,” insert the following:

a

After “person”, insert the following:

Shall not

Delete “no”.

Delete “may”.

Page 2

Section 3

Line 17

After “Legacy”, insert the following:

Candidate Pathway

After “Legacy”, insert the following:

for the AAHP Animal Chiropractic Provider (ACP) Permit

Delete “Candidates”.

Page 2

Section 3(2)

Line 21

After “AAHP”, insert the following:

ACP

Delete “animal chiropractor provider (ACP)”.

Page 3

Section 3(4)

Line 13

After “AAHP”, insert the following:

permit

Delete “certificate”.

Page 3

Section 3(4)

Line 14

After “all”, insert the following:

provisions

After “of”, insert the following:

an AAHP permit

After “of”, insert the following:

in 201 KAR 16:730, Section 4

Delete “terms”.

Delete “permitting”.

Delete “by the board in administrative regulation”.

Page 3

Section 4

Line 16

After “Professional”, insert the following:

Provider Permit Application

Delete “provider permit application”.

Page 3

Section 4(1)

Line 19

After “Professional”, insert the following:

Provider

Page 4

Section 4(4)

Line 7

After “candidate”, insert the following:

according to the provisions established in Section 3 of this administrative regulation

Page 4

Section 4(6)

Line 11

After “candidate”, insert the following:

i

Delete “.”.

Page 4

Section 5(1)(b)

Line 20

After “one”, insert the following:

(1)

Page 5

Section 5(1)(g)

Line 7-8

After “Examination for”, insert the following:

AAHPs

Delete “Allied Animal Health Professionals”.

Page 6

Section 8(2)(d)

Line 11

After “16:513”, insert the following:

;

Delete “, and”.

Page 6

Section 8(2)(e)

Line 14

After “application;”, insert the following:

and

Page 6

Section 8(2)(f)

Line 15

After “expiration”, insert the following:

;

Delete “,”.

Page 6

Section 8(2)(g)

Line 16

At the start of the line, insert the following:

1.

Delete “(g)”.

Page 6

Section 8(2)(h)

Line 17

At the start of the line, insert the following:

2.

Delete "(h)".

Page 6

Section 8(2)(h)

Line 19

After "profession", insert the following:

⋮

Delete "⋮".

Page 7

Section 11(1)(a)

Line 9

After "Permit", insert the following:

2/2025

Delete "10/2024".

Page 7

Section 11(1)(b)

Line 10

After "Permits", insert the following:

2/2025

Delete "10/2024".