

1 BOARDS AND COMMISSIONS

2 Kentucky Board of Veterinary Examiners

3 (New Administrative Regulation)

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

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) authorizes the board to
9 promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2.
10 provides the board authority to promulgate administrative regulations to limit the scope of
11 practice of allied animal health professional (AAHP) work on animals and to require an AAHP
12 applicant to apply to the board on an approved application to qualify for a permit from the board.
13 This administrative regulation establishes application requirements for individuals applying for
14 an AAHP permit from the board in the Commonwealth 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 KRS
18 321.181(2).

19 (3) "Allied animal health professional manager" or "AAHP manager" is defined by KRS
20 321.181(3)

1 (4) "Allied animal health professional permit" or "AAHP permit" is defined by KRS
2 321.181(4)

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

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

8 (6) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).

9 (7) "Registered responsible party" is defined by KRS 321.181(57).

10 (8) "Veterinarian" is defined by KRS 321.181(67).

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

13 (1) A veterinarian shall not be subject to the limitations proscribed to an allied animal
14 health professional permittee regarding the scope of practice.

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

18 (3) Practice on animals without a board credential shall be prohibited. Except as
19 provided for in KRS 321.200, no person may provide veterinary or allied animal health
20 professional services to any animal without holding a valid credential in active status issued by
21 the board.

22 Section 3. Legacy Candidates.

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

4 (2) For AAHP animal chiropractor provider (ACP) applicants, legacy candidates shall be
5 eligible until June 30, 2026. ACP legacy candidates shall submit:

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

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

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

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

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

13 1. Length of time of practice; and

14 2. Average number of hours practicing per year;

15 (h) Letter of Good Standing from any other jurisdictions in which they are credentialed;

16 and

17 (i) Information about CE earned each year (number of hours, etc.).

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

20 (4) Legacy candidates awarded an AAHP certificate by the board shall be required to
21 comply with all terms of permitting, including earning continuing education requirements as
22 established by the board in administrative regulation.

1 Section 4. Approval of an Allied Animal Health Professional provider permit application. The
2 board shall issue a permit as an AAHP provider in a specific area of practice, as defined in KRS
3 321.181, to an applicant who meets the following requirements:

4 (1) Has completed an Application for Allied Animal Health Professional Permit form or
5 online equivalent form, including all required attachments;

6 (2) Has paid the appropriate fees as established in 201 KAR 16:513;

7 (3) Is a person of good moral character. As one (1) element of good moral character, the
8 board shall require each applicant for licensure to submit a full set of the applicant's fingerprints
9 for the purpose of obtaining criminal records checks, pursuant to applicable law and KRS
10 321.189. All good moral character information, including the information obtained through the
11 criminal background checks, shall be relevant to permit eligibility determinations to the extent
12 permitted by law;

13 (4) Has graduated and received a degree or certificate from an approved allied animal
14 health professional program, as approved by the board in 201 KAR 16:730, or qualifies as a
15 legacy candidate during the legacy application window;

16 (5) Has achieved passing examination scores, on examinations required by the board, as
17 established in 201 KAR 16:731, or qualifies as a legacy candidate during the legacy application
18 window;

19 (6) Holds licensure in the AAHP practice area as established in 201 KAR 16:730, Section
20 2, or qualifies as a legacy candidate.

21 (7) Has been approved for permitting by the board; and

22 (8) Has complied with any other requirement of the board.

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

1 (1) A new application to the board for an allied animal health professional permit shall
2 include the following components:

3 (a) A completed application on an Application for Allied Animal Health Professional
4 (AAHP) Provider Permit form or online equivalent form, including all required attachments;

5 (b) Designation of one or more qualified AAHP scopes as listed in the application, and
6 designated as available scope of practice in KRS 321.181 and 201 KAR 16:730;

7 (c) A current color photograph of the applicant not smaller than 2 in. x 2 in., or a color
8 copy of the applicant's current valid driver's license or passport with photo;

9 (d) An official licensure verification letter from the professional licensing board in
10 Kentucky in the human AAHP discipline, if required by the application;

11 (e) An official copy of the certificate of completion or diploma showing graduation from
12 an approved allied animal health professional program established in 201 KAR 16:730;

13 (f) A copy of any court documents, final orders, settlement agreements, or other
14 documents required by the board in support of the application;

15 (g) The completed Kentucky Board of Veterinary Examiners Jurisprudence Examination
16 for Allied Animal Health Professionals Exam Answer Sheet; and

17 (h) Payment for the application fee required by 201 KAR 16:513.

18 (2) In addition to the requirements listed in subsection (1) of this section, requirements
19 for AAHP permit endorsement applications shall include:

20 (a) Verifications of good standing from all jurisdictions in which an applicant once held
21 or currently holds a permit or equivalent credential by the jurisdictional entities which regulate
22 the applicant's profession in both human and animal practice.

1 Section 6. Permit Renewal Required. An AAHP permit holder of the board shall renew their
2 permit pursuant to 201 KAR 16:735.

3 Section 7. Inactive Status for an AAHP Permit. An AAHP permit holder may place their permit
4 into an inactive status in accordance with 201 KAR 16:580.

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

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

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

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

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

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

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

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

1 (f) If the permit is in expired status for more than two (2) years since the date of
2 expiration,

3 (g) A background check pursuant to Section 9 of this administrative regulation; and

4 (h) Verifications of good standing from all jurisdictions in which an applicant once held
5 or currently holds a permit or equivalent credential by the jurisdictional entities which regulate
6 the profession;

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

8 (a) Conduct a national or jurisdictional level background check on each applicant for
9 licensure. The check shall be processed by a board-approved background check provider, and
10 may include a copy of the applicant's fingerprints captured at a board-approved location;

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

13 (c) Impose additional requirements as a condition of licensure or deny licensure
14 following the board's review of findings from a background check.

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

17 Section 11. Incorporation by Reference.

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

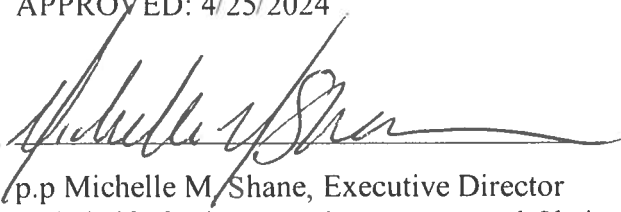
19 (a) "Application for Allied Animal Health Professional (AAHP) Provider Permit",
20 10/2024; and

21 (b) "Reinstatement Application for AAHP Permits", 10/2024.

22 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright
23 law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Lexington,

- 1 Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be
- 2 obtained at kbve.ky.gov.

APPROVED: 4/25/2024



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



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 016:732

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

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.

201 KAR 016:732

Contact Person: Michelle M. Shane

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SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

(a) 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.

(b) 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.