

1 **BOARDS AND COMMISSIONS**

2 **Kentucky Board of Veterinary Examiners**

3 **(New Administrative Regulation)**

4 **201 KAR 16:737. Responsibilities for AAHP providers; limitations on practice.**

5 **RELATES TO: KRS 321.175, 321.181(1)-(4), 321.203, 321.205, 321.235**

6 **STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205,**

7 **321.235(1)(a)-(c) and (2)(b)2., 321.236**

8 **NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the board to**

9 **promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR**

10 **Chapter 16. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative**

11 **regulations to establish conditions for permitting and limitations upon allied animal health**

12 **professional (AAHP) permittees. This administrative regulation establishes the responsibilities**

13 **for AAHP providers permitted by the board and limitations on their practice on animal patients.**

14 **Section 1. Prohibitions on Practicing Veterinary Medicine.**

15 **(1) Except as provided for in KRS 321.200 and this administrative regulation, an allied**

16 **animal health professional permittee shall be prohibited from practicing veterinary medicine.**

17 **(2) An AAHP provider shall be held to the same standard of care as a veterinarian when**

18 **the provider performs the procedure allowed by the scope of work described in this**

19 **administrative regulation.**

20 **Section 2. Communications with Veterinarians.**

1 (1) An allied animal health professional permit holder shall communicate with an animal
2 patient's veterinarian prior to any clinical encounters, as defined by 201 KAR 16:701, Section
3 1(1), on an animal to ensure:

4 (a) Appropriate treatments are provided, and

5 (b) No concerns exist related to an animal patient's condition and medicines.

6 (2) Should a veterinarian be non-responsive to communication from an AAHP permittee
7 within three (3) business days, the permittee shall not be prevented from proceeding with
8 appropriate treatment with the informed consent of the client.

9 (3) After each clinical encounter, AAHP permittees shall communicate findings,
10 treatments, or relevant information to the client and the client's veterinarian within an
11 appropriate timeframe according to the condition, but no more than three (3) business days after
12 identification.

13 (4) Communication between an AAHP permittee and a veterinarian shall be recorded in
14 the medical record.

15 Section 3. Limitations on Practice.

16 (1) An AAHP permittee shall be limited in their practice on animal patients, as
17 established in this section, or the practice shall be considered the practice of veterinary medicine
18 and subject to penalty for practicing without a veterinarian license from the board.

19 (2) An AAHP permittee's practice shall not be construed to allow any of the following
20 on animals:

21 (a) Performance of radiographs or other medical imaging;

22 (b) Performance of surgery;

23 (c) Performance of shockwave, laser, ultrasound, electrotherapy, or similar therapies;

1 (d) Rehabilitation activities;

2 (e) Prescription, dispensation, or administration of medications, supplements, or
3 neutraceuticals; or

4 (f) Practice of veterinary medicine outside the scope of the allied animal health
5 professional's permitted practice area.

6 (3) For AAHP permittees specializing in animal chiropractic, the applicant shall:

7 (a) Conform with applicable requirements of the Horseracing Integrity and Safety
8 Authority (HISA) and the Kentucky Horse Racing and Gaming Corporation; and

9 (b) Comply with other state and federal laws.

10 Section 4. Record Keeping. An AAHP permittee shall keep medical records on all animal
11 patients on which they practice their profession pursuant to KRS 321.187 and this section of this
12 administrative regulation.

13 (1) The AAHP permittee's animal patient medical records shall contain sufficient
14 information to justify and describe the course of care on the patient. The records shall contain, at
15 a minimum:

16 (a) Name, address, and telephone number of the client, as defined in KRS 321.181(21);

17 (b) Identity of the animal patient, including name, age, sex, and breed;

18 (c) Name, address, and telephone number of the animal patient's veterinarian;

19 (d) Dates of consultations, examinations, or treatments;

20 (e) Brief history of the condition of each animal treated;

21 (f) Working allied animal health professional diagnosis;

22 (g) Treatment plan including expected duration and frequency;

23 (h) Daily treatments, including areas adjusted or otherwise treated;

- 1 (i) Progress and disposition of the case;
- 2 (j) Name of practitioner(s) providing service to the patient;
- 3 (k) Name and contact information of any person consulted for medical advice on the
- 4 treatment of the patient; and

5 (l) Communication attempts of the AAHP permittee to the veterinarian of record.

6 (2) Patient medical records shall be complete and accurate.

7 (3) Patient medical records shall be maintained in the AAHP permittee's office for at
8 least five (5) years past the date of the last patient visit. Cessation from practice, either
9 temporarily or permanently, does not relieve the practitioner from compliance with this section.

10 (4) An AAHP permittee shall not violate the confidential relationship between the
11 permittee and the client, pursuant to KRS 321.187(6). Consultation by the permittee with
12 another AAHP permittee or veterinarian for the benefit of the patient shall not constitute a
13 violation of confidentiality.

14 (a) An AAHP permittee shall not release information concerning a client or care of a
15 client's animal, except as authorized by KRS 321.187(6):

16 (b) An AAHP permittee shall, if requested by the client, communicate their findings,
17 treatment plan, or records with the client's designated veterinarian.

18 Section 5. Duty to Report. AAHP permittees shall report to the board:

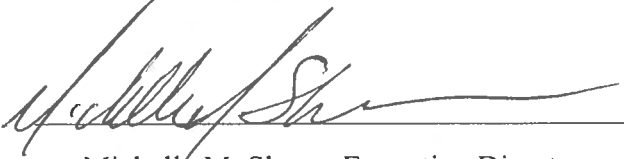
- 19 (1) Any change of name, address, phone, or email within thirty (30) days;
- 20 (2) Provide a written response to a grievance or inquiry from the board in accordance
- 21 with 201 KAR 16:610; and

22 (3) Disciplinary action or conviction in any jurisdiction.

23 Section 6. Compliance and Disciplinary Action.

- 1 (1) AAHP permittees shall be subject to disciplinary action for violation of:
- 2 (a) KRS Chapter 321 and 201 KAR Chapter 16; and
- 3 (b) Other applicable federal, state, and local laws.
- 4 (2) The board shall report any grievance or disciplinary action received against an AAHP
- 5 permittee to the professional licensing board in the human area of specialty and may consult with
- 6 that board as experts in their professional field.

APPROVED: 5/23/2024

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.

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 Parkway, 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 016:737

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 the responsibilities for AAHP permittees and limitations on their practice on animal patients.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to communicate clear requirements regarding limitations on practice and duties of AAHP permittees.

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

KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to establish conditions for permitting and limitations upon allied animal health professional (AAHP) permittees.

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

This new administrative regulation will assist in effective administration by clearly expressing limitations on practice and duties of AAHP permittees approved by the board.

(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:

An estimated twenty (20) persons in Kentucky offering AAHP services are estimated to be affected.

(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:

AAHP permittees must practice on animals within the scope and limitations established within this administrative regulation, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16.

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

No costs are associated with compliance, as this administrative regulation simply establishes the duties and limitations on AAHP permittees as approved by the board.

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

Administrative ease of clear communications of the limited scope of practice and responsibilities for AAHP permittees.

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

(a) Initially: 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 016:737

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), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236

- (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: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the AAHP facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this administrative regulation 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 AAHP facility registrants in Kentucky.

(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.