

1 BOARDS AND COMMISSIONS

2 Board of Veterinary Examiners

3 (Amended After Comments)

4 201 KAR 16:762. Application requirements for veterinary facility registration; veterinarian
5 managers; registered responsible parties.

6 RELATES TO: KRS 258.043, 321.175, 321.181, 321.189, 321.203, 321.236

7 STATUTORY AUTHORITY: KRS 321.203, 321.235(1)(b), (2)(b)1.c., [(2)(b)]3.b., (2)(e),
8 321.236(1)(a)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the
10 Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health,
11 safety, and welfare by and through, in part, the registration and regulation of veterinary facilities
12 and mobile facilities where and from which the practice of veterinary medicine occurs. KRS
13 321.236(1)(a) authorizes[allows] the Kentucky Board of Veterinary Examiners to promulgate
14 administrative regulations defining the application requirements and fees for veterinary facilities.
15 KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate
16 administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.
17 This administrative regulation establishes application requirements for veterinary facilities.

18 Section 1. Definitions.

19 (1) "Fixed facility" is defined by[has the same meaning as] KRS 321.181(38).

20 (2) "Mobile facility" or "mobile unit" is defined by[has the same meaning as] KRS 321.181(46).

21 [~~A veterinary facility mobile unit shall be primarily used for the practice of veterinary~~]

1 ~~medicine or the practice of veterinary technology.]~~

2 (3) "Practice of veterinary medicine" is defined by KRS 321.181(50).

3 (4) "Practice of veterinary technology" is defined by KRS 321.181(51).

4 (5) "Premises" is defined by KRS 321.181(52).

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

6 (7) "Veterinarian manager" is defined by KRS 321.181(68).

7 (8) "Veterinary facility" is defined by KRS 321.181(71).

8 Section 2. General Requirements. Each veterinary facility that is located in Kentucky where the
9 practice of veterinary medicine or practice of veterinary technology occurs shall possess a
10 veterinary facility registration issued by the Kentucky Board of Veterinary Examiners. Pursuant
11 to KRS 321.236(2), all existing veterinary facilities in Kentucky shall be registered by June 30,
12 2025.

13 (1) A veterinary facility registration shall not be issued without a physical facility, either a fixed
14 facility or mobile unit.

15 (2) A veterinary facility shall be a dedicated space equipped for, staffed, and primarily devoted to
16 the practice of veterinary medicine or the practice of veterinary technology.

17 (3) A mobile facility shall be registered as an affiliate unit on a fixed facility registration, or
18 independently under a unique veterinary facility registration with a designated physical location
19 for parking and storage.

20 (4) A registered facility shall have no more than two (2) mobile units under its registration without
21 incurring additional registration and renewal fees as established in 201 KAR 16:515.

22 (5) A registered veterinary facility shall prominently display the current registration certificate in
23 a public area of the registered facility. The registration certificate shall:

1 (a) ~~Be legible~~**[Legible]**; and

2 (b) Show the current dates of registration.

3 Section 3. Exemptions from Requirements for Veterinary Facility Registration.

4 **(1)** The following premises shall be exempt from the requirements of this administrative
5 regulation:

6 ~~(a)~~**(4)** Premises identified in KRS 321.181(71)(b);~~;~~

7 ~~(b)~~**(2)** An expert who provides consulting services only to other veterinarians, who does not
8 engage in the practice of veterinary medicine on a patient directly, and who does not have a
9 physical facility, either fixed or mobile, where the consultant practices on animal patients;~~;~~

10 ~~(c)~~**(3)** Public rabies vaccine-only~~[vaccine]~~ clinics held in accordance with KRS 258.043; ~~and~~~~;~~

11 **(d) Government sponsored vaccine clinics for animals solely to prevent infectious disease**
12 **and that do not include diagnostics, surgery, or the dispensation of prescription**
13 **medications.**

14 **(2) The exception to register a premises as a veterinary facility as identified in subsection**
15 **(1)(c) and (d) of this section does not alleviate a veterinarian from creating and maintaining**
16 **medical records in accordance with 201 KAR 16:701.**

17 ~~[(a) The local health department or veterinarian providing services under KRS 258.043~~
18 ~~shall register the rabies clinic with the board at least 30 days in advance of the event by~~
19 ~~submitting a completed application on an Registration for Mass Rabies Immunization~~
20 ~~Clinic form or online equivalent form, including all required attachments.~~

21 ~~(b) If other services are rendered, including the administration of other vaccines or~~
22 ~~veterinary products are sold, then the veterinarian must practice at a registered veterinary~~
23 ~~facility, either fixed or mobile, and a medical exam shall be provided to each patient and a~~

1 ~~complete medical record shall be established in accordance with 201 KAR 16:701.]~~

2 Section 4. Registered Responsible Party.

3 (1) Each application for a veterinary facility registration shall name the facility and identify each
4 registered responsible party.

5 (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable for
6 ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including the
7 timely designation of a veterinarian manager for the veterinary facility in accordance with the
8 provisions of 201 KAR 16:767.

9 (3) ~~If~~**When** When it is determined that a registered responsible party has violated any provisions
10 of the Kentucky Veterinary Medicine Practice Act or 201 KAR Chapter 16, the board may take
11 disciplinary action equal to that for a licensed veterinarian as provided by the Kentucky Veterinary
12 Medicine Practice Act.

13 Section 5. Veterinarian Manager.

14 (1) Each application for a veterinary facility registration shall designate a veterinarian manager.
15 The application shall include the veterinarian manager's original signature, or, if completed online,
16 an equivalent digital signature.

17 (2) A veterinarian manager shall be responsible for meeting the requirements of KRS Chapter 321
18 and 201 KAR Chapter 16, including ensuring the requirements for minimum standards are met
19 and maintained.

20 Section 6. New Application Requirements. A new application to the board for registration as a
21 veterinary facility shall include the following components:

22 (1) A completed application on an Application for Veterinary Facility Registration form or online
23 equivalent form, including all required attachments and fees pursuant to 201 KAR 16:515;

- 1 (2) A complete list of persons or entities who shall be the registered responsible party;
- 2 (3) Identification of the veterinarian manager;
- 3 (4) Identification of the name, phone, address, and email address of the registered facility;
- 4 (5) A copy of the Secretary of State business registration [~~from the Kentucky Secretary of~~
- 5 ~~State~~];
- 6 (6) Identification of the species served from one **(1)** or more in a list provided by the board;
- 7 (7) Identification of the patient services offered at the veterinary facility from one (1) or more in a
- 8 list provided by the board;
- 9 (8) A complete list of veterinarians working at the facility, excluding veterinarians providing
- 10 locum services less than fourteen (14) days in a calendar year to the facility;
- 11 (9) A complete list of licensed veterinary technicians working at the facility;
- 12 (10) A complete list of allied animal health professional (AAHP) permittees working at the facility;
- 13 (11) A complete list of mobile units affiliated with the veterinary facility;
- 14 (12) Disclosure of after-hours care arrangements;
- 15 (13) For fixed facilities, county of facility location and counties served;
- 16 (14) If the facility offers a haul-in installation **for livestock**;
- 17 (15) For mobile units, a list of the counties served by the mobile unit;
- 18 (16) Hours of operation;
- 19 (17) A copy of any court documents, final orders, settlement agreements, or other documents
- 20 requested by the board in support of the application; and
- 21 (18) Any other information requested by the board in support of the application.

22 Section 7. Background Checks. Pursuant to KRS 321.189, the board may:

- 23 (1) Conduct a national or jurisdictional level background check on each veterinarian manager

1 applicant for registration. The check shall be processed by a board approved background check
2 provider and may include a copy of the applicant's fingerprints captured at a board-approved
3 location;

4 (2) Reject background checks that do not have an official seal or watermark, or that are more than
5 ninety (90) days old;[-]

6 (3) Impose additional requirements as a condition of registration or deny registration following the
7 board's review of findings from a background check; and

8 (4) Waive the background check requirement for a veterinarian manager who is already licensed
9 in Kentucky and ~~if~~**[when]** a background check was previously conducted as a condition of
10 licensure.

11 Section 8. Renewal and Reinstatement of Veterinary Facility Registrations. Pursuant to 201 KAR
12 16:765, a registered responsible party or veterinarian manager shall:

13 (1) Ensure the timely renewal of the veterinary facility registration; and

14 (2) If applicable, ensure an appropriate reinstatement application is made to the board.

15 Section 9. The veterinary facility registration certificate shall be posted in a publicly viewable area
16 on the facility premises or on the mobile unit.

17 Section 10. Incorporation by Reference.

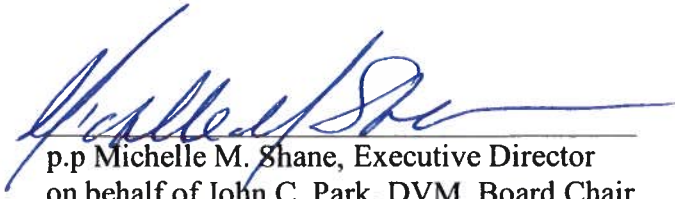
18 (1) ~~[The following material is incorporated by reference:~~

19 ~~(a)]"Application for Veterinary Facility Registration", 2/2025, is incorporated by~~
20 ~~reference[10/2024; and~~

21 ~~(b) "Registration for Mass Rabies Immunization Clinic", 10/2024].~~

22 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at
23 the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, 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.



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 016:762

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 registered veterinary facilities.

(b) The necessity of this administrative regulation:

This new administrative regulation is necessary to establish requirements approved by the board for veterinary facility registration applications.

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

KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.

(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 the application requirements approved by the board for veterinary facility registration applicants.

(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 500 businesses in Kentucky offering veterinary 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:

Applicants will be required to complete the appropriate application to request approval from the board for registration, renewal, or reinstatement of a veterinary facility registration.

(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 is a prerequisite for application, renewal, and reinstatement.

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

Administrative ease of clear communications of the application requirements associated with registration.

(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 premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200.

FISCAL IMPACT STATEMENT

Regulation Number: 201 KAR 016:762

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 321.203, 321.235(1)(b), (2)(b)1.c., 3.b., (2)(e), 321.236(1)(a).

(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 veterinary 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:

(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):

Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite.

(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 veterinary 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?

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. This filing only impacts applicants for a veterinary facility registration 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.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

1) The “Application for Veterinary Facility Registration” form, 10/2024, is the 6-page application form that entities seeking a veterinary facility registration are required to file to operate pursuant to KRS 321.203 and 321.236. KRS 321.235(1)(a)-(c) and (2)(b)2. require entities to complete an application form prescribed by the agency.

2) The “Registration for Mass Rabies Immunization Clinic” form, 10/2024, is the 3-page application form that entities seeking to employ or otherwise engage a veterinarian licensee to conduct a mass rabies immunization clinic are required to file to gain approval to operate pursuant to KRS 321.203 and 321.236. KRS 321.235(1)(a)-(c) and (2)(b)2. require entities to complete an application form prescribed by the agency.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

1) The “Application for Veterinary Facility Registration” form, 2/2025, is the 6-page application form that entities seeking a veterinary facility registration are required to file to operate pursuant to KRS 321.203 and 321.236. KRS 321.235(1)(a)-(c) and (2)(b)2. require entities to complete an application form prescribed by the agency.

- All pages were updated in the footer to show an edition date of 2/2025.
- Page 1, Section I Table, lighten shading in cells and correct font size so it is uniform.
- Page 1, Section I Table, row with “Primary Facility Type”, split into additional columns and add new information request, “If one (1) or more additional mobile units being registered with this facility, indicate quantity;”
- Page 1, Section I Table, in the cell “Physical Premise Address”, after “If”, add the word “primary”.
- Page 1, Section I Table, “Required Attachement” change to “Required Attachment”.
- Page 1, Section I Table, on the row “Required Attachment” delete the word “Kentucky”.
- Page 2, Table headers, correct Roman Numeral numbering in tables so they are sequential, i.e., first table changed from Section III to Section II, and the second table changed from Section II to Section III.
- Page 2, Table header, Second table, correct “Veterinary Manager” to “Veterinarian Manager”.
- Page 3, Table, change column heading in the middle of the page from “Name of Veterinary Technician(s), if applicable” to “Name of LVT(s), if applicable”
- Page 4, Question 4, at the end of the line, change “:” to “. (Check all that apply)
- Page 4, Question 5, change the word “premises” to “premise” change the word “facility” to “installation for livestock”.

- Page 4, Question 6, after the word “place” add “with another registered veterinary facility”, and delete the second blank line under this question.
- Page 5, Question 7, Table, lighten shading in cells and correct font size so it is uniform.
- Page 5, Section VI, under the “Application fee”, under “On or before June 30, 2025”, delete the check box before “\$25”.
- Page 5, Section VI, under the “Application fee”, under “After June 30, 2025”, delete the check box before “\$50”.
- Page 5, Section VI, under the “Application fee”, under “After June 30, 2025”, change “\$50” to “\$25” in both places on this line.
- Page 6, attestation statement, add new paragraph two, “I swear or affirm that I am not omitting any information which might be of value to this Board or its determination of my qualifications, whether it is requested or not and I agree that any falsification, omission, or withholding of pertinent information or facts in regard to my application shall serve as sufficient grounds for the denial, revocation, cancellation, or suspension of my facility registration.”
- Page 6, attestation statement, add new paragraph four, “I hereby swear or affirm, that I have read the above statements and agree to the same.”

2) The “Registration for Mass Rabies Immunization Clinic” form, 10/2024, was the 3-page application form that entities seeking to employ or otherwise engage a veterinarian licensee to conduct a mass rabies immunization clinic are required to file to gain approval to operate pursuant to KRS 321.203 and 321.236.

- This form has been discontinued.

STATEMENT OF CONSIDERATION

RELATING TO 201 KAR 016:762

BOARDS AND COMMISSIONS

Kentucky Board of Veterinary Examiners

(Amended After Comments)

I. The public hearing on 201 KAR 016:762, 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>
Erica Brakefield, REHS	Cabinet for Health and Family Services
Julie Brooks	Cabinet for Health and Family Services
Gerald Foley, Assistant Director	Louisville Metro Animal Services
Kelly Giesbrecht, DVM, State Public Health Veterinarian	Kentucky Department of Public Health
Linda Grimes, DVM	Animal Clinic of Estill County, and Estill County Board of Health
Luke Mathis, Environmental Health Team Leader	Lexington-Fayette County Health Department
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: Local Health Departments (LHDs) named in regulation

(a) Comment: Ms. Brooks, Dr. Giesbrecht – The commentors state that KBVE does not have the authority to require LHDs to conform to these requirements. The commentor recommends removal of the words “local health department” in Section 3(3)(a), from the registration form, and the requirement that the LHD complete the form on behalf of another entity (in this case, the veterinarian).

(b) Response: After learning of these concerns, KBVE had multiple conversations with staff at the Cabinet for Health and Family Services (CHFS). Given the concerns for public health related to this zoonotic disease as well as the frequency with which rabies clinics are held, KBVE determined that reporting as outlined in the original filing would not be appropriate. KBVE fully supports the protection of public health and did not intend to establish any barriers related to these public health offerings. In response to these and similar comments, KBVE removed any reporting requirements upon LHDs, and determined that the registration form would not be required.

(2) Subject Matter: Barriers to protection of public health

(a) Comment: Ms. Brakefield, Ms. Brooks, Dr. Giesbrecht, Mr. Mathis – The commentors state that the proposed requirements to register rabies clinics under KRS 258.043 are barriers to the protection of public health due to increased administrative burden. The sole goal of the mass rabies clinics is to provide the rabies vaccine to as many animals as possible, and any increased administrative burden will be a barrier to public health.

(b) Response: Following multiple conversations with CHFS staff and given the concerns for public health related to this zoonotic disease as well as the frequency with which rabies clinics are held, KBVE determined that reporting as outlined in the original filing would not be appropriate. KBVE fully supports the protection of public health and did not intend to establish any barriers related to these public health offerings. In response to these and similar comments, KBVE removed any reporting requirements upon LHDs, and determined that the registration form would not be required.

(3) Subject Matter: Requirements for advance approval of rabies clinics held under KRS 258.043 will lead to decreased rabies clinic offerings

(a) Comment: Ms. Brakefield, Ms. Brooks, Mr. Foley, Mr. Mathis – The commentors state the increased administrative burdens and timelines for approval will cause county entities, LHDs, and other providers to discontinue this vital public service. One commentor stated that if KBVE wishes to implement this rule, they should also plan to host their own regional mass clinics to backfill for the loss of LHD sponsored clinics.

(b) Response: Following multiple conversations with CHFS staff and given the concerns for public health related to this zoonotic disease as well as the frequency with which rabies clinics are held, KBVE determined that reporting as outlined in the original filing would not be appropriate. KBVE fully supports the protection of public health and did not intend to establish any barriers related to these public health offerings. In response to these and similar comments, KBVE removed any reporting requirements upon LHDs, and determined that the registration form would not be required.

(4) Subject Matter: Requirement to list veterinarians providing services

(a) Comment: Mr. Foley – The commentor states that their animal control agency uses staff veterinarians during the clinic offerings, sometimes as many offerings as 2-3 per month. Other times, licensed veterinarians may volunteer to participate. The commentor asks, if this form is implemented, and there is a last minute change in the veterinarian who is listed on the form, what happens?

(b) Response: In response to other comments, KBVE discontinued the requirement for the use of a registration form, so this question is no longer applicable.

(5) Subject Matter: Timelines for approval of mass rabies clinic offerings

(a) Comment: Mr. Foley, Dr. Giesbrecht – The commentors expressed concerns that this form approval process may unduly delay offerings of public mass rabies clinics. They stated that if a form ends up being required, they hope that a process was established to ensure approvals were issued as fast as possible so as not to delay the ability to hold a mass rabies clinic.

(b) Response: Following multiple conversations with CHFS staff and given the concerns for public health related to this zoonotic disease as well as the frequency with which rabies clinics are held, KBVE determined that reporting as outlined in the original filing would not be appropriate. KBVE fully supports the protection of public health and did not intend to establish any barriers related to these public health offerings. In response to these and similar comments, KBVE removed any reporting requirements upon LHDs, and determined that the registration form would not be required.

(6) Subject Matter: Limitations on offering additional veterinary services at a public rabies vaccine clinic, if the clinic is not at a registered veterinary facility / objections to map requirement on form

(a) Comment: Dr. Grimes, Dr. Giesbrecht – The commentors expressed opposition to the map requirements attached to the registration form. One commentor described detailed procedures used at prior veterinary clinics offered to the public, some of which did not occur at a registered veterinary facility and many of which offered services other than rabies vaccines under KRS 258.043. One commentor interpreted the Rabies Clinic Registration form as requiring traffic cones and requiring additional staff, and expressed concern about this perceived additional requirement which would be a financial burden to the public health offerings.

(b) Response: With the exception of rabies vaccine clinics offered under KRS 258.043, and those exemptions as established in KRS 321.181(71), the Practice Act declares that practice of veterinary medicine, including wellness exams and the administration of vaccines other than rabies vaccines, shall occur at a registered veterinary facility and medical records shall be required pursuant to KRS 321.203, 321.236, and 321.187. In response to these and similar comments, KBVE removed any reporting requirements upon LHDs, and determined that the registration form would not be required.

However, following discussions with CHFS and Louisville Metro staff, the Board acknowledged their concerns about offerings related to public health and animal wellness. Consequently, the Board added an exemption for government sponsored vaccine clinics for animals offering vaccines solely to prevent infectious disease. The Board determined that this exemption does not allow other veterinary services (i.e., diagnostics, surgery, or the dispensation of prescription medications) to be offered at an unregistered location. The Board maintains that other veterinary services offered to the public shall occur at a registered veterinary facility, either fixed or mobile, in accordance with KRS Chapter 321 statutes. In response to this comment, an exemption was added to Section 3(1).

(7) Subject Matter: Requirements for non-LHDs to hold mass rabies clinics

(a) Comment: Mr. Foley, Dr. Giesbrecht – The commentors ask, if this form is implemented, do other entities still need to complete this form? One commentor highlights that the Metro Government is not an LHD. They also state that Louisville Metro Department of Public Health and Wellness can host as many as 2-3 rabies clinics per month and those are sometimes sponsored by Metro Council Members and other non-LHD entities. The commentor asks, if this form is implemented, would Louisville Metro Animal Services or the Louisville Metro Department of Public Health and Wellness even need to complete the form since they are not an LHD?

(b) Response: KBVE notes that the original intent of this form was a form of education related to the requirements that veterinary services only be offered at registered veterinary

facilities. This was in large part to prevent the offering of veterinary services at temporary locations where no post-care services are provided to clients and patients, particularly in times of emergency need for the patient. Following discussions, Members of the Board feel that education and outreach about the requirements may be handled through other means rather than requiring a registration form for these types of events. KBVE fully supports the protection of public health and did not intend to establish any barriers related to these public health offerings. Consequently, the Board added an exemption for government sponsored vaccine clinics for animals offering vaccines solely to prevent infectious disease. The Board determined that this exemption does not allow other veterinary services (i.e., diagnostics, surgery, or the dispensation of prescription medications) to be offered at an unregistered location. The Board maintains that other veterinary services offered to the public shall occur at a registered veterinary facility, either fixed or mobile, in accordance with KRS Chapter 321 statutes. In response to this comment, an exemption was added to Section 3(1).

(8) Subject Matter: Concerns regarding corporate offerings at non-registered retail locations where there is no option for follow-up care

(a) Comment: Dr. Grimes – The commentor asks for clarification from the Board regarding the requirements for premises such as Tractor Supply that offer public veterinary clinics with wellness services. Will this still be allowed under the new rules? Does the traveling veterinarian have to do a complete physical exam and establish a VCPR? Who is required to keep the medical records in these situations? Or will these clinics no longer be permitted?

(b) Response: Retail stores wishing to offer veterinary services must register all or part of their location as a veterinary facility and include appropriate medical equipment on site to support the services offered at those facilities. Additionally, each registered location in a retail environment must still have registered responsible parties and designate a veterinarian manager, pursuant to KRS 321.203 and 321.236. Medical records are the responsibility of the veterinarian providing services pursuant to KRS 321.187 and must be kept for a period of five years. For all services, a complete physical exam is required to establish the Veterinary-Client-Patient Relationship (VCPR) and patient health and fitness for the services to be provided. In response to these comments, the Board did not make any changes to the proposed administrative regulation

(9) Subject Matter: More data needed on state animal shelters

(a) Comment: Dr. Grimes – The commentor states that they are interested in seeing more data on the state animal shelters after facility registrations are in place.

(b) Response: It is not within the Board's scope of authority to govern all animal shelters in the Commonwealth. While there are some minimal standards promulgated for animal shelters in KRS 258.119(3), this chapter is outside of KBVE's governing statutes (KRS Chapter 321). Animal shelters shall only need to register as a veterinary facility if they offer veterinary services

to the public for animals owned by the public. Transfer of ownership may not be used to circumvent this requirement. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(10) 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.

(11) Subject Matter: Appreciation for the work of KBVE and its staff

(a) Comment: Dr. J. Beckman – The commentator thanks KBVE and the Members of the General Assembly for taking the time to hear and respond to concerns as outlined in their written letter to the board.

(b) Response: Members of the Board are grateful for every comment that is received during the administrative regulations process, allowing the Board to offer explanations and justification for the proposed changes, including the opportunity to appropriately adjust changes when warranted. Members appreciate the acknowledgment for the agency and its staff, who often go unrecognized by the licensee population for their dedicated civil service to the public and the assistance they offer licensees daily. In response to these comments, 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 016:762 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 6

After “KRS 258.043”, insert the following:

321.175, 321.181, 321.189,

Page 1

STATUTORY AUTHORITY

Line 7

After “321.235”, insert the following:

(1)(b),

After “(2)(e)”, insert the following:

, 321.236(1)(a)

Delete the second instance of “(2)(b)”.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 12

After “321.236(1)(a)”, insert the following:

authorizes

Delete “allows”.

Page 1

Section 1(1)

Line 18

After “Fixed facility””, insert the following:

is defined by

Delete “has the same meaning as”.

Page 1

Section 1(2)

Line 19

After “mobile unit””, insert the following:

is defined by

Delete “has the same meaning as”.

Page 1

Section 1(2)

Line 19-21

Delete “A veterinary facility mobile unit shall be primarily used for the practice of veterinary medicine or the practice of veterinary technology.”.

Page 2

Section 1(7)

Line 5

After “KRS 321.181(68)”, insert the following:

:

Page 2

Section 2(2)

Line 15

After “veterinary medicine”, insert the following:
or the practice of veterinary technology

Page 2

Section 2(5)(a)

Line 23

After “(a)”, insert the following:

Be legible

Delete “Legible”.

Page 3

Section 3

Line 2

After “Registration.”, insert the following:

(1)

Page 3

Section 3(1)

Line 4

At the beginning of the line, insert the following:

(a)

After “KRS 321.181(710(b))”, insert the following:

i

Delete “(1)”.

Delete “.” at the end of the line.

Page 3

Section 3(2)

Line 5

At the beginning of the line, insert the following:

(b)

Delete “(2)”.

Page 3

Section 3(2)

Line 7

After “patients”, insert the following:

i

Delete “zzz”.

Page 3

Section 3(3)

Line 8

At the beginning of the line, insert the following:

(c)

After “rabies”, inset the following:

vaccine-only

After “KRS 258.043”, insert the following:

; and

Delete “(3)”.

Delete “vaccine”.

Delete “.” at the end of the line.

Page 3

Section 3(3)

Line 9

At the beginning of the line, insert the following:

(d) Government sponsored vaccine clinics for animals solely to prevent infectious disease and that do not include diagnostics, surgery, or the dispensation of prescription medications.

(2) The exception to register a premises as a veterinary facility as identified in subsection (1)(c) and (d) of this section does not alleviate a veterinarian from creating and maintaining medical records in accordance with 201 KAR 16:701.

Delete “(a) The local health department or veterinarian providing services under KRS 258.043 shall register the rabies clinic with the board at least 30-days in advance of the event by submitting a completed application on an Registration for Mass Rabies Immunization Clinic form or online equivalent form, including all required attachments.

(b) If other services are rendered, including the administration of other vaccines or veterinary products are sold, then the veterinarian must practice at a registered veterinary facility, either fixed or mobile, and a medical exam shall be provided to each patient and a complete medical record shall be established in accordance with 201 KAR 16:701.”.

Page 4

Section 4(3)

Line 1

After “(3)”, insert the following:

If

Delete “When”.

Page 4

Section 6(1)

Line 15

After “and fees”, insert the following:

pursuant to 201 KAR 16:515

Page 4

Section 6(5)

Line 19

After “of the”, insert the following:

Secretary of State

Delete “from the Kentucky Secretary of State”.

Page 4

Section 6(6)

Line 20

After “one”, insert the following:

(1)

Page 5

Section 6(14)

Line 7

After “installation”, insert the following:

for livestock

Page 5

Section 7(2)

Line 19

After “old”, insert the following:

;

Delete “.”.

Page 5

Section 7(4)

Line 23

After “and”, insert the following:

if

Delete “when”.

Page 6

Section 9

Line 6

After “or on”, insert the following:

the

Page 6

Section 10(1)

Line 8-9

Delete “The following material is incorporated by reference:
(a)”.

Page 6

Section 10(1)(a)

Line 9-10

After “Registration”, insert the following:

2/2025, is incorporated by reference

Delete “10/2024; and

(b) "Registration for Mass Rabies Immunization Clinic", 10/2024”.