

1 **BOARDS AND COMMISSIONS**

2 **Kentucky Board of Veterinary Examiners**

3 **(New Administrative Regulation)**

4 **201 KAR 16:762. Application requirements for Veterinary Facility Registration; Veterinarian**
5 **Managers; Registered Responsible Parties.**

6 **RELATES TO: KRS 258.043, 321.203, 321.236**

7 **STATUTORY AUTHORITY: KRS 321.203, 321.235(2)(b)1.c., (2)(b)3.b., (2)(e)**

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

17 **Section 1. Definitions.**

18 **(1) "Fixed facility" has the same meaning as KRS 321.181(38).**

19 **(2) "Mobile facility" or "mobile unit" has the same meaning as KRS 321.181(46). A**
20 **veterinary facility mobile unit shall be primarily used for the practice of veterinary medicine or**
21 **the practice of veterinary technology.**

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

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

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

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

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

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

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

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

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

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

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

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

1 (a) Legible; and

2 (b) Show the current dates of registration.

3 Section 3. Exemptions from Requirements for Veterinary Facility Registration. The following
4 premises shall be exempt from the requirements of this administrative regulation:

5 (1) Premises identified in KRS 321.181(71)(b).

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

9 (3) Public rabies vaccines clinics held in accordance with KRS 258.043.

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

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

18 Section 4. Registered Responsible Party.

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

21 (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable
22 for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including

1 the timely designation of a veterinarian manager for the veterinary facility in accordance with the
2 provisions of 201 KAR 16:767.

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

7 Section 5. Veterinarian Manager.

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

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

14 Section 6. New Application Requirements.

15 (1) A new application to the board for registration as a veterinary facility shall include
16 the following components:

17 (a) A completed application on an Application for Veterinary Facility Registration form
18 or online equivalent form, including all required attachments and fees;

19 (b) A complete list of persons or entities who shall be the registered responsible party;

20 (c) Identification of the veterinarian manager;

21 (d) Identification of the name, phone, address, and email address of the registered facility;

22 (e) A copy of the business registration from the Kentucky Secretary of State;

23 (f) Identification of the species served from one or more in a list provided by the board;

1 (g) Identification of the patient services offered at the veterinary facility from one (1) or
2 more in a list provided by the board;

3 (h) A complete list of veterinarians working at the facility, excluding veterinarians
4 providing locum services less than fourteen (14) days in a calendar year to the facility;

5 (i) A complete list of licensed veterinary technicians working at the facility;

6 (j) A complete list of allied animal health professional (AAHP) permittees working at the
7 facility;

8 (k) A complete list of mobile units affiliated with the veterinary facility;

9 (l) Disclosure of after-hours care arrangements;

10 (m) For fixed facilities, county of facility location and counties served;

11 (n) If the facility offers a haul-in installation;

12 (o) For mobile units, a list of the counties served by the mobile unit;

13 (p) Hours of operation;

14 (q) A copy of any court documents, final orders, settlement agreements, or other
15 documents requested by the board in support of the application; and

16 (r) Any other information requested by the board in support of the application.

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

18 (1) Conduct a national or jurisdictional level background check on each veterinarian
19 manager applicant for registration. The check shall be processed by a board approved
20 background check provider and may include a copy of the applicant's fingerprints captured at a
21 board-approved location;

22 (2) Reject background checks that do not have an official seal or watermark, or that are
23 more than ninety (90) days old.

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

3 (4) Waive the background check requirement for a veterinarian manager who is already
4 licensed in Kentucky and when a background check was previously conducted as a condition of
5 licensure.

6 Section 8. Renewal and reinstatement of veterinary facility registrations. Pursuant to 201 KAR
7 16:765, a registered responsible party or veterinarian manager shall:

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

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

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

12 Section 10. Incorporation by reference.

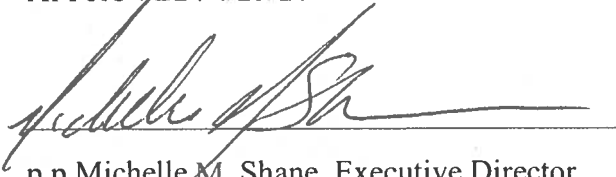
13 (1) The following material is incorporated by reference:

14 (a) “Application for Veterinary Facility Registration”, 10/2024; and

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

16 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright
17 law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104,
18 Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may
19 also be obtained at kbve.ky.gov.

APPROVED: 4/25/2024

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

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

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

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

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

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works 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 016:762

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

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(2)(b)1.c., (2)(b)3.b., and (2)(e).

- (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:

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 as a part of this administrative regulation.

201 KAR 016:762

Contact Person: Michelle M. Shane

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SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

(a) 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.

(b) 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.