



1 BOARDS AND COMMISSIONS

2 Board of Veterinary Examiners

3 (Amended After Comments)

4 201 KAR 16:765. Veterinary facilities -- Renewal notice -- Requirements for renewal and
5 reinstatement.

6 RELATES TO: KRS 321.189, 321.203, 321.205, 321.235

7 STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.203[(1), (2), (5), ~~321.203~~] 321.205,
8 321.235(1)(b), (2)(e), [(2)](f)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky
10 Board of Veterinary Examiners to promulgate administrative regulations to effectively
11 implement~~[carry out]~~ and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all
12 veterinary facilities to register with the Kentucky Board of Veterinary Examiners. This
13 administrative regulation establishes requirements for the renewal and reinstatement of veterinary
14 facility registrations.

15 Section 1. Renewal Notices and Timeliness of Renewal Applications.

16 (1) The board shall, not later than August 31~~[July 1]~~ of each odd-numbered year, email or mail to
17 each registered veterinary~~[allied animal health professional]~~ facility a biennial renewal notice.

18 (2) The renewal application shall be completed by the permittee and returned to the board,
19 including all required attachments and, if required by the board, proof of course completion for
20 the required continuing education.

21 (3) Timely receipt of renewal application.

1 (a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of not later than
2 September 30 of every odd numbered year beginning in 2027 and each odd numbered year
3 thereafter~~[or earlier]~~ shall be considered received on time.

4 (b) Renewals bearing a postmark, or, if an online renewal, a timestamp, on or after October 1 of
5 every odd year shall be considered late and shall cause the registration status to be changed
6 to expired. There shall be no grace period for registered facility renewal~~[between October 1~~
7 ~~and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR~~
8 ~~16:513]~~.

9 (4) Renewal fee.

10 (a) The renewal fee shall be paid pursuant to 201 KAR 16:515; and

11 (b) The renewal fee shall be attached to the completed renewal form when it is returned to
12 the board or paid online with the completion of the online renewal form~~[The renewal fee~~
13 ~~shall be attached to the completed renewal form when it is returned to the board or paid~~
14 ~~online]~~.

15 Section 2. Renewal application.

16 (1) The renewal application for a veterinary facility shall be completed by the registered
17 responsible party or veterinarian manager and returned to the board, including all required
18 attachments.

19 (2) A renewal application to the board for a veterinary facility registration shall include the
20 following components:

21 (a) A completed application on a Renewal Application for Registered Veterinary Facilities form
22 or online equivalent form, including all required attachments and fees pursuant to 201 KAR
23 16:515;

- 1 (b) Identification of any changes to the registered responsible party;
- 2 (c) Identification of the veterinarian manager;
- 3 (d) Identification of the name, phone, or email address of the registered facility;
- 4 (e) A current copy of the business registration from the Kentucky Secretary of State;
- 5 (f) Identification of the species served from one **(1)** or more in a list provided by the board;
- 6 (g) Identification of the patient services offered at the veterinary facility from one (1) or more in a
- 7 list provided by the board;
- 8 (h) A complete list of veterinarians working at the facility, excluding veterinarians providing
- 9 locum services on a temporary basis to the facility;
- 10 (i) A complete list of licensed veterinary technicians working at the facility;
- 11 (j) A complete list of allied animal health professional (AAHP) permittees working at the facility;
- 12 (k) A complete list of mobile units affiliated with the veterinary facility;
- 13 (l) Disclosure of afterhours care arrangements;
- 14 (m) For fixed facilities, county of facility location and counties served;
- 15 (n) If the facility offers a haul-in **installation for livestock**~~[instillation]~~;
- 16 (o) For mobile units, a list of the counties served by the mobile unit;
- 17 (p) Hours of operation;
- 18 (q) A copy of any court documents, final orders, settlement agreements, or other
- 19 **information**~~[documents]~~ requested by the board in support of the application; and
- 20 (r) Any other information requested by the board in support of the application.
- 21 (3) A change in 50% or more of ownership or of the registered responsible parties shall be cause
- 22 for the board to deny the renewal for a veterinary facility registration and require a new veterinary
- 23 facility registration application.

1 Section 3. **Failure to Renew.**

2 ~~(1) [Timely receipt of renewal application.~~

3 ~~(1) Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 of~~
4 ~~every odd numbered year beginning in 2027 and each odd numbered year thereafter shall~~
5 ~~be considered received on time.~~

6 ~~(2) Renewals bearing a postmark or, if an online renewal, a timestamp, after September 30~~
7 ~~of the renewal period shall be considered late and shall cause the facility registration status~~
8 ~~to be changed to expired. There shall be no grace period for registered facility renewal.~~

9 ~~(3) Renewal fee.~~

10 ~~(a) The renewal fee shall be paid in accordance with 201 KAR 16:515; and~~

11 ~~(b) The renewal fee shall be attached to the completed renewal form when it is returned to~~
12 ~~the board or paid online with the completion of the online renewal form.~~

13 ~~(4) Applicants for renewal that miss the veterinary facility registration renewal deadline shall~~
14 ~~immediately[:~~

15 ~~(a) Immediately] cease operations offering veterinary services.[: and]~~

16 ~~(2) [(b)] If the registered responsible party desires to continue offering veterinary services on the~~
17 ~~fixed premises or from a mobile unit [operations], they shall submit a complete [a]~~
18 ~~reinstatement application in accordance with Section 4 of this administrative regulation.~~

19 Section 4. Reinstatement. A registered responsible party or veterinarian manager shall apply for
20 reinstatement of an expired veterinary facility registration if not more than five (5) years have
21 elapsed since the last date of registration expiration pursuant to KRS 321.203.

22 (1) A reinstatement application to the board for a veterinary facility registration shall include the
23 following components:

- 1 (a) A completed application on a Reinstatement Application for Registered Veterinary Facilities
- 2 form or online equivalent form, including the following components, all required attachments, and
- 3 fees pursuant to 201 KAR 16:515;
- 4 (b) Identification of any changes to the registered responsible party;
- 5 (c) Identification of the veterinarian manager;
- 6 (d) Identification of the name, phone, and email address of the registered facility;
- 7 (e) A copy of the business registration from the Kentucky Secretary of State;
- 8 (f) Identification of the species served from one **(1)** or more in a list provided by the board;
- 9 (g) Identification of the patient services offered at the veterinary facility from one (1) or more in a
- 10 list provided by the board;
- 11 (h) A complete list of veterinarians working at the facility, excluding veterinarians providing
- 12 locum services on a temporary basis to the facility;
- 13 (i) A complete list of licensed veterinary technicians working at the facility;
- 14 (j) A complete list of AAHP permittees working at the facility;
- 15 (k) A complete list of all mobile units affiliated with the veterinary facility;
- 16 (l) Disclosure of afterhours care arrangements;
- 17 (m) For fixed facilities, county of location and counties served;
- 18 (n) If the facility offers a haul-in **installation for livestock**~~[instillation]~~;
- 19 (o) For mobile units, a list of the counties served by the mobile unit;
- 20 (p) Hours of operation;
- 21 (q) A copy of any court documents, final orders, settlement agreements, or other
- 22 **information**~~[documents]~~ requested by the board in support of the application; and
- 23 (r) Any other information requested by the board in support of the application.

1 (2) Reinstatement fee.

2 (a) The reinstatement fee shall be paid in accordance with 201 KAR 16:515; and

3 (b) The reinstatement fee shall be attached to the completed reinstatement form when it is returned
4 to the board or paid online with the completion of the online reinstatement form, if available.

5 Section 5. Background checks. Pursuant to KRS 321.189, the board may:

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

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

12 (3) Impose additional requirements as a condition of registration or deny registration following the
13 board's review of findings from a background check.

14 Section 6. Incorporation by reference.

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

16 (a) "Renewal Application for Registered Veterinary Facilities", 2/2025~~[10/2024]~~; and

17 (b) "Reinstatement Application for Registered Veterinary Facilities", 2/2025~~[10/2024]~~.

18 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at
19 the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington,
20 Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be
21 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 016:765

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 requirements approved by the board for the renewal and reinstatement of veterinary facility registrations.

(b) The necessity of this administrative regulation:

This new administrative regulation is necessary to establish requirements for renewal and reinstatement of veterinary facility registration applications.

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

KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.

KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners.

(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 petition the board for registration, renewal, or reinstatement of an 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 fees 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 inspection 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 016:765

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), 321.203(1), (2), (5), 321.203, 321.205, 321.235(1)(b), (2)(e), and (2)(f).

(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: 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):

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: N/A

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 “Renewal Application for Registered Veterinary Facilities” form, 10/2024, is the 5-page application form that entities seeking to renew a veterinary facility registration are required to file to operate under KRS 321.203 and 321.236. KRS 321.235(1)(a)-(c) and (2)(b)2. require entities to complete a renewal application form prescribed by the agency.

2) The “Reinstatement Application for Registered Veterinary Facilities” form, 10/2024, is the 5-page application form that entities seeking to reinstate a veterinary facility registration are required to file to operate under KRS 321.203 and 321.236. KRS 321.235(1)(a)-(c) and (2)(b)2. require entities to complete a reinstatement application form prescribed by the agency.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

1) The “Renewal Application for Registered Veterinary Facilities” form, 10/2024, is the 5-page application form that entities seeking to renew a veterinary facility registration are required to file to operate under KRS 321.203 and 321.236.

- 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, “Attachement” corrected spelling to “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 2, NOTES at the bottom of the page, 2), move the “pursuant to” phrase to the beginning of the sentence, and correct the citation to 16:767.
- Page 2, NOTES at the bottom of the page, insert “3) Pursuant to 201 KAR 16:767, Section 4(2), notification of any change to the veterinarian manager shall be sent to KBVE within ten (10) days.”
- 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 “Renewal fee”, change the fee from “\$450” to “\$200” in both places where it was listed, and change the “\$50” fee to “\$25” in both places where listed.
- Page 5, Section VI, under the “Renewal fee”, delete the check box before “\$50”.
- Page 5, Section VI, under the “Renewal fee”, insert hyphens after the fee amount, and after the second \$200 listing, insert “one (1) to”.
- Page 5, attestation statement, first paragraph after the words “and that”, add text to “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. If”. Delete “should”. Change “determine” to “determines”.
- Page 5, signature area, change font size to keep at 5 pages.

2) The “Reinstatement Application for Registered Veterinary Facilities” form, 10/2024, is the 5-page application form that entities seeking to reinstate a veterinary facility registration are required to file to operate under KRS 321.203 and 321.236. KRS 321.235(1)(a)-(c) and (2)(b)2. require entities to complete a reinstatement 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, “Attachement” corrected spelling to “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 2, NOTES at the bottom of the page, 2), move the “pursuant to” phrase to the beginning of the sentence, and correct the citation to 16:767.

- Page 2, NOTES at the bottom of the page, insert “3) Pursuant to 201 KAR 16:767, Section 4(2), notification of any change to the veterinarian manager shall be sent to KBVE within ten (10) days.”
- 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 “Reinstatement fee”, after “\$725 - If greater than six (6) months”, reorder sentence and add statement to read “and less than five (5) years has elapsed since the date of expiration. If more than five (5) years, a new application is required”.
- Page 5, attestation statement, first paragraph after the words “and that”, add text to “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. If”. Delete “should”. Change “determine” to “determines”.
- Page 5, signature area, change font size to keep at 5 pages.

STATEMENT OF CONSIDERATION

RELATING TO 201 KAR 016:765

BOARDS AND COMMISSIONS

Kentucky Board of Veterinary Examiners
(Amended After Comments)

I. The public hearing on 201 KAR 016:765, 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>
James Beckman, DVM	Gas Light Equine, Bluegrass Equine Emergency Service, and Three Fans Farms
Tammy Smith, DVM Agency	Knox County Veterinary Services, Inc. Kentucky Board of Veterinary Examiners

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

Name and Title
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: Registration of veterinary facilities needed

(a) Comment: Dr. Smith – The commentor acknowledges that KBVE needs to register veterinary facilities as a measure to monitor/oversee fly-by-night, low-cost clinics that do not provide services meeting the standards of care in the profession. The commentor notes that they have to deal with the repercussions of these programs. They hope to see improvements once facility registrations are in place, and that facility registrations are not just another hurdle to those practitioners trying to do the right thing.

(b) Response: Members of the Board thank the commentor for sharing this perspective. KBVE is working diligently to reduce the number of grievances received related to cases where temporary service providers do not meet standard of care and then depart town, leaving behind clients and patients without options for appropriate follow up care and support. This places a terrible burden on practitioners in the community who feel an obligation to help patients in need owned by clients who can't afford the services to fix the problems that were created. KBVE has received too many sad reports of pets dying as a result of improper practices. Members of the Board share the vision of this commentor that facility registrations shall be a benefit to public protection and not a penalty on good actors licensed by the Board. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

(2) 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.

(3) Subject Matter: Renewal requirements, deadlines, consequences

(a) Comment: Agency – Following review, the agency notes changes are necessary to in Sections 1 and 3 related to clarification on renewal requirements, deadlines, and actions following failure to renew.

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

(4) Subject Matter: Public Hearing scheduled date

(a) Comment: Dr. J. Beckman – The commentor expresses frustration that the public hearing for these regulations was scheduled on December 23, just two days before Christmas.

(b) Response: The meeting date for the public hearing required by KRS Chapter 13A is mandated by LRC to fall in a certain date window. This schedule is published on the LRC website at <https://legislature.ky.gov/Law/kar/Pages/KarFaqs.aspx> under the heading “Promulgating Agency”, “Filing Information”, “General Reference” – see the schedule for “Filing Deadlines and Dates”, which is updated annually. For a filing in October, the KBVE is required to hold the meeting between December 23-31 while avoiding state holidays (Dec 24-25, and 31). Members of the Board emphasize that this has been very inconvenient for everyone involved, including credential holders who may optionally attend, as well as Board Members and staff who were required to attend. One reason KBVE offered additional informational meetings via Zoom early in the public comment period was to provide licensees an opportunity to speak before Members of the Board, in a situation similar to that of the Hearing. The online public meetings offered the additional benefit of immediate feedback and dialogue with Board Members, which is different from the public hearing process where attendees may make statements to Members of the Board, but the Board does not respond to comments. KBVE notes that the commentor was able to attend the Zoom meeting on November 20. In response to these comments, the Board did not make any changes to the proposed administrative regulation.

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

(a) Comment: Dr. J. Beckman – The commentor 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 016:765 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”, insert the following:

321.189,

Page 1

STATUTORY AUTHORITY

Line 7

Delete “(1), (2), (5), 321.203”.

Page 1

STATUTORY AUTHORITY

Line 8

Delete “(2)” (the final iteration, where it appears before “(f)”).

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 10

After “effectively”, insert the following:

implement

Delete “carry out”.

Page 1

Section 1(1)

Line 15

After “later than”, insert the following:

August 31

Delete “July 1”.

Page 1

Section 1(1)

Line 16

After “registered”, insert the following:

veterinary

Delete “allied animal health professional”.

Page 1

Section 1(3)(a)

Line 21

After “timestamp, of”, insert the following:

not later than

Page 1

Section 1(3)(a)

Line 21

After “September 30”, insert the following:

of every odd numbered year beginning in 2027 and each odd numbered year thereafter

Delete “or earlier”.

Page 2

Section 1(3)(b)

Line 2

After “timestamp,”, insert the following:

on or after October 1 of every odd year shall be considered late and shall cause the registration status to be changed to expired. There shall be no grace period for registered facility renewal

Delete “between October 1 and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:513”.

Page 2

Section 1(4)

Line 4

After “(4)”, insert the following:

Renewal fee.

(a) The renewal fee shall be paid pursuant to 201 KAR 16:515; and

(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form

Delete “The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online”.

Page 2

Section 2(2)(a)

Line 13

After “and fees”, insert the following:

pursuant to 201 KAR 16:515

Page 2

Section 2(2)(f)

Line 18

After “one”, insert the following:

(1)

Page 3

Section 2(2)(n)

Line 5

After “haul-in”, insert the following:

installation for livestock

Delete “instillation”.

Page 3

Section 2(2)(q)

Line 8

After “or other”, insert the following:

Information

Delete “documents”.

Page 3

Section 3

Line 14

After “Section 3.”, insert the following:

Failure to Renew.

(1)

Delete “Timely receipt of renewal application.

(1) Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 of every odd numbered year beginning in 2027 and each odd numbered year thereafter shall be considered received on time.

(2) Renewals bearing a postmark or, if an online renewal, a timestamp, after September 30 of the renewal period shall be considered late and shall cause the facility registration status to be changed to expired. There shall be no grace period for registered facility renewal.

(3) Renewal fee.

(a) The renewal fee shall be paid in accordance with 201 KAR 16:515; and

(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form.

(4)”.

Page 4

Section 3(4)

Line 2

After “shall”, insert the following:

immediately

Delete “:

(a) Immediately”.

Page 4

Section 3(4)

Line 3

After “operations”, insert the following:

offering veterinary services.

Delete “; and”.

Page 4

Section 3(4)

Line 4

At the beginning of the line, insert the following:

(2)

After “to continue”, insert the following:

offering veterinary services on the fixed premises or from a mobile unit

After “operations,”, insert the following:

they shall

Delete “(b)”.

Delete “operations”.

Delete “a”, the second iteration at the end of the line.

Page 4

Section 4(1)(f)

Line 18

After “one”, insert the following:

(1)

Page 5

Section 4(1)(n)

Line 5

After “haul-in”, insert the following:

installation for livestock

Delete “instillation”.

Page 5

Section 4(1)(q)

Line 8

After “or other”, insert the following:

Information

Delete “documents”.

Page 6

Section 6(1)(a)

Line 3

After “Facilities”, insert the following:

2/2025

Delete “10/2024”.

Page 6

Section 6(1)(b)

Line 4

After “Facilities”, insert the following:

2/2025

Delete “10/2024”.