

1 BOARDS AND COMMISSIONS

2 Board of Veterinary Examiners

3 (Amended After Comments)

4 201 KAR 16:767. Registered veterinary facilities – Duties of registered responsible parties and
5 veterinarian managers.

6 RELATES TO: KRS 321.181, 321.203, 321.205, 321.235, 321.236

7 STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.236(1)(b), (5)

8 CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the
9 requirements of 2025 RS HB 6, Section 8.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of
11 Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the
12 provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the
13 Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to
14 identify both a veterinarian manager and each registered responsible party who shall be responsible for
15 the operation and management of the veterinary facility. This administrative regulation establishes the
16 responsibilities for registered responsible parties and veterinarian managers.

17 Section 1. Definitions.

18 (1) ~~["Fixed facility" is defined by KRS 321.181(38).~~

19 ~~(2)~~ "Mobile facility" or "mobile unit" is defined by KRS 321.181(48)~~[(46)]~~.

20 ~~[(3) "Practice of veterinary medicine" is defined by KRS 321.181(50).~~

21 ~~(4) "Practice of veterinary technology" is defined by KRS 321.181(51).]~~

1 ~~(2)~~~~(5)~~ "Registered responsible party" is defined by KRS 321.181~~(59)~~~~(57)~~.

2 ~~(3)~~~~(6)~~ "Veterinarian manager" is defined by KRS 321.181~~(70)~~~~(68)~~

3 ~~(4)~~~~(7)~~ "Veterinary facility" is defined by KRS 321.181~~(73)~~~~(71)~~.

4 Section 2. Duties of Registered Responsible Parties. A registered responsible party shall:

5 (1) Be responsible for maintaining minimum standards as promulgated by the board in 201 KAR Chapter
6 16;

7 (2) Designate a veterinarian manager for the registered veterinary facility;

8 (3) Comply with the requirements of and ensure employees and volunteers at the veterinary facility
9 comply with the provisions of KRS Chapter 321 and 201 KAR Chapter 16, in addition to all local, state,
10 and federal laws governing operations at the veterinary facility; and

11 (4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation,
12 including the timely designation of a veterinarian manager for the facility.

13 Section 3. Duties of Veterinarian Managers.

14 (1) A veterinarian manager shall:

15 (a) Be responsible for maintaining minimum standards as established~~promulgated~~ by the board in
16 201 KAR Chapter 16;

17 (b) Maintain a Kentucky Board of Veterinary Examiners veterinarian license;

18 (c) Comply with all provisions of the Kentucky Veterinary Medicine Practice Act and 201 KAR
19 Chapter 16, in addition to all local, state, and federal laws governing operations at the veterinary
20 facility; and

21 (d) Ensure the current board-approved~~board-approved~~ veterinary facility registration is posted in
22 the registered facility and viewable by the public.

23 (2) The veterinarian manager shall be:

24 (a) The individual who oversees veterinary services at a veterinary facility;

(b) Knowledgeable about the veterinary facility and its:

1. Daily operations;
2. Standard protocols;
3. Drugs and supplies;
4. Patient areas;
5. Storage structures;
6. Other organizational spaces; and
7. Parts and spaces, both indoors and outdoors;

(c) Physically present~~[Present]~~ at the veterinary facility with enough frequency during business hours each calendar year to have sufficient knowledge of and control over the facility's methods for complying with minimum standards as established in KRS Chapter 321 and 201 KAR Chapter 16, and the degree to which the minimum standards are being met;~~/; and]~~

(d) Limited ~~[A veterinarian manager shall be limited]~~ to the management of no more than five (5) registered veterinary facilities. Multiple mobile units registered under a single facility registration shall count as one (1) registered facility; and~~;~~

(e) Available and responsive to the board, its staff, inspectors, or other board designees, if a facility inspection or any inquiry or investigation by the board occurs.

Section 4. Duty to Report. Either the registered responsible parties or veterinarian managers shall report to the board:

- (1) Within thirty (30) calendar days, any change of name, address, phone, or email to the registered facility by completing and submitting to the board the Request for Facility Information Change form or online equivalent form provided by the board, including all required attachments;

(2) Within ten (10) **business** days, a change in the veterinarian manager for the registered veterinary facility on the Request for a New Veterinarian Manager form or online equivalent form, including all required attachments; and

(3) A written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610.

Section 5. Incorporation by Reference.

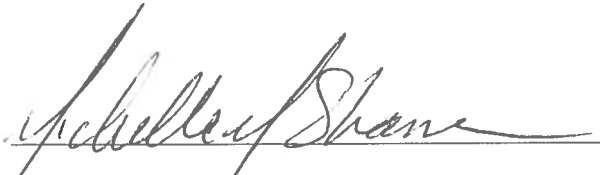
(1) The following material is incorporated by reference:

(a) "Request for Facility Information Change", 7/2025~~[2/2025]~~; and

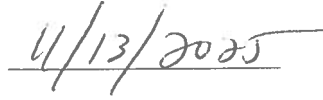
(b) "Request for a New Veterinarian Manager", 11/2025~~[7/2025]~~~~[3/2025]~~.

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

APPROVED: 7/10/2025, and 10/23/2025

A handwritten signature in cursive script, reading "Michelle M. Shane", written over a horizontal line.

Michelle M. Shane, KBVE Executive Director for
John C. Park, DVM, Board Chair
Kentucky Board of Veterinary Examiners

A handwritten date "4/13/2025" written in cursive script over a horizontal line.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 016:767

Contact Person: Michelle M. Shane, KBVE Executive Director

Phone: 502-564-5433

Email: Michelle.Shane@ky.gov

Subject Headings: Boards and Commissions, Licensing, Veterinary Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers at registered veterinary facilities as approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure clear requirements regarding expectations and duties of registered responsible parties and veterinarian managers.

(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. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly expressing the responsibilities for registered responsible parties and veterinarian managers as approved by the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies that fixed veterinary facilities are required to have a veterinarian manager physically present onsite for a minimum amount of time during operating hours to ensure the manager has knowledge of and control over the facility's methods for complying with minimum standards and the degree to which the minimum standards are being met. Further, the Board determined that a veterinarian manager cannot reasonably manage more than five (5) veterinary facilities and still

be able to spend the required amount of time on location to have a working knowledge of operations.

(b) The necessity of the amendment to this administrative regulation: The Board has determined that the regulation is necessary to clarify the standards to protect the public from dangerous exposures and potentially inappropriate and substandard practices, all of which bring risk of harm to the public or animal patients. The requirements established for a veterinarian manager are essential to ensuring public protection.

(c) How the amendment 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. KRS 321.236(5) requires each registered veterinary facility to identify one or more veterinarian managers and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. KRS 321.181(70) defines "Veterinarian manager" means at least one (1) Kentucky-licensed veterinarian who registers to assume responsibility for the registration, management, and operation of a registered veterinary facility, including compliance with KRS Chapter 321 and 201 KAR Chapter 16.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in effective administration by clearly expressing the application requirements approved by the board for registered veterinary facility managers and responsible parties.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation implements legislation from 2023 RS HB 167, in Acts Chapter 95.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 650 businesses in Kentucky offering veterinary services are estimated to be affected.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Veterinary facility registered responsible parties and veterinarian managers will be required to provide timely and current contact information to the board, provide oversight in specific areas at the registered facility identified by the board, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16.

Veterinary managers shall be required to spend a minimum amount of time onsite, in-person to ensure working knowledge of operations, ensure adequate controls are in place, and compliance with the statutes and regulations are achieved.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs are associated with compliance, as this administrative regulation simply establishes the duties of veterinary facility registered responsible parties and veterinarian managers, as approved by the board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Administrative ease of clear communications of the minimum requirements for veterinarian managers and registered responsible parties for veterinary facility registrations.

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

(a) Initially: Enforcement of this regulation will be accomplished using current funding.

(b) On a continuing basis: The KBVE expects that, on an ongoing basis, the agency will enforce the provisions of this regulation using the current funding available to the agency.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative disciplinary fines.

(8) 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.

(9) 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.

(10) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200 and 201 KAR 16:762, Section 3.

FISCAL NOTE

201 KAR 016:767

Contact Person: Michelle M. Shane, KBVE Executive Director

Phone: 502-564-5433

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 321.235(1)(b), 321.236(1)(b), (5)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The General Assembly expressly authorized the regulation of veterinary facilities by the Kentucky Board of Veterinary Examiners in Acts Chapter 95.

(3)(a) 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.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first year.

For subsequent years: The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.

2. Revenues:

For the first year: There is no revenue generated by this filing.

For subsequent years: There is no revenue generated by this filing.

3. Cost Savings:

For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.

For subsequent years: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers.

(4)(a) 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 for publicly owner animals.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is \$100.

For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of \$200 to maintain the registration for operation.

2. Revenues:

For the first year: There is no revenue generated by this filing.

For subsequent years: There is no revenue generated by this filing.

3. Cost Savings:

For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.

For subsequent years: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Regulated entities not identified in questions (3)(a) or (4)(a) include all veterinary facilities in Kentucky.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is \$100.

For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of \$200 to maintain the registration for operation.

2. Revenues:

For the first year: There is no revenue generated by this filing.

For subsequent years: There is no revenue generated by this filing.

3. Cost Savings:

For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.

For subsequent years: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts registered responsible parties and veterinarian managers for registered veterinary facilities in Kentucky.

(b) Methodology and resources used to reach this conclusion: Budget reports and licensure reports were inputted into a large spreadsheet 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.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation shall not have a “major economic impact”, as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

201 KAR 016:767

Contact Person: Michelle M. Shane, KBVE Executive Director

Phone: 502-564-5433

Email: Michelle.Shane@ky.gov

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

(a) The “Request for Facility Information Change” form, 10/2024, is the 1-page application form that veterinary facility registrants are required to file in order to update the board with changes of information related to the registered facility. KRS 321.235(1)(a) requires the board to administer and enforce KRS Chapter 321 which necessitates an application form prescribed by the agency to update veterinarian manager information for the regulated entity.

(b) The “Request for a New Veterinarian Manager” form, 10/2024, is the 2-page application form that veterinary facility registrants are required to file in order to update the board with new information on the registered veterinary manager. KRS 321.235(1)(a) requires the board to administer and enforce KRS Chapter 321 which necessitates an application form prescribed by the agency to update veterinary manager information for the regulated entity.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

(a) The “Request for Facility Information Change” form, 7/2025, is the 1-page application form that veterinary facility registrants are required to file in order to update the board with changes of information related to the registered facility. The following changes were made:

- The header fax number was updated to correct a typo.
- All pages were updated in the footer to show an edition date of 7/2025.
- On page 1, in Table 1,
 - In the second row, adding the word “Legal” in front of “Name of veterinary Facility”.
 - Adding two rows near the top of the table and the language “Doing Business As (D.B.A.) Name of Veterinary Facility / Business”
 - Adjusting the row heights to accommodate keeping all of Table 1 on page 1.
- On page 1, in Table II, add “(Indicate Legal Name or D.B.A.)” after “Business Name”.
- On page 1, in Table IV, add “or similar business” before “registration”.
- Lighten the shading in all cells for better readability.
- Adjust the margins of the rows to keep the form to one (1) page.

(b) The “Request for a New Veterinarian Manager” form, 11/2025, is the 2-page application form that veterinary facility registrants are required to file in order to update the board with new information on the registered veterinary manager. The following changes were made:

- The header fax number was updated to correct a typo.
- All pages were updated in the footer to show an edition date of 11/2025.
- On page 1, under the instructions, the definition was updated from KRS 321.181(68) to (70)
- On page 1, in Table 1,
 - In the second row, adding the word “Legal” in front of “Name of Registered Veterinary Facility”.
 - Adding two rows near the top of the table and the language “Doing Business As (D.B.A.) Name of Registered Veterinary Facility / Business”
 - In the row “Facility Phone number”, split cells to add two more columns and add required information “KY Registered Facility #”.
 - Adjusting the row heights to accommodate keeping all of Table 1 on page 1.
- On page 2, delete “Social Security Number (required)” and replace with “KY License #”.
- In the attestation statement in Section III,
 - After “herein”, add “and attached to this application”
 - After “whether it is request or not”, delete “and” and insert a period “.”
 - After “or facts”, delete “in regard to”, and insert “regarding”
 - After “my application”, delete “. If”, and insert “shall be grounds for”
 - After “Examiners” insert “to” and delete “determines that any statement herein is false, I understand that the board may”.
 - At the end of the first paragraph, delete “board” and insert “Board”.
- Adjust the margins of the rows to keep the form to two (2) pages.

STATEMENT OF CONSIDERATION

Relating to 201 KAR 016:762

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

Amended After Comments

I. The public hearing on 201 KAR 016:767, scheduled for Monday, September 29, 2025, at 1:00 PM EDT at the offices of the Kentucky Board of Veterinary Examiners (KBVE) was held per request. Written comments were received during the public comment period, which closed September 30, 2025. In the interest of transparency, late comments were accepted upon request through October 20, 2025.

II. The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
James Beckman, DVM, KVMA President	Kentucky Veterinary Medical Association (KVMA)
KVMA Executive Board	Kentucky Veterinary Medical Association
Thomas Kerr, Director of Veterinary Compliance	VIP Petcare
James Weber, DVM, KVMA Committee Chair	KVMA Governmental Relations Committee
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

IV. Summary of Comments and Responses

(1) Subject Matter: Thanks to the board for thoughtful consideration and discussion.

(a) Comment: KVMA Executive Board, Dr. Beckman (KVMA), and Dr. Weber – The commentors state their gratitude for the Board’s thoughtful consideration of the regulations for the new veterinary facility program. Besides the stakeholder meetings held in 2024, the KBVE held public discussions during a board meeting on May 22 and during a special meeting on July 10 to explore questions from licensees and the public regarding veterinary facility rules. KVMA stated they are “encouraged by several of the proposed changes in these amendments and express strong support” for multiple proposed amendments.

(b) Response: The Kentucky Board of Veterinary Examiners (KBVE, or the Board) endeavors to hear from all stakeholder groups. Inquiries to the Board’s office are brought before the Members of the Board for consideration. The Board additionally hosts regular guest speakers to address the Board on topics under discussion. KBVE also hosts stakeholder meetings and outreach, issues a monthly newsletter on its activities, and openly welcomes public participation in the governance process. Contributing voices are critical to ensuring that regulation is done correctly for public protection. KBVE is grateful to KVMA and other stakeholders for their continued participation in the process so that the Members of the Board are able to make informed decisions. As a result of this comment, the Board did not make any changes to the proposed regulation amendments.

(2) Subject Matter: Does not support limitation on number of veterinary facilities managed by the designated veterinarian manager.

(a) Comment: Mr. Kerr – The commentor claims to provide services in areas where there are no veterinarian services. VIP Petcare stated that local contract veterinarians “with licensure held under Dr. Fleer, our regional Medical Director” set up “safe, professional clinical spaces quickly and at scale”. This allows them to set-up in both urban and rural areas where veterinary facilities may not exist. They claim that it is unreasonable to limit the Medical Director to managing only five facilities and requiring them to be physically present at a facility. They state they believe the manager can safely manage all of their locations, totaling at least 84 sites in Kentucky.

(b) Response: The Board has multiple concerns regarding this comment.

First, Members of the Board were unclear on what was meant by “licensure held under” the Medical Director – did this mean that there were veterinarians working in Kentucky without a Kentucky license but under the supervision of Dr. Fleer? The Board reached out to VIP Petcare for clarification on their comment. Mr. Kerr responded that, “all veterinary services are rendered exclusively by veterinarians duly licensed in the Commonwealth of Kentucky. In the event that a licensed veterinarian is unavailable for a scheduled clinic, the clinic is cancelled in its entirety.”

Second, a recent agency grievance case investigated one of the pop-up clinics. The investigative report cites the supervising veterinarian as Dr. Jessica Faith Roebuck, a licensee out of Tennessee. Dr. Roebuck also holds a license in Kentucky, even though this was not displayed for clients. There was no mention of Dr. Fleer, the veterinarian identified as the Medical Director for VIP Petcare. Additionally, there was not a State of Kentucky Sales Tax certificate, or a Kentucky Secretary of State (SOS) Business license displayed at this location where veterinary services were being provided (there was a City of Somerset license and a tax certificate for Knoxville, TN). The Kentucky SOS website does show a listing for VIP Petcare and VETIQ Petcare, but these were not on display. Additionally, the pictures show that there is a dedicated pet “washroom”, but the veterinary services were provided in the retail aisles. Solely regarding the lack of appropriate Kentucky business certificates, there is demonstrable argument that an onsite manager would have been able to correct this lapse in professionalism.

Third, the Board discussed at length the logistics of managing a veterinary facility location and multiple locations. The VIP PetCare website shows that multiple clinics are offered across the Commonwealth at the same time, sometimes with hours of travel between locations. Board Members noted that for a fulltime clinic, it is very challenging to manage one (1) facility let alone five (5) or more. The practicing veterinarians on the Board noted the purpose of limiting any one (1) manager to five (5) locations or fewer was to ensure the veterinarian manager is regularly onsite in person to have firsthand knowledge of the premises and the practices occurring there, to observe where patient care is offered, ensure that clients and patients are provided privacy in a safe environment, understand client access to emergency services offered nearby, have the opportunity to interact with patients and clients in the onsite setting, and be able to respond to emergencies appropriately.

In particular, the veterinarian manager has a responsibility to ensure client and patient access to aftercare or emergency arrangements. In the same investigative report previously referenced, patient emergencies at the pop-up location in Somerset are referred to Knoxville (2 hours 15 minutes away) and Chattanooga (3 hours 30 minutes away). The distance to these referrals is absurd when there are emergency services offered in Kentucky much closer, including London (45 minutes), Richmond (1 hour), Lexington (1 hour 30 min), and many others, some even right in the town of Somerset where the pop-up services were being offered. A client directed to Tennessee for emergency services has a high probability of losing their animal in route, all the while passing by emergency services available in Kentucky communities. This is an incredible disservice to clients and patients who may be in need of emergency care when the temporary

service provider leaves town. As a result of this comment, the Board did not make any changes to the proposed regulation amendments.

(3) Subject Matter: Supports limitation on number of veterinary facilities managed by any one veterinarian manager.

(a) Comment: KVMA Executive Board, Dr. Beckman (KVMA), and Dr. Weber – The commentors state they support requiring a veterinarian manager to be physically present to oversee day-to-day operations and interact directly with clients and patients.

(b) Response: The Board concurs with this statement, for the same reasons cited above in response to the prior comment. As a result of this comment, the Board did not make any changes to the proposed regulation amendments.

(4) Subject Matter: Reporting requirements.

(a) Comment: Dr. Pelphrey – The commentor asks for clarification in Section 4 to establish if the number of days is business days or calendar days. Also, they state that Section 4(2) with a ten-day reporting requirement is too narrow a window and more time should be allowed for reporting the change in management due to other business needs and patient care. They request the board change this requirement to 2-3 weeks instead of 10 days. Finally, the commentor expressed some confusion about the “and” connecting the numbered paragraphs, and asked for clarification. Why doesn’t the board restate the requirement in 201 KAR 16:10 for a 20-day response time?

(b) Response: The Board thanks this commentor for bringing this calendar vs. business days ambiguity to the Board’s attention. As a result of this comment, the Board added the clarification that the requirement is for business days.

The Board states that the 10-day reporting requirement is consistent with reporting of manager change requirements in Board-certified Animal Control Agencies. The Board determined this time frame was appropriate because 1) allowing too large a window is often cause for people to forget to report, and 2) In the event of a grievance, the Board must know who is in charge at the facility. Reporting is required by both the veterinarian manager and the registered responsible party for the facility. In the event a new veterinarian manager is not selected immediately, the registered responsible party should designate an interim veterinarian manager.

In conformity with regulation writing rules in KRS Chapter 13A, the “and” is required to connect distinct requirements into a whole. Additionally, the Board is not able to restate the response time in 201 KAR 16:610 because it is already established in the other regulation. As a result of this comment, the Board did not make any changes to the proposed regulation amendments.

(5) 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 and the KRS Chapter 321, the Kentucky Veterinary Medicine Practice Act.

V. Summary of Statement of Consideration and
Action Taken by Promulgating Administrative Body

The public hearing on 201 KAR 016:767 was held per request. 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

STATUTORY AUTHORITY

Line 7

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

(5)

Page 1

Section 1(1)

Line 19

After “(1)”,

Delete ““Fixed facility” is defined by KRS 321.181(38).
(2)”.

Page 1

Section 1(2)

Line #

After “321.181”, insert the following:

(48)

Delete “(46)”.

Page 1

Section 1(3)

Line 21

Delete “(3) "Practice of veterinary medicine" is defined by KRS 321.181(50).”.

Page 2

Section 1(4)

Line 1

Delete “(4) "Practice of veterinary technology" is defined by KRS 321.181(51).”.

Page 2

Section 1(5)

Line 2

At the beginning of the line, insert the following:

(2)

Delete “(5)”.

Page 2

Section 1(6)

Line 3

At the beginning of the line, insert the following:

(3)

Delete “(6)”.

Page 2

Section 1(7)

Line 4

At the beginning of the line, insert the following:

(4)

Delete “(7)”.

Page 2

Section 3(1)(a)

Line 16

After “standards as”, insert the following:

established

Delete “promulgated”.

Page 2

Section 3(1)(d)

Line 22

After “the current”, insert the following:

board-approved

Delete “board approved”.

Page 3

Section 3(2)(c)

Line 11

After “during”, insert the following:

operating hours

Page 3

Section 3(2)(c)

Line 14

After “being met”, insert the following:

;

Delete “.”.

Page 3

Section 3(2)(d)

Line 15

After “(d)”, insert the following:

Limited

Delete “A veterinarian manager shall be limited”.

Page 3

Section 3(2)(d)

Line 17

After “registered facility”, insert the following:

; and

Delete “.”.

Page 4

Section 4(1)

Line 1

After “thirty (30)”, insert the following:

calendar

Page 4

Section 4(2)

Line 4

After “ten (10)”, insert the following:

business