

1 BOARDS AND COMMISSIONS

2 Kentucky Board of Veterinary Examiners

3 (New Administrative Regulation)

4 201 KAR 16:772. Application requirements for AAHP Facility Registration; AAHP Managers;
5 Registered Responsible Parties.

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

7 STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205,
8 321.235(1)(a)-(c) and (2)(b)2., 321.236

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the board to
10 promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2.
11 provides the board authority to promulgate administrative regulations to establish conditions for
12 applications and permitting of allied animal health professional (AAHP) facilities. This
13 administrative regulation establishes application requirements for AAHP facilities, registered
14 responsible parties at AAHP facilities, and AAHP managers.

15 Section 1. Definitions.

16 (1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

17 (2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS
18 321.181(2).

19 (3) "Fixed facility" is defined by KRS 321.181(38).

20 (4) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46). An AAHP mobile
21 unit shall be primarily used for the practice of an AAHP permittee.

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

2 Section 2. General Requirements. Each AAHP facility located in Kentucky at which an AAHP
3 permittee practices on animal patients shall possess an AAHP facility registration issued by the
4 Kentucky Board of Veterinary Examiners, unless the AAHP permittee is practicing at a
5 registered veterinary facility.

6 (1) An AAHP facility registration shall not be issued without a physical facility, either a
7 fixed facility or mobile facility.

8 (2) An AAHP facility shall contain a dedicated space equipped for staffed, and primarily
9 devoted to the practice of the allied animal health profession on animal patients.

10 (3) A mobile facility shall be registered as an affiliate unit on a fixed facility registration,
11 or independently under a unique AAHP facility registration with a designated physical location
12 for parking and storage.

13 (4) A registered facility shall have no more than two (2) mobile units under its
14 registration without incurring additional registration and renewal fees as established in 201 KAR
15 16:515.

16 (5) A registered AAHP facility shall prominently display the current registration
17 certificate in a public area of the registered facility. The registration certificate shall:

18 (a) Be legible; and

19 (b) Show the current dates of registration.

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

22 (1) Premises identified in KRS 321.181(2)(c).

1 (2) An expert who provides consulting services only to other veterinarians or AAHP
2 permittees, who does not engage in practice on a patient directly, and who does not have a
3 regular physical facility where the consultant practices on animal patients.

4 (3) An AAHP Permittee who utilizes their personal vehicle for transport provided the
5 equipment for AAHP services being transported is limited to an aide for height. Transportation
6 of any other equipment for services or pharmaceuticals shall trigger the requirement for
7 registration of the vehicle as an AAHP facility or mobile unit.

8 Section 4. Registered Responsible Party.

9 (1) Each application for an AAHP facility registration shall name the facility and identify
10 each registered responsible party.

11 (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable
12 for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including
13 the timely designation of an allied animal health professional manager for the facility, in
14 accordance with 201 KAR 16:737.

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

19 Section 5. AAHP Manager.

20 (1) Each application for an AAHP facility registration shall name the facility and
21 designate an AAHP manager. The application shall include the AAHP manager's original
22 signature, or, if completed online, an equivalent digital signature.

1 (2) An AAHP manager shall be primarily responsible for meeting the requirements of
2 KRS Chapter 321 and 201 KAR Chapter 16, including ensuring that minimum standards are met
3 and maintained.

4 Section 6. New Application Requirements.

5 (1) A new application to the board for registration as a AAHP facility shall include the
6 following components:

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

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

10 (c) Identification of the AAHP manager;

11 (d) A copy of the business registration from the Kentucky Secretary of State;

12 (e) Identification of the type of AAHP facility from one or more in a list provided by the
13 board;

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

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

17 (h) A complete list of AAHP permittees working at the facility;

18 (i) A complete list of all mobile units affiliated with the AAHP facility;

19 (j) Disclosure of afterhours care arrangements;

20 (k) For fixed facilities, county of location and counties served;

21 (l) For mobile units, a list of the counties served by the mobile unit;

22 (m) Hours of facility operation; and

1 (n) A copy of any court documents, final orders, settlement agreements, or other
2 documents requested by the board in support of the application.

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

4 (1) Conduct a national or jurisdictional level background check on each AAHP permit
5 applicant. The check shall be processed by a board approved background check provider and
6 may include a copy of the applicant's fingerprints captured at a board-approved location;

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

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

11 (4) Waive the background check requirement for an AAHP manager who is already
12 permitted in Kentucky and when a background check was previously conducted as a condition of
13 permitting.

14 Section 8. Renewal and reinstatement of AAHP facility registrations. Pursuant to 201 KAR
15 16:775, a registered responsible party or AAHP manager shall:

16 (1) Ensure the timely renewal of the AAHP facility registration;

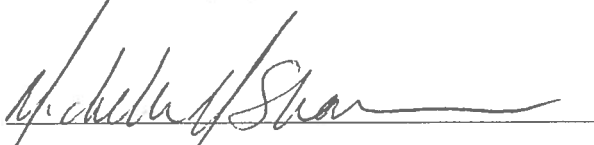
17 (2) If applicable, ensure an appropriate reinstatement application is made to the board.

18 Section 9. Incorporation by Reference.

19 (1) "Application for AAHP Facility Registration", 10/2024, is incorporated by reference.

20 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright
21 law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104,
22 Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may
23 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 016:772

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 AAHP facilities.

(b) The necessity of this administrative regulation:

This new administrative regulation is necessary to establish requirements approved by the board for AAHP 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 AAHP 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 AAHP 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 ten (10) businesses in Kentucky offering AAHP services are estimated to be affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Applicants will be required to complete the appropriate application to request approval from the board for registration, renewal, or reinstatement of an AAHP 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 AAHP services occur, except those entities excluded under KRS 321.200.

FISCAL IMPACT STATEMENT

201 KAR 016:772

Contact Person: Michelle M. Shane

Phone: 502-564-9905

Email: Michelle.Shane@ky.gov

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236

- (2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

- (a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the 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 amendment simply codifies the requirements, making them easily accessible for regulated entities.

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?

Staff time and database management will be required for record keeping. Costs will be minimal.

- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

KBVE does not anticipate that any local entities will be impacted.

- (a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A.

Cost Savings: N/A

- (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3):

KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates seeking a permit as an allied animal health provider 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 016:772

Contact Person: Michelle M. Shane

Phone: 502-564-9905

Email: Michelle.Shane@ky.gov

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The “Application for AAHP Facility Registration” form, 10/2024, is the 5-page permit application form that entities are required to file to gain approval to operate an AAHP facility 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.