

1    BOARDS AND COMMISSIONS

2    Kentucky Board of Veterinary Examiners

3    (New Administrative Regulation)

4    201 KAR 16:775. AAHP facilities -- Renewal notice -- Requirements for renewal and  
5    reinstatement.

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 requirements for AAHP facility registration renewal and  
14   reinstatement applications.

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

16       (1) The board shall, not later than July 1 of each odd-numbered year, email or mail to  
17   each registered AAHP facility a biennial renewal notice.

18       (2) The renewal application shall be completed by the AAHP manager or registered  
19   responsible party and returned to the board, including all required attachments and, if required by  
20   the board, proof of course completion for 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 September 30  
2 of every odd year or earlier shall be considered received on time.

3 (b) Renewals bearing a postmark, or, if an online renewal, a timestamp, on or after  
4 October 1 of every odd year shall be considered late and shall cause the registration status to be  
5 changed to expired. There shall be no grace period for registered facility renewal.

6 (3) Applicants for renewal that miss the deadline will be required to complete a  
7 reinstatement application in accordance with Section 4 of this administrative regulation.  
8 Section 2. Renewal Application.

9 (1) The renewal application shall be completed by the registered responsible party or  
10 AAHP manager and returned to the board, including all required attachments.

11 (2) A renewal application to the board for an AAHP facility registration shall include the  
12 following components:

13 (a) A completed application on the Renewal Application for Registered AAHP Facilities  
14 form or online equivalent form, including all required attachments and fees;

15 (b) Identification of any changes to the registered responsible party;

16 (c) Identification of the AAHP manager;

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

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

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

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

- 1 (h) A complete list of AAHP permittees working at the facility;
- 2 (i) A complete list of all mobile units affiliated with the AAHP facility;
- 3 (j) Disclosure of afterhours care arrangements;
- 4 (k) For fixed facilities, county of location and counties served;
- 5 (l) For mobile units, a list of the counties served by the mobile unit;
- 6 (m) Hours of facility operation; and
- 7 (n) A copy of any court documents, final orders, settlement agreements, or other
- 8 documents requested by the board in support of the application.

9 (3) A change in 50% or more of ownership or of the registered responsible parties shall  
10 be cause for the board to deny an AAHP facility renewal and require a new AAHP facility  
11 application.

12 Section 3. Renewal fee.

13 (1) The renewal fee shall be paid in accordance with 201 KAR 16:517; and

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

16 Section 4. Reinstatement. A registered responsible party or AAHP manager may apply for  
17 reinstatement of an expired AAHP facility registration if not more than five (5) years have  
18 elapsed since the last date of registration expiration pursuant to KRS 321.203.

19 (1) Applications to the board for reinstatement of a AAHP facility registration shall  
20 include the following components:

21 (a) A completed application on a Reinstatement Application for Registered AAHP  
22 Facilities form or online equivalent form, including the following components and all required  
23 attachments and fees pursuant to 201 KAR 16:517;

- 1 (b) Identification of any changes to the registered responsible party;
- 2 (c) Identification of the AAHP manager;
- 3 (d) A copy of the business registration from the Kentucky Secretary of State;
- 4 (e) Identification of the type of AAHP facility from one or more in a list provided by the  
5 board;
- 6 (e) Identification of the type of AAHP facility from one or more in a list provided by the  
7 board;
- 8 (f) Identification of the species served by the facility from one or more in a list provided  
9 by the board;
- 10 (g) Identification of the patient services offered at the veterinary facility from one (1) or  
11 more in a list provided by the board;
- 12 (h) A complete list of AAHP permittees working at the facility;
- 13 (i) A complete list of all mobile units affiliated with the AAHP facility;
- 14 (j) Disclosure of afterhours care arrangements;
- 15 (k) For fixed facilities, county of location and counties served;
- 16 (l) For mobile units, a list of the counties served by the mobile unit;
- 17 (m) Hours of facility operation; and
- 18 (n) A copy of any court documents, final orders, settlement agreements, or other  
19 documents requested by the board in support of the application.

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

- 21 (1) Conduct a national or jurisdictional level background check on each AAHP manager  
22 applicant for AAHP facility registration. The check shall be processed by a board approved

1 background check provider and may include a copy of the applicant’s fingerprints captured at a  
2 board-approved location;

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

5 (3) Impose additional requirements as a condition of registration or deny the AAHP  
6 facility application or the designated veterinarian manager following the board’s review of  
7 findings from a background check.

8 Section 6. Incorporation by Reference.

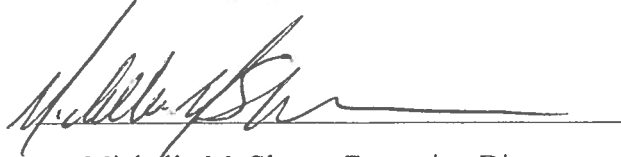
9 (1) The following material is incorporated by reference:

10 (a) “Renewal Application for Registered AAHP Facilities”, 10/2024; and

11 (b) “Reinstatement Application for Registered AAHP Facilities”, 10/2024.

12 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright  
13 law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104,  
14 Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may  
15 also be obtained at [kbve.ky.gov](http://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](mailto:Michelle.Shane@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 016:775

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 for allied animal health professional (AAHP) facility registration renewal and reinstatement applications.

(b) The necessity of this administrative regulation:

This new administrative regulation is necessary to establish clear requirements for renewal and reinstatement applications for AAHP facility registrations.

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

KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to establish conditions for applications and permitting of AAHP facilities.

(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 the renewal and reinstatement of AAHP facility registrations.

(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 apply to the board for 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 renewal and reinstatement applications.

- (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 entities seeking to renew or reinstate an AHP facility registration.

## FISCAL IMPACT STATEMENT

201 KAR 016:775

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., and 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 AAHP 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):

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 applicants for an AAHP 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.

201 KAR 016:775

Contact Person: Michelle M. Shane

Phone: 502-564-9905

Email: Michelle.Shane@ky.gov

#### SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

(a) The “Renewal Application for Registered AAHP Facilities” form, 10/2024, is the 5-page registration application form that entities seeking an AAHP facility registration are required to file to gain a registration 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.

(b) The “Reinstatement Application for Registered AAHP Facilities” form, 10/2024, is the 5-page registration application form that entities seeking an AAHP facility registration are required to gain a registration 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.