

1 BOARDS AND COMMISSIONS

2 Board of Veterinary Examiners

3 (Amended After Comments)

4 201 KAR 16:777. Registered AAHP facilities – Duties of registered responsible parties and AAHP
5 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)

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

16 Section 1. Definitions.

17 (1) "Allied animal health professional" or "AAHP" is defined by~~[has the same meaning as]~~ KRS
18 321.181(1).

19 (2) "Allied animal health professional facility" or "AAHP facility" is defined by~~[has the same
20 meaning as]~~ KRS 321.181(2).

21 (3) "Fixed facility" is defined by~~[has the same meaning as]~~ KRS 321.181(38).

1 (4) "Mobile facility" or "mobile unit" **is defined by**~~[has the same meaning as]~~ KRS 321.181(46).

2 (5) "Registered responsible party" **is defined by**~~[has the same meaning as]~~ KRS 321.181(57).

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

4 (1) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR**
5 **Chapter 16**~~[administrative regulation]~~;

6 (2) Designate an AAHP manager for the registered AAHP facility;

7 (3) Ensure the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met in addition to
8 all local, state, and federal laws governing operations at the veterinary facility; **and**

9 (4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation,
10 including the timely designation of an AAHP manager for the facility.~~;~~ **and**

11 Section 3. Duties of AAHP Managers.

12 (1) An AAHP manager shall:

13 (a) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR**
14 **Chapter 16**~~[administrative regulation]~~;

15 (b) Maintain a Kentucky Board of Veterinary Examiners AAHP permit in good standing;

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

19 (d) Ensure the current board approved AAHP facility registration is posted in the registered facility
20 and viewable by the public.

21 (2) The AAHP manager shall be:

22 (a) The individual who oversees AAHP services at the AAHP facility;

23 (b) Knowledgeable about the AAHP facility, its:

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

8 (c) Present at the AAHP facility with enough frequency to have knowledge of and control over the
9 facility's methods for complying with minimum standards and the degree to which the minimum
10 standards are being met; and

11 (d) Available and responsive to the board, its staff, inspectors, or other board designees, ~~if~~**in the**
12 ~~event of~~ a facility inspection or any inquiry or investigation by the board **occurs**.

13 Section 4. Duty to Report. Either the registered responsible party or AAHP managers shall report
14 to the board:

15 (1) Within thirty (30) days, any change of name, address, phone, or email to the registered AAHP
16 facility by completing and submitting to the board the Request for Facility Information Change
17 form **incorporated by reference**~~as found~~ 201 KAR 16:767, or online equivalent form, including
18 all required attachments, provided by the board;

19 (2) Within ten (10) days, a change in the AAHP manager for the registered facility by completing
20 and submitting to the board a Request for a New AAHP Manager form or online equivalent form,
21 including all required attachments, provided by the board; and

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

23 Section 5. Registration and Inspection of Allied Animal Health Professional Facilities.

1 (1) Each AAHP permittee and AAHP facility or mobile facility shall be subject to KRS Chapter
2 321 and 201 KAR Chapter 16.

3 (2) During a facility inspection or investigation, the board or its designee shall be provided
4 unrestricted access to animal use areas.

5 (3) Inspections of an AAHP facility shall be limited to the animal treatment areas unless the board
6 or its designee is accompanied by at least one **(1)** representative from the professional licensing
7 board or certifying body in the human area of specialty.

8 Section 6. Separate Human and Animal Treatment Areas Required. An AAHP permittee who treats
9 both animal and human patients in the same registered facility shall:

10 (1) Post a conspicuous sign in the reception area of that facility informing customers that
11 nonhuman patients are treated on the premises;

12 (2) Maintain a separate, non-carpeted room for the purpose of practicing on animal patients;

13 (3) Utilize separate furniture and equipment for use with animal patients which shall not be used
14 for human patients;

15 (4) Apply appropriate biosecurity measures to prevent contamination and the spread of zoonotic
16 disease; **and**

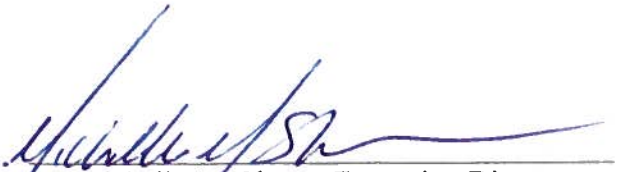
17 (5) ~~If~~**[In the event of]** an animal bite **occurs**, report to the local health department within twelve
18 (12) hours and comply with state law regarding required actions and, if necessary, quarantine the
19 animal.

20 Section 7. Incorporation by Reference.

21 (1) "Request for a New AAHP Manager", **2/2025[10/2024]**, is incorporated by reference.

22 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at
23 the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington,

- 1 Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be
- 2 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 016:777

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 the responsibilities for registered responsible parties and AAHP managers at registered facilities as approved by the board.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to communicate clear requirements regarding expectations and duties of registered responsible parties and AAHP 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 allied animal health professional (AAHP) facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered AAHP facility to identify both an AAHP manager and each registered responsible party who shall be responsible for the operation and management of the AAHP facility.

(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 responsibilities for registered responsible parties and AAHP managers 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:

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:

AAHP 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.

(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 administrative regulation simply establishes the duties of AAHP facility registered responsible parties and AAHP managers, as approved by the

board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Administrative ease of clear communications of the responsibilities for registered responsible parties and AAHP managers at AAHP facilities.

(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 holding an AAHP facility registration.

FISCAL IMPACT STATEMENT

Regulation Number: 201 KAR 016:777

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

(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 AAHP facility registrants 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 “Request for a New AAHP Manager” form, 10/2024, is the 2-page application form that allied animal health professional (AAHP) facility registrants are required to file in order to update the board with new information on the registered AAHP 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 AAHP manager information for the regulated entity.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

1) The “Request for a New AAHP Manager” form, 2/2025, is the 2-page application form that allied animal health professional (AAHP) facility registrants are required to file in order to update the board with new information on the registered AAHP manager.

- All pages were updated in the footer to show an edition date of 2/2025.
- Page 1, citation under instructions beginning with “KRS 321.181(68)”, delete “,” inside quotes and insert a period to the end of the sentence.
- Page 1, Section I Table, lighten shading in cells and correct font size so it is uniform.
- Page 2, Section II Table, lighten shading in cells, resize cells in rows 2-3 and move “KY License Number” up next to “Last Name”. Change “license” to “permit”. Delete row with “KY License Number”.
- Page 2, 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”. Change “certificate” to “credential”.
- Page 5, Section III, on the line with “Date Requested”, add “Or, if background check already on file, Date of check: _____”.

STATEMENT OF CONSIDERATION
RELATING TO

BOARDS AND COMMISSIONS
Kentucky Board of Veterinary Examiners
(Amended After Comments)

I. The public hearing on 201 KAR 016:777, 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>
Agency	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: 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.

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

The public hearing on 201 KAR 016:777 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:

321.181,

Page 1

Section 1(1)

Line 17

After “AAHP”, insert the following:

is defined by

Delete “has the same meaning as”.

Page 1

Section 1(2)

Line 18

After “facility”, insert the following:

is defined by

Delete “has the same meaning as”.

Page 1

Section 1(3)

Line 20

After “facility”, insert the following:

is defined by

Delete “has the same meaning as”.

Page 1

Section 1(4)

Line 21

After “unit”, insert the following:

is defined by

Delete “has the same meaning as”.

Page 2

Section 1(1)

Line 3

After “board in”, insert the following:

201 KAR Chapter 16

Delete “administrative regulation”.

Page 2

Section 1(5)

Line 1

After “party”, insert the following:

is defined by

Delete “has the same meaning as”.

Page 2

Section 2

Line 2

After “shall”, insert the following:

:

Page 2

Section 2(3)

Line 7

After “facility;”, insert the following:

and

Page 2

Section 2(4)

Line 9

After “facility”, insert the following:

⋮
Delete “; and”.

Page 2

Section 3(1)(a)

Line 13

At the beginning of the line, insert the following:

201 KAR Chapter 16

Delete “administrative regulation”.

Page 3

Section 3(2)(d)

Line 10-11

After “designees,”, insert the following:

if

After “board”, insert the following:

occurs

Delete “in the event of”.

Page 3

Section 4(1)

Line 16

After “form”, insert the following:

incorporated by reference

Delete “as found in”.

Page 4

Section 5(3)

Line 5

After “one”, insert the following:

(1)

Page 4

Section 6(4)

Line 15

After “disease”, insert the following:

and

Page 4

Section 6(5)

Line 16

After “(5)”, insert the following:

If

After “bite”, insert the following:

occurs

Delete “In the event of”.

Page 4

Section 7(1)

Line 19

After “Manager”, insert the following:

2/2025

Delete “10/2024”.

