



KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

Office: 502-782-0273 • Fax: 502-695-5887

kybve.com • vet@ky.gov

Meeting Minutes

January 26, 2023

Meeting Location: Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601

Public Zoom Meeting Option

BOARD MEMBERS PRESENT

(V) = video (A) = audio only (I) = In-person

All Board Members, Staff, and Others present in-person unless otherwise noted.

- Steven J. Wills, DVM – Chairman (V)
- Gene Smith, DVM – Vice Chair
- Dianne Dawes, DVM
- Tom Dorman, Citizen-at-Large
- Dale Eckert, DVM (V)
- Tim Gardner, DVM
- Stephanie Kennedy, DVM
- John Park, DVM
- Amy J. Staton, EdD, LVT
- Katie Flynn, DVM, Kentucky State Veterinarian -- Proxy for the Commissioner of Agriculture

BOARD MEMBERS ABSENT

- n/a

DEPARTMENT OF AGRICULTURE STAFF PRESENT

- Michelle Shane, KBVE Executive Director
- Amanda Briggs, KBVE Administrative Assistant

OTHERS PRESENT

- Mark Brengelman, JD, MA, Attorney at Law, KBVE Legal Counsel
- L. Dena Fitzpatrick, DVM, KBVE Investigator
- Coy St. Clair, DVM, KBVE Investigator
- Lee Cundiff, DVM (V), KVMA Board Member, Central KVMA
- Kelly Giesbrecht, DVM (V), State Public Health Veterinarian
- Debra Hamelback, Executive Director, Kentucky Veterinary Medical Association (KVMA)
- Ernie Martinez, DVM (V), KVMA Board Member, KAEP
- Lauren Mirus, DVM (V), KVMA Board Member, Buffalo Trace VMA
- Emily Schell, DVM
- Jim Weber, DVM (A), KVMA Government Relations Chair
- Wade King, DVM (V), KVMA Board Member, KVMA Secretary/Treasurer

- Mandy Williams (V), DVM, KVMA Board Member, South Central KY VMA
- Karen Young, DVM
- Anonymous attendee (V)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Gene Smith, DVM, Board Vice Chairman, called the meeting to order at 1:04 PM EDT.

Ms. Michelle Shane read the roll call. Per [KRS 321.240\(2\)](#), a quorum of the Board was achieved.

CONFIRMATION OF PUBLIC NOTICE

Ms. Shane confirmed the public notice for this meeting was sent on Tuesday, January 24, 2023, to the Kentucky Department of Agriculture (KDA) media contact list, and also posted on the KBVE website Meetings page.

READING OF MISSION STATEMENT

Dr. Park, DVM read aloud the KBVE mission statement.

CONSENT AGENDA

- Meeting Agenda for January 26, 2023
- Board Meeting Minutes from December 1 and December 15, 2022
- Budget Summary Report
- Licensure Status Report
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Approval of Board Per Diem and Mileage

A MOTION was made by Dr. Gardner to approve the consent agenda. The motion, seconded by Mr. Dorman, passed unanimously.

Budget

The budget expenditures and revenue are summarized as follows for F.Y. 2023, July 1, 2022, through January 17, 2023:

- F.Y. 2023 –
 - Receipts = \$\$536,675
 - Expenditures = \$239,142
 - Current Balance = \$1,154,590

Licensure Status Report

As of January 18, 2023, the KBVE database reports:

- Active Veterinarians = 2,453
- Inactive Veterinarians = 81
- Special Permits = 10
- Active Veterinary Technicians = 514
- Inactive Veterinary Technicians = 24
- Active Certified Animal Control Agencies = 50
- Active Certified Animal Euthanasia Specialists = 151
- Inactive Animal Euthanasia Specialists = 53

Applications Committee Reports

- Report on New Applications
- Report on New CE Requests

The Applications Committee Reports are as follows in Table 1: Approved Applicants for Licensure and Certification, and Table 2: Approved CE Requests. The Board approved 26 veterinarian, eight (8) veterinary technicians, and three (3) animal euthanasia specialist applications. The Board approved CE requests for 43.75 hours of CE for veterinarians and 25.75 hours of CE for veterinary technicians.

Table 1: Approved Applicants for Licensure and Certification				
Row #	First Name	Last Name	License Type	App. Type
1	Mark A.	Akin	Veterinarian	Endorsement
2	Jenny S.	Aldridge	Veterinarian	Endorsement
3	Kristi L.	Baker	Veterinarian	Reinstatement
4	Rhodes P.	Bell	Veterinarian	Reinstatement
5	Pricilla M.	Brown	Veterinarian	New
6	Emily J.	Bruschi	Veterinarian	Reinstatement
8	Emery O.	Clark	Veterinarian	Special Permit
9	Janice M.	Coffey	Veterinarian	Reinstatement
10	Victoria A.	Coomber	Veterinarian	New
11	Chad S.	Davis	Veterinarian	Reinstatement
12	Trent H.	Eckle	Veterinarian	Endorsement
13	Jean A.	Ferreri	Veterinarian	Endorsement
14	James M.	Gilman	Veterinarian	Endorsement
15	Philip W.	Heye	Veterinarian	Reinstatement
16	Kristen J.	Hicks	Veterinarian	Reinstatement

Row #	First Name	Last Name	License Type	App. Type
17	Shadi J.	Ireifej	Veterinarian	Reinstatement
18	Hannah C.	Lewis	Veterinarian	Endorsement
19	Paige E.	Miller	Veterinarian	Endorsement
20	Tatiana K.	Recicar	Veterinarian	Endorsement
21	Jonathan M.	Richardson	Veterinarian	Endorsement
22	Anne C.	Satkowiak	Veterinarian	Endorsement
23	Emily E.	Schell	Veterinarian	Special Permit
24	Anthony K.	Schumann	Veterinarian	Reinstatement
25	Lynn M.	Shanks	Veterinarian	Endorsement
26	Victoria D.	Swadling	Veterinarian	Endorsement
27	Veronica C.	Thomas	Veterinarian	Reinstatement
28	Ashley N.	Akin	Veterinary Technician	New
29	Kelly M.	Barrett	Veterinary Technician	Reinstatement
30	Jordan A.	Bloomfield	Veterinary Technician	Endorsement
31	Olivia M.	Brown	Veterinary Technician	New
32	Nicole T.	Esquibel	Veterinary Technician	New
33	Amy M.	Higgins	Veterinary Technician	Endorsement
34	Katherine C.	Kindlesparker	Veterinary Technician	New
35	Marissa A.	Tomlin	Veterinary Technician	New
36	Kayla S.	Blair	Euthanasia Specialist	New
37	Bailey L.	Derthick	Euthanasia Specialist	New
38	Alexis A.	Newton	Euthanasia Specialist	New

Table 2: Approved CE Requests

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
		Vet	Vet Techs	
Non-Ulcerative Keratitis	Greater Louisville VMA	2	2	1/18/2023
Thirty-eighth Twin Lakes Veterinary Conference	Jackson Purchase VMA	15	15	3/11-12/2023
Full Mouth Intraoral Radiographic Positioning	Kelly Vearil, M. Ed., RVT, VTS (Dentistry)	3.75	3.75	1/21/2023
The Seventh Tex Cauthen / Hans Albrecht Farrier / Veterinarian / Researcher Seminar	UK Gluck Equine Research Center	7	7	1/22/2023
Topics in Reproduction	UK Gluck Equine Research Center	5	5	1/4/2023

Table 2: Approved CE Requests

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
		Vet	Vet Techs	
2023 Winter Food Animal Conference	UKVDL, Zoetis	8	8	2/9/2023
Equine Gastric Ulcers	VetPD	5	-	7/12/2022
Foot Lameness and Farriery	VetPD	13	-	7/7/2022
Top Parasite Concerns of 2023	Zoetis	2	2	1/23/2023

BUSINESS AGENDA

ANNUAL ELECTION OF CHAIR AND VICE CHAIR

Per [KRS 321.240\(1\)](#), the Board held annual elections for the Chairmanship and Vice Chairmanship.

A MOTION was made by Dr. Gardener to nominate and elect Dr. Wills as Chairman. The motion, seconded by Mr. Dorman, passed unanimously.

A MOTION was made by Dr. Wills to nominate and elect Dr. Gene Smith as Vice Chairman. The motion, seconded by Dr. Dawes, passed unanimously.

BUDGET MATTERS

- **Budget items for vote**
 - Extension of contract with KVMA to June 30, 2024
 - To allow more flexibility in scheduling, and to target meetings in the fall and next spring
 - Government email addresses – quote pending
 - Counsel recommends Board Members transition to government email due to government record retention requirements and for traceability purposes
 - Pending price quote from COT

UNFINISHED BUSINESS AND UPDATES

- **AAVSB Updates**
 - Mark Calendars:
 - 2023 Annual Meeting & Conference – Sep 28-30, 2023 in Kansas City, Missouri

- Congratulation regarding AAVSB Committee appointments (December 2022):
 - AAVSB Regulatory Policy Task Force - Dr. Dianne Dawes
 - AAVSB Program and Services Think Tank - Amanda Briggs

APPLICATIONS COMMITTEE REPORT

- **Special Permits and ICVA requirements**

The International Council on Veterinary Assessment (ICVA) is the test administrator for the North American Veterinary Licensing Examination (NAVLE). Candidates for the NAVLE are able to take the test during two (2) distinct windows each year. Candidates may register either:

- Beginning in December and not later than February 1 for the April testing window,
or
- Beginning early June and not later than July 31 for the Nov/Dec testing window.

Additionally, ICVA has recommended to licensing boards that candidates not be approved to take the NAVLE more than five (5) times, and that each of the final two (2) attempts must be at least one (1) year from the previous attempt.

Under [KRS 321.201](#), a candidate must apply to take or retake the exam in the “next testing window” in order to qualify for approval of a Special Permit.

Dr. Kennedy outlined the requirements to the board, noting the seven (7) candidates with Special Permit applications currently on file with KBVE, some of which fall into their fourth or fifth attempt at taking the NAVLE. This would require the candidates to stop work and wait until the registration period for their next available testing window opens in June.

Given the shortages in veterinary services to the public and the high demand to employ new associates, Members of the Board discussed ICVA’s testing requirements and the delays this may cause in issuing a Special Permit.

Employer Karen Young, DVM, and Emily Schell, DVM, Special Permit holder, addressed the board on this issue.

A MOTION was made by Dr. Park, to allow case-by-case flexibility for Special Permit applicants, providing them one of two options, either:

- 1) Receive a Special Permit and be recommended by KBVE to ICVA to test in the April 2023 window (regardless of which test attempt this is for the candidate), or
- 2) Receive a Special Permit in advance of their ability to show proof of registration for the Nov/Dec 2023 exam (allowing them to continue to work for their employer until such time as they can register with ICVA for the next 2023 testing window).

The motion, seconded by Dr. Gardner, passed unanimously.

Members of the Board discussed pass rates at different schools. Certain schools show much lower pass rates. It is unclear if ICVA monitors pass rates at specific schools, or if there have been any remedial actions at schools with low pass rates.

Dr. Kennedy asked that the board remind supervising veterinarians of their role as **direct supervisors** of Special Permit holders. Members of the Board discussed the requirements of supervisors, and directed that they be reminded of their duties. Multiple veterinarians at a clinic should be contributing to Special Permittee oversight.

- **Euthanasia-by-Injection (EBI) Course Approval Request**

Members of the Board discussed a request to offer an online EBI course, which includes one-on-one hands-on training with veterinarians of choice. The Board determined this course format would not be a good fit for Kentucky.

- **NAVLE Candidate petition**

Members of the Board discussed this issue. Some Members were reluctant to consider petitioning ICVA to allow a candidate to take the NAVLE after five (5) attempts, due to exam security concerns and the fact that some state laws limit the number of test attempts to qualify for licensure. However, veterinary shortages lend to allowing candidates to take the test beyond five attempts, particularly if the candidate qualifies for licensure in every other way. KBVE may reach out to ICVA to see how they evaluate why some are not able to pass, and why they are seeing lower pass rates the past several years, whether related to COVID, online learning, or if test anxiety is a major factor, and what is being done in response.

WELLNESS COMMITTEE REPORT

Members of the Board discussed the Wellness Report. They also discussed what to do in a situation when you learn of someone who has attempted or is exhibiting signs they may attempt suicide.

- **988** – National help line
- **Not One More Vet** - www.nomv.org
- **Kentucky Professionals Recovery Network** - www.kyprn.com

Staff will work to add more resources to the KBVE website, as well as make wellbeing links more prominent on the site.

EDUCATION AND OUTREACH COMMITTEE

- **Kentucky Day at LMU 2023 – January 19, 2023**
 - Inception of the KVMA Student Chapter
 - Great face-to-face contact with students
 - Ms. Shane and Ms. Hamelback presented to an eager student audience
 - Auburn has instituted a matching program for interns and preceptors. LMU working on setting up a similar program

- **Joint E&O with Animal Control Advisory Board (ACAB)**
 - On hold until KBVE navigates through the 2023 legislative session with the Practice Act Modernization initiative

GOVERNMENT AFFAIRS COMMITTEE

- **Practice Act Update**
 - **KBVE-KVMA Meeting at the Capitol Annex**

Bill sponsor Representative Matt Koch met with KBVE representatives Dr. Park, Dr. Smith, Mr. Dorman, and Ms. Shane and representatives from KVMA Leadership. The meeting went very well, and proposed changes were presented.
 - **Survey Feedback from KVMA**

KVMA sent a survey to its entire membership in January 2023. Of the more than 1,380 Members, 197 responded to the survey, a statistically significant sample size with a margin of error est. $\pm 7\%$.

 - Overall Modernization Initiative – 72% support
 - Require in person visit for VCPR establishment – 78% support
 - Establishing telehealth framework with in-person VCPR requirement – 90% support
 - Begin veterinary facility registrations – 70% support
 - Assess minimal fees for facility registration program – 52% support
 - Establishment of minimum standards – 63% support
 - Facility inspections every three (3) years – 63% support
 - KBVE to have stronger enforcement authority – 92% support
 - Educational Awards program using licensure fees – 74% support
 - Licensure of allied professionals – 88% support
 - **Proposed Changes for Compromise**

Members of the Board discussed changes proposed by KVMA, including fee caps, voluntary (rather than mandatory) inspections, and ensuring that “allied animal health professionals” were clearly delineated from veterinarians and veterinary facilities.

The Board took a refreshment break at 2:34 pm, and returned at 2:43 pm.

Members of the Board discussed spectrum of care concerns, acknowledging that there are different ways to treat an animal and differences in a client’s ability to pay for various services. The gold standard of treatment is not required for every patient. “Spectrum of care” should be defined in future regulations.

Members of the Board walked through and further discussed all proposed changes in the bill draft.

A MOTION was made by Mr. Dorman, to approve the changes to the Practice Act Modernization bill draft as discussed and direct staff to proceed with necessary steps for filing the final draft with LRC. Further, Dr. Wills and Dr. Park shall have the authority to engage in final negotiations on behalf of the board for the 2023 legislation. The motion, seconded by Dr. Kennedy, passed unanimously.

- **Regulations**

- **Kentucky Association of Chiropractors (KAC)**
KAC provided comments on discussion draft regulations for allied professionals.
- **201 KAR 16:850 – Allied Professional Advisory Committees**
 - Board approved posting this discussion regulation with the others already posted on the KBVE website.
- **201 KAR 16:590 – proposed amendments**
Members of the Board discussed the following aspects of this regulation:
 - Number of online CE limited to 15
 - Discussion about LVT hours being medical vs. practice management
 - Limiting the number of USDA APHIS modules allowable in a renewal cycle
 - Differentiating between hours allowable for APHIS Category I and Category II
 - CE must be new; licensees cannot repeat CE taken in prior renewal period
 - Waiver parameters
 - Audit requirements
- **Proposed Facility Inspection Form**
Board discussed posting the discussion draft facility inspection form online.

INVESTIGATOR REPORTS

Dr. Coy St. Clair presented Periodic Shelter Inspections:

- Bullitt County Animal Shelter (certificate no. 149459)
- Franklin County Humane Society (certificate no. 147172)
- Madison County Animal Shelter (certificate no. 147173)
- Montgomery County Animal Shelter (certificate no. 149525)

COMPLAINTS SCREENING COMMITTEE REPORT

Dr. Park provided the Complaints Screening Committee Report:

- **Dismissed, no violations of the Practice Act identified**
 - 2022-30
 - 2022-39
 - 2022-40(A)
 - 2022-43 (new)
 - 2022-44
 - 2022-47

- 2022-48
- 2022-49
- 2022-50
- 2022-51
- 2022-52

- **Closed following KBVE action and fulfillment of any terms**
 - 2022-24
 - 2022-34

- **Assigned to Investigator**
 - 2022-21
 - 2022-36
 - 2022-41
 - 2022-42
 - 2022-43
 - 2022-46

- **Assigned to Legal Counsel for Settlement Negotiations**
 - 2022-40(B)
 - 2022-41
 - 2022-42
 - 2022-45

A MOTION was made by Dr. Gardner to approve the recommendations of the Complaints Screening Committee. The motion, seconded by Dr. Kennedy passed unanimously.

OPEN DISCUSSION / NEW BUSINESS

- **Questions pending from the Board's Office**
 - **LVT wanting to do in-home euthanasia under indirect supervision**
In Kentucky, only veterinarians and KBVE-certified Animal Euthanasia Specialists (AES) may perform animal euthanasia independently. Further, certified-AES may only perform euthanasia on shelter owned animals.

It should be noted that the practice of animal euthanasia is the practice of veterinary medicine. The Kentucky General Assembly offers the carve out for a KBVE-certified Animal Euthanasia Specialist to perform euthanasia in an effort to support counties who are working to control animal populations in their county shelters.

Outside of a KBVE-certified Animal Control Agency, animal euthanasia may only be performed by a licensed veterinarian or by a licensed veterinary technician (LVT) under the *direct* supervision of a licensed veterinarian. LVTs may only perform euthanasia at an animal hospital or clinic. LVTs may not do in-home euthanasias.

- **Medical records standards question**

A doctor hosting LMU preceptor students submitted a question about good examples of medical records, and what might be appropriate to show the students. At this time, the standards for medical records are not clearly defined in Kentucky. [KRS 321.185](#) states, “The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.”

Members of the Board discussed medical records requirements. The intent with medical records is that any veterinarian could pick up a set of medical records and know exactly what has been done for a patient, and then from the records be able to pick up treatment moving forward or refill a prescription if medically necessary, etc. Information should include the patient and client name, dates of visits, vaccines provided, tests run, prescriptions provided, diagnosis of any conditions, proscribed treatments, recommendations made to the client (even if the client refuses), radiographs, etc.

The Board stated that the doctor needs to ask the student’s college, LMU CVM, what they teach in their curriculum and then be consistent with the curriculum. Not all students who complete their preceptor in Kentucky will return to Kentucky to work, so lessons should not be limited to Kentucky record standards. The doctor should also consult AVMA recommendations.

- **Question about VCPR establishment with shelter animals, and if an exam is required to provide vaccines**

- In Kentucky, under public health law, rabies vaccines must be administered by a veterinarian ([902 KAR 2:070, Section 2\(1\)](#)). Rabies vaccines cannot be administered by an LVT or KBVE-certified animal euthanasia specialist.
- Every animal must have an exam prior to vaccine administration, even if brief. It is worth noting that most vaccine informational inserts state that only healthy animals should be vaccinated, so some professional determination must be made as to the health of the animal prior to vaccination.

- **CBD products and prescriptions**

Members of the Board discussed this topic. While CBD is not a controlled substance under current laws, an individual is prohibited from making efficacy claims by FDA. State Veterinarian Dr. Flynn notes that CBD cannot be used in food producing animals or racehorses. There is a need for more education and outreach in this area.

- **Other Items for Discussion**

- **MSU Letter of Support**

Ms. Staton recused and left the room for this part of the meeting. Members of the Board discussed the letter of support requested by Morehead State University. The Board noted with approval the letter dated January 19, 2023, to Morehead State

University regarding supporting student scholarships as issued by the Executive Director with the assistance of the Chair and counsel.

FUTURE MEETING DATES

- **The next regularly scheduled board meeting shall be held on:**
Thursday, March 23, 2023 @ 1:00 PM EDT
Office of the State Veterinarian, 109 Corporate Drive
- **Added Special Meeting Dates**
 - Feb 23. The primary focus of this meeting will be to work on draft regulations.

OTHER ITEMS

Mr. Brengelman discussed an update related to court filings in agency grievance case no. 2020-34.

EXECUTIVE SESSION

A MOTION was made by Dr. Park to go into Executive Session pursuant to [KRS 61.810\(1\)\(c\)](#) to discuss proposed or pending litigation against or on behalf of the public agency. The motion, seconded by Dr. Kennedy passed unanimously.


A MOTION was made by Dr. Park to return to regular session. The motion, seconded by Dr. Smith passed unanimously.

Chairman Dr. Wills thanked everyone for their hard work on the Practice Act Modernization initiative.

ADJOURNMENT

Vice Chair Dr. Smith adjourned the meeting at 5:12 pm.

These Meeting Minutes were approved by the Board on March 23, 2023.


Gene Smith, DVM, Vice Chairman of the Board

PRESIDING OFFICER: Gene Smith, DVM, Board Vice Chairman
Minutes Recorded by: Michelle M. Shane, Executive Director



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Meeting Agenda

January 26, 2023

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Zoom Meeting Option Provided

COMMITTEE MEETINGS – CLOSED TO THE PUBLIC

- 10:00 AM • Complaints Screening Committee
- 11:00 AM • Applications Committee

1:00 PM BOARD MEETING – PUBLIC MEETING

CALL TO ORDER

ROLL CALL / ESTABLISHMENT OF QUORUM

CONFIRMATION OF PUBLIC NOTICE

READING OF MISSION STATEMENT

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ANNUAL ELECTION OF CHAIR AND VICE CHAIR

BUDGET MATTERS

UNFINISHED BUSINESS AND UPDATES

- AAVSB Updates

APPLICATIONS COMMITTEE REPORT

- Euthanasia-by-Injection (EBI) Course Approval Request
- Special Permits and ICVA requirements
- NAVLE Candidate petition

WELLNESS COMMITTEE REPORT

EDUCATION AND OUTREACH COMMITTEE

- Kentucky Day at LMU
- KVMA E&O contract
- Joint E&O with Animal Control Advisory Board (ACAB)

GOVERNMENT AFFAIRS COMMITTEE

- Practice Act Update
 - Kentucky Association of Chiropractors (KAC) comments on discussion drafts for Allied Professionals
 - Survey Feedback from KVMA
 - Compromises
- Regulations
 - 201 KAR 16:590 – proposed amendments
 - 201 KAR 16:850 – Allied Professional Advisory Committees
 - Proposed Facility Inspection Form
- Policy Discussions / Other Topics

INVESTIGATOR REPORTS

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 - Medical Records standards question
 - Question about VCPR establishment with shelter animals, and if an exam is required to provide vaccines
 - CBD products and prescriptions

- Other Items for Discussion
 - MSU Letter of Support
 - Obituary Notifications

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- **Potential Special Meeting Dates**

ADJOURNMENT