



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

Special Meeting Minutes September 7, 2023

Meeting Location: Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601
Public Zoom Option Available

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
- Dianne Dawes, DVM
- Dale Eckert, DVM
- Stephanie Kennedy, DVM
- John Park, DVM
- Amy J. Staton, EdD, LVT

BOARD MEMBERS ABSENT

- Gene Smith, DVM – Vice Chair
- Tom Dorman, Citizen-at-Large
- Tim Gardner, DVM
- Ryan F. Quarles, Commissioner of Agriculture or designee

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
- Kalea Anderson, WPSD Local (V)
- Debra Hamelback, Executive Director, Kentucky Veterinary Medical Association (KVMA)(V)
- Barb Lewis, LVT (V)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Board Chairman Steven Wills, DVM, called the meeting to order at 9:04 AM EDT. Chairman Dr. Wills welcomed everyone to the meeting.

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, September 6, 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. John Park read aloud the KBVE mission statement.

BUSINESS AGENDA

BUDGET COMMITTEE

- Budget Report
- Discussion on Executive Director comp balance and overtime need

Dr. Wills introduced a discussion about workload at the office, need for more staff, and current limits on hiring. The Budget Committee met and discussed these issues at a meeting on August 23 to discuss these items. Members of the Board discussed the costs of various solutions to the need for additional help for the Board.

A MOTION was made by Dr. Dianne Dawes to approve up to two (2) block 50 payouts for the KBVE executive director in order to meet operational demands and associated board work in the short term. The motion, seconded by Dr. Park, passed by a majority show of hands.

Members of the Board discussed hiring options for long-term help. With the current state of the budget and cap on spending allocations, hiring a third fulltime employee is not possible at this time. A temporary employee may be needed to fill the gap. Chairman Wills directed Ms. Shane to explore hiring of a temp employee, at approx. 20 hours per week to assist with ORRs and backlogs. He also asked that she inquire with KDA if KBVE can cost share a current KDA employee.

Members of the Board also discussed the volume of work and time dedicated to Open Records Requests (ORR) that are received by the board. Mr. Brengelman notes that the General Assembly recently updated the law to require that ORRs can only come from Kentucky citizens (with some exceptions).

Chairman Wills requests an SOP be written on how the agency manages ORRs.

Ms. Shane indicated that Biennial Budget is planning underway, with multiple documents due to the KDA budget liaison tomorrow.

GOVERNMENT AFFAIRS COMMITTEE

- **Discussion on newly filed administrative regulations**
Pursuant to the Board's direction, the following regulations were filed on August 1, 2023, with an open public comment period through October 31, 2023. KVMA was notified of the filing the same day, and notifications required by LRC and RegWatch were also sent.
 - 201 KAR 16:510 – Fees for veterinarians

- 201 KAR 16:512 – Fees for veterinary technicians
- 201 KAR 16:514 – Fees for animal control agencies and animal euthanasia specialists
- 201 KAR 16:516 – Fees – other fees:

- **Discussion on Public Comment Period, LRC Requirements ([KRS 13A.270](#))**

Ms. Shane and Mr. Brengelman discussed public comment and public hearing procedures with the Members of the Board. Ms. Shane discussed a possible deviation of the standard meeting format in order to provide feedback to those in attendance, and let them know that the board is taking seriously their comments and working to address changes. Ms. Shane asked for as many Board Members to attend the public hearings as possible.

Dr. Wills, Dr. Park, Dr. Dawes, Mr. Dorman, and Ms. Shane met with the KVMA Board last week via Zoom on August 31. Ms. Shane provided an overview of the Budget, similar to what the Board reviewed at the June Retreat. Chairman Dr. Wills discussed the board's lack of action to raise fees in the past decade, and the current budget situation. KBVE attendees listened and responded to the concerns of the KVMA Board.

Members of the Board discussed their perceptions from the meeting.

Members of the Board looked again at the Budget and discussed the numbers. They felt strongly that they had done a thorough review and were confident in the need for fee increases as established. Members asked that a long-term plan for fees be developed, whereby the Board would re-evaluate fees every two (2) years and adjust in minor increments rather than a large jump all at once.

The Board directed that Ms. Shane obtain additional data from the AAVSB's 2022 Member Board Profile Survey, particularly on the fee differentiation for annual vs. biennial fees in various jurisdictions.

Members directed that the narrative response in the required Statements of Consideration (SOCs) to LRC needs to cite historical fee increases, and the board's lack of action in the past decade.

Members also directed that Ms. Briggs assist in researching historical fees and changes to other credentials of the Board: LVTs, ACAs, and AESs.

- **Discussion on current filed administrative regulations**

Members of the Board discussed comments received to date on the fee regulations.

- 201 KAR 16:510 (Amendment) - Fees for veterinarians
- 201 KAR 16:512 (Amendment) - Fees for veterinary technicians
- 201 KAR 16:514 (Amendment) - Fees for animal control agencies and animal euthanasia specialists
- 201 KAR 16:516 (Amendment) - Fees – other fees

Members directed Ms. Shane to work with Mr. Brengelman to develop language for a phased in fee increase over the next several years. The Board also agreed to lower fees for reinstatement applications and inactive licensure status renewal.

Meeting attendees took a refreshment break from 10:19 am – 10:28 am.

Members of the Board discussed comments received and drafted proposed changes to the following regulations:

- 201 KAR 16:701 (New) - Standards for medical
- 201 KAR 16:702 (New) - Standards for Veterinary Surgery

Meeting attendees broke for lunch between 12:13 pm – 1:00 pm.

Members of the Board discussed comments received and drafted proposed changes to the following regulations:

- 201 KAR 16:750 (New) - Licensed Veterinary Technicians (LVTs) -- Scope of Practice and Supervisory Requirements

- **Discussion on existing administrative regulations proposed amendment drafts**

Members of the Board tabled discussion on the following regulations.

- 201 KAR 16 590 (Amendment) CE
- 201 KAR 16 520 (Amendment) Approved veterinary colleges; approved programs for veterinary technicians
- 201 KAR 16 530 (Amendment) Examination requirements for vets & LVTs
- 201 KAR 16 540 (Amendment) Application requirements for vets & LVTs
- 201 KAR 16 570 (Amendment) License renewal for veterinarians and veterinary technicians; renewal notice

Members of the Board discussed an expansion of the proposed timeline for new program regulation development. They directed Ms. Shane to publish the current draft veterinary facility, AAHP permit, and AAHP facility regulations on the website for stakeholder review. Members of the Board established a new target for filing these proposed regulations in March or April 2024.

Meeting attendees took a refreshment break from 2:27 – 2:35 pm.

- **Discussion on equine dental providers**

Members of the Board reviewed and discussed:

- L&O Testimony and Senator Robin Webb (D – District 18) and the [International Association of Equine Dentistry](#) (IAED). Their testimony indicated intent to file legislation during the 2024 Legislative Session that would remove equine dental work from the practice of veterinary medicine and classify it as “animal husbandry” (similar to a law in Oklahoma).
- KBVE Dr. Park and Ms. Shane counter testimony on this issue, including concerns related to drug distribution and educational requirements

- KBVE, KVMA, and KAEP's opposition to this proposed legislation and how the licensing board might best oppose this initiative during the 2024 session
- KBVE framework for "allied animal health professionals" (AAHP) permitting, and how equine dental work might fit into this framework to require licensure for these practitioners.
- Kentucky Horse Racing Commission (KHRC) – currently offers a "Dental Tech" license on the [KHRC registration form](#).
- Discussion on complaints on this topic to KBVE, and if they are generated by veterinarians regarding competition, or by consumers who have an animal that was harmed.
- Overview of the North Carolina Dental Board vs. Federal Trade Commission (FTC) lawsuit – a nationally famous case related to anti-competition.
- An overview of the legal process, in the event KBVE were to pursue lay equine dental providers after 40 years of inaction.
- Discussion on if it is better to pursue these individuals now with the pending legislation in 2024, to continue to table cases until there is a determination on the legislative action.

Chairman Dr. Wills directed that no action be taken against equine dental providers.

Members of the Board directed that Ms. Shane request formal position letters from KVMA, KAEP, AAEP, and other associations and scientific groups about why equine dental work requires appropriate education and any other concerns they may have.

OPEN DISCUSSION / NEW BUSINESS

- **Obituary Report**

Noah Canady - <https://www.bianchifuneralhomes.com/obituary/noah-canady>

Members of the Board discussed the untimely passing of Ms. Canady and the request from Debra Hamelback of KVMA to award a license posthumously. Mr. Brengelman indicated that there is no statutory authority for the Board to do so. However, he also indicated that the Board may consider issuing an "honorary" wall certificate without a license number.

***A MOTION** was made by Dr. Eckert, it having come to the Board's attention of the untimely passing of Ms. Noah Carol Canaday, a Kentucky resident and student in good standing at the Auburn University College of Veterinary Medicine, I make the following motion that based upon Ms. Canaday's anticipated completion of a Doctor of Veterinary Medicine degree, expected passage of the North American Veterinary Licensure Exam, and Ms. Canaday's projected meeting all requirements for licensure as a veterinarian under KRS Chapter 321, the Board issue posthumously an honorary license to practice veterinary medicine in the Commonwealth of Kentucky to Ms. Canaday in care of her family.. The motion, seconded by Dr. Kennedy, passed unanimously.

*** This motion was rescinded at the November 30 meeting.**

- **Other Items for Discussion**

- **Kentucky Board of Licensure for Massage Therapy (KBLMT)**

Members of the Board reviewed a letter from KBLMT Board Member Ms. Karen Frazier seeking to reignite talks between boards to address the issue of animal massage therapist licensure.

Chairman Dr. Wills and Ms. Shane reviewed details of the previous legislative initiative in 2019-2020 where the license was hosted by KBLMT. This measure failed to pass the General Assembly.

The Board determined that, in opposition to their stance in 2019, Members would like to see any animal massage therapist credential housed with the Kentucky Board of Veterinary Examiners. Members directed Ms. Shane to reach out to Ms. Frazier to schedule future discussions.

- **AAVSB PAM – proposed revisions**

Board Members are reminded to review the proposed edits to the AAVSB PAM for discussion at the next meeting. A hard copy was provided at the July meeting.

FUTURE MEETING DATES

- **Regularly scheduled board meeting**

Thursday, September 21, 2023 @ 1:00 PM EDT

Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY

- **Public Hearings for filed Administrative Regulations**

- Monday, September 25 at 1 pm – Dr. Wills, Dr. Park

- Tuesday, October 24 at 1 pm – Dr. Park --- maybe Dr. Dawes

Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY

ADJOURNMENT

Chair Dr. Wills adjourned the meeting at 3:18 pm.

These Meeting Minutes were approved by the Board on September 21, 2023.



Steven J. Wills, DVM, Chairman of the Board

PRESIDING OFFICER: Steven J. Wills, DVM, Board Chairman
Minutes Recorded by: Michelle M. Shane, Executive Director



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

Special Meeting Agenda

September 7, 2023

Meeting Location: Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601
Public Zoom Option Available

9:00 AM **BOARD MEETING**

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

CONFIRMATION OF PUBLIC NOTICE

READING OF MISSION STATEMENT

APPROVAL OF MINUTES FROM PRIOR MEETING

BUSINESS AGENDA

BUDGET COMMITTEE

GOVERNMENT AFFAIRS COMMITTEE

- Discussion on Public Comment Period, LRC Requirements ([KRS 13A.270](#))
- Discussion on current filed administrative regulations
- Discussion on existing administrative regulations proposed amendment drafts

12:00 PM **Lunch**

- Regulations discussion continued
- Review of timeline for new program regulation development
- Discussion on equine dental

OPEN DISCUSSION / NEW BUSINESS

- Obituary Report
- Other Business

FUTURE MEETING DATES

- **Regularly scheduled board meeting**
Thursday, September 21, 2023 @ 1:00 PM EDT
Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY
- **Public Hearings for filed Administrative Regulations**
 - Monday, September 25 at 1 pm
 - Tuesday, October 24 at 1 pmOffice of the State Veterinarian, 109 Corporate Drive, Frankfort, KY

ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/81254122136?pwd=Rkw4QjU2U0dKejBaM1VlZzlxUVlVdz09>

Meeting ID: 812 5412 2136

Passcode: 553497

One tap mobile

+16469313860,,81254122136# US

+19294362866,,81254122136# US (New York)

Dial by your location (any number will work); then enter Meeting ID: 812 5412 2136

- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US

Find your local number: <https://us02web.zoom.us/j/81254122136?pwd=Rkw4QjU2U0dKejBaM1VlZzlxUVlVdz09>