



KENTUCKY BOARD OF VETERINARY EXAMINERS

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Meeting Minutes

February 8, 2024

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

- John C. Park, DVM – Chairman
- Gene Smith, DVM – Vice Chair
- Dianne J. Dawes, DVM
- Tom M. Dorman, Citizen-at-Large
- Tim R. Gardner, DVM
- Stephanie M. Kennedy, DVM
- Philip E. Prater, DVM
- Jennifer K. Quammen, DVM (V)
- Amy J. Staton, EdD, LVT
- Steve Velasco, DVM, Kentucky State Veterinarian -- Proxy for the Commissioner of Agriculture

BOARD MEMBERS ABSENT

- Vacant seat (AAHP permittee)

DEPARTMENT OF AGRICULTURE STAFF PRESENT

- Michelle Shane, KBVE Executive Director
- Amanda Briggs, KBVE Administrative Assistant
- Marcus Avery, KDA Enforcement Officer
- Lee McIntosh, KDA Executive Director of Administrative Services (1:05 - 4:00 PM)
- Clint Quarles, KDA Counsel (2:05 – 3:45 PM)

OTHERS PRESENT

- Mark Brengelman, JD, MA, Attorney at Law, KBVE Legal Counsel
- Coy St. Clair, DVM, KBVE Investigator
- L. Dena Fitzpatrick, DVM, KBVE Investigator
- Beth Venit, DVM, Chief Veterinary Officer (CVO), American Association of Veterinary State Boards (AAVSB) (1:00 - 3:45 PM)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Board Chairman John C. Park, DVM, called the meeting to order at 1:00 PM EST. Chairman Dr. Park welcomed everyone to the meeting.

Ms. Michelle Shane read the roll call. Per [KRS 321.240\(3\)](#), a quorum of the Board was achieved.

CONFIRMATION OF PUBLIC NOTICE

Ms. Shane confirmed the public notice for this meeting was sent on Tuesday, February 6, 2024, to the Kentucky Department of Agriculture (KDA) media contact list, and also posted on the KBVE website meetings page on Wednesday, February 7.

READING OF MISSION STATEMENT

Vice Chair Gene Smith, DVM read aloud the KBVE mission statement.

CONSENT AGENDA

- Meeting Agenda for February 8, 2024
- Board Meeting Minutes from November 30, 2023
- Budget Summary Report
- Licensure Status Report
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Licensee Demographics Report
- Transition response to new KDA Commissioner Jonathan Shell
- Approval of Board Per Diem and Mileage

A MOTION was made by Dr. Gardner to approve the consent agenda, with the minutes for November 30, 2023, amended as discussed. The motion, seconded by Dr. Kennedy, passed unanimously.

Budget

The budget expenditures and revenue approved are summarized for F.Y. 2024 July 1, 2023, through January 26, 2024, as follows:

- Receipts = \$48,195
- Expenditures = \$229,535
- Current Balance = \$824,103

Licensure Status Report			
License Type / Status	Number Credentials on Date of Report		
	This Report	Last Report	One Year Lookback
Veterinarians	02/08/2024	11/30/2023	01/26/2023
Active Veterinarians	2,621	2,606	2,453
Inactive Veterinarians	81	82	81
Special Permits	1	13	10
Pending Applications – missing documents	17	13	21
Pending Applications – pending exam results	25	28	36
Licensed Veterinary Technicians (LVTs)			
Active LVTs	551	564	514
Inactive LVTs	36	37	24
Pending Applications – missing documents	14	12	15
Animal Control Agencies (ACAs)			
Active ACAs	50	50	50
Pending Applications – missing documents	0	0	0
Animal Euthanasia Specialists (AESs)			
Active AESs	143	159	151
Inactive AESs	88	69	53
Pending Applications – missing documents	6	5	2

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, 18 veterinary technicians, and seven (7) animal euthanasia specialist applications. The Board approved CE requests for 47.5 hours of CE for veterinarians and 33.5 hours of CE for veterinary technicians.

Table 1: Approved Applicants for Licensure and Certification				
Row #	First Name	Last Name	License Type	App. Type
1	Chelsea B.	Brown	Veterinarian	New
2	Storm D.	Bugh	Veterinarian	New
3	Jennifer S.	Campbell	Veterinarian	New
4	Jon-Paul	Carew	Veterinarian	Foreign Grad.
5	Kristine D.	Day-Smith	Veterinarian	Endorsement
6	Clayton G.	Deible	Veterinarian	New
7	Matthew B.	DeLisle	Veterinarian	Endorsement



Row #	First Name	Last Name	License Type	App. Type
8	Crystal D.	Eng	Veterinarian	Endorsement
9	Tiffany L.	Hall Brooks	Veterinarian	Endorsement
10	Abigail J.	Hammond	Veterinarian	New
11	Nicole M.	Hawkins	Veterinarian	New
12	Kari A.	Jenkins Bechler	Veterinarian	Endorsement
13	Kirra R.	Johnson	Veterinarian	Endorsement
14	Crystal J.	LeRoy	Veterinarian	Endorsement
15	Amanda F.	Mattox	Veterinarian	New
16	Amber A.	McNamara	Veterinarian	Endorsement
17	Nicholas J.	Paulson	Veterinarian	Endorsement
18	Lauren S.	Rexing	Veterinarian	Reinstatement
19	Alexis G.	Torre	Veterinarian	Endorsement
20	Alyssa B.	Baumler	Special Permit	New
21	Emery O.	Clark	Special Permit	New
22	Cheyenne D.	McGuire	Special Permit	New
23	Alexandria F.	Pierce	Special Permit	New
24	Jordan L.	Turner	Special Permit	New
25	Caitlin P.	Varner	Special Permit	New
26	Sarah J.	Berneking	Veterinary Technician	Endorsement
27	Brandon C.	Clayton	Veterinary Technician	New
28	Amanda L.	Cobo	Veterinary Technician	New
29	Mattison A.	Floyd	Veterinary Technician	Endorsement
30	Jayah D.	Fuqua	Veterinary Technician	New
31	Amber L.	Hale	Veterinary Technician	New
32	Kimberly S.	Hardison Matthews	Veterinary Technician	New
33	Jasmine M.	Harper	Veterinary Technician	Endorsement
34	Rayna D.	Keene	Veterinary Technician	Endorsement
35	Kellie N.	Martin	Veterinary Technician	New
36	Katrina R.	Mathis	Veterinary Technician	New
37	Emilee M.	Reeks	Veterinary Technician	New
38	Haley M.	Tabaszewski	Veterinary Technician	Endorsement
39	Raye M.	Tackett	Veterinary Technician	Endorsement
40	Lindsay J.	Walden	Veterinary Technician	Endorsement
41	Keara N.	Williams	Veterinary Technician	Reinstatement
42	Martina L.	Willoughby	Veterinary Technician	New
43	Alishea M.	Young	Veterinary Technician	Endorsement
44	Shelby T.	Burton	Euthanasia Specialist	New
45	Carol M.	Devine	Euthanasia Specialist	Reinstatement
46	Adam S.	Grubb	Euthanasia Specialist	New
47	Janetta M.	Smith	Euthanasia Specialist	New

Row #	First Name	Last Name	License Type	App. Type
48	Kelsea N.	Soto	Euthanasia Specialist	New
49	Trisha L.	Spence	Euthanasia Specialist	New
50	Billy R.	Tussey	Euthanasia Specialist	New
51	Helio L.	Soares Vasco Neto	Special Permit	New

Table 2: Approved CE Requests

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
		Vet	Vet Techs	
Advanced Reproduction Discussion Forum	British Equine Veterinary Association	7	-	1/23/2024
"Oral Tumors: Taking a Bite Out of Their Behavior and Treatment Options" and "Radiation and Beyond: Treating More than Just Cancer"	Cincinnati VMA	2	-	1/23/2024
Providing Clinical Care to Nonhuman Primates in a Laboratory and Small Animal Clinical Setting - You, Too Can Be a Monkey Vet!	Cincinnati VMA	2	-	11/28/2023
The Benefit of Diet for Patients with Dermatological (and other) Diseases	Greater Louisville VMA	2	2	9/12/2023
KBVE-KVMA Joint Educational Meeting	Kentucky Board of Veterinary Examiners (KBVE) and Kentucky Veterinary Medical Association (KVMA)	2	2	01/23/2024 01/30/2024 02/22/2024 02/27/2024 03/14/2024 03/21/2024 04/08/2024 04/23/2024 05/02/2024 05/16/2024 06/18/2024
One Health - Stories of Unintended Consequences: Human-mediated Disturbances of Plants, Animals & Pathogens	Kentucky Department of Public Health, Kentucky Office of the State Veterinarian, Kentucky Department of Fish and Wildlife Resources	6	6	2/28/2024
Referring Veterinarian Seminar	Rood & Riddle Equine Hospital	3	-	2/7/2024

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
		Vet	Vet Techs	
2024 Winter Food Animal Conference	UK and USDA National Institute of Food and Agriculture (NIFA)	8	8	2/22/2024
Dr. Chris Kawcak: Exploiting data to optimize an athlete's well-being	UK Gluck Equine Research Center	1	1	12/14/2023
The Eighth Tex Cauthen Hans Albrecht Farrier / Veterinarian / Researcher Seminar	UK Gluck Equine Research Center	6.5	6.5	1/21/2024
Topics in Equine Veterinary Medicine Jan 2024	UK Gluck Equine Research Center	6	6	1/16/2024
BRD Therapeutics - Antibiotic Strategies in High Risk Stockers	UK Veterinary Diagnostic Laboratory (UKVDL)	1	1	11/28/2023
Survival Skills - Taking Control of Your Food Animal Veterinary Practice	UKVDL	1	1	2/13/2024

BUSINESS AGENDA

BUDGET MATTERS

Members of the Board discussed budget items needing review and approval from the board.

- **Annual Dues**
 - AAVSB

A MOTION was made by Dr. Staton to approve 2024 annual dues for AAVSB in the amount of \$500. The motion, seconded by Mr. Dorman, passed unanimously.

- **Annual Expenses:**

A MOTION was made by Dr. Dawes to approve renewal for IT services, both Dropbox in the amount of \$211 and Constant Contact, in the amount of \$611. The motion, seconded by Dr. Staton, passed unanimously.

- **Employee comp and leave; ED overtime**

A MOTION was made by Dr. Dawes to approve working comp time as needed and responsible use of leave, with Ms. Shane to provide oversight for Amanda Brigg's comp and leave usage. Further, the Board approves Ms. Shane to earn up to three (3) more block-50 payouts prior to the end of F.Y. 2024 (June 30). The motion, seconded by Dr. Kennedy, passed unanimously.

- **Overnights for KBVE-KVMA E&O Meetings**

A MOTION was made by Dr. Staton to approve expenses related to travel, per diems, and overnight accommodations for up to two (2) KBVE-KVMA education and outreach meetings for both Ms. Shane and any board member traveling and attending the meetings. The motion, seconded by Dr. Velasco, passed unanimously.

- **RFPs for the next biennium**

- PPC database – renewal
- Investigators – 2 renewals, 1 new
- EBI vendor – renewal – add wildlife and rabies modules
- Legal Services – new
- OAG Hearing officer services – renewal
- KYPRN – renewal

A MOTION was made by Dr. Gardner to direct Ms. Shane to renew KBVE contracts as discussed and listed above, and to further advertise new RFPs for an additional KBVE investigator and contract counsel, and, if needed, a new EBI training vendor. The motion, seconded by Dr. Staton, passed unanimously.

- **KDA Contract Negotiations update**

Deputy Commissioner Warren Beeler relayed to Ms. Shane that KDA does not have a counteroffer to the KBVE contract proposal currently. KDA should have an update for the board by the February 29 special meeting.

UNFINISHED BUSINESS AND UPDATES

- **AAVSB Updates**

Ms. Shane introduced multiple announcements sent by AAVSB for Board discussion.

- **Call for Bylaws**
- **Call for Nominations**

A MOTION was made by Dr. Dawes to support the nomination of Ms. Shane for reelection to the AAVSB Board of Directors for another two-year term, and also to support Ms. Shane for the position of Treasurer as a floor nomination if no other candidates are slated for that position. The motion, seconded by Dr. Staton, passed unanimously.

- **Upcoming AAVSB Events:**

- 2024 Annual Meeting & Conference – Sep 25-28, 2024

Dr. Quammen indicated she would like to attend, schedule permitting.

- **AAVSB Board Basics & Beyond (BBB), April 12-13**
Dr. Smith and Dr. Prater indicated they would like to attend, schedule permitting.

- **AAVSB Executive Directors / Registrar Summit, April 10-11**

Ms. Shane requested to attend this meeting and stay for the BBB.

A MOTION was made by Dr. Dawes to authorize Ms. Shane to travel to the AAVSB Executive Directors/Registrar Summit and Board Basics and Beyond, April 10-13, 2024, and to pay for any expenses not covered by AAVSB. Further, Dr. Prater and Dr. Smith Board Members are authorized to travel to AAVSB Board Basics and Beyond, and KBVE shall cover any expenses not covered by AAVSB, including meeting registration. The motion, seconded by Dr. Kennedy, passed unanimously.

- **Board Authorizations for Ms. Shane's BOD travel**

A MOTION was made by Dr. Smith to authorize the KBVE Chairman to review and authorize as appropriate any travel requests from Ms. Shane in relation to AAVSB Board of Directors activities for the duration of her terms on the BOD. KBVE shall cover any travel-related expenses not covered by the AAVSB. The motion, seconded by Dr. Quammen, passed unanimously.

- **AAVSB Communications.**

Ms. Shane queried Members of the Board to better understand which AAVSB communications were being received directly by board members. Ms. Shane will forward important AAVSB communications to ensure Board Members have a chance to review information sent from the national organization.

- **Committee Reports:**

- **AAVSB BOD.** Ms. Shane reported the AAVSB winter meeting went well, with work focusing on strategic planning and selection of a new Mega Issue to investigate. Program reviews continued. The BOD voted to dissolve the AAVSB Program and Services Think Tank, concluding that they had accomplished the task for which they had been created.
- **AAVSB Regulatory Policy Committee.** Dr. Dianne Dawes reported she is working on multiple subcommittees, and everyone is working very hard.

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 Mr. Dorman to nominate and elect Dr. John Park as Chairman of the Board. The motion, seconded by Dr. Smith, passed unanimously.

A MOTION was made by Dr. Staton to nominate and elect Dr. Gene Smith as Vice Chairman of the Board. The motion, seconded by Dr. Prater, passed unanimously.

- **VTNE Report**

Ms. Shane introduced data received from the AAVSB regarding exam pass rates for students testing for Kentucky. Ms. Staton noted that MSU has had a slight decline in VTNE pass rate, but the overall 3-year pass rate is around 75%. VTNE added a tenth domain to the exam, but there was not really any forewarning for schools to be able to teach this to the students, many of whom had already graduated prior to being able to take the exam. New Domain: Communication and veterinary support services, wellbeing, crisis intervention (5%).

Members of the Board briefly discussed the acquisition of PSI (the testing vendor for AAVSB) by ETS. AAVSB has indicated they do not anticipate any negative impacts from this transition.

Members would like to ask AAVSB if there is any intent to add additional testing windows. Dr. Venit, AAVSB CVO, indicated that there was no such intention at this time.

Ms. Shane noted that the AAVSB BOD just approved a policy change to allow students to test prior to graduation, in accordance with jurisdictional rules.

KBVE would like to see trend data in test scores for Kentucky and nationally or closely aligned states.

- **KVMA / AVMA Updates**

- **Legislative Updates**

- Dr. Prater provided an update on [HB 400](#), heard before the House Agriculture Committee on Wednesday, February 9, 2024. KVMA states the association is neutral on Murray State University's proposal to build a college of veterinary medicine (CVM). However, they have also publicly stated critical concerns regarding MuSU's feasibility study, which they have posted on the KVMA website at www.kvma.org/kvma-documents-recommendation-letter-on-veterinary-work-shortage-issues/. Dr. Prater testified in coordination with Dr. Tammy Smith and Dr. Jim Weber to provide some factual nuance to the discussion occurring on this topic in the General Assembly.

Dr. Prater personally feels that it would be a huge mistake to pull out of the contract seats with Auburn University, which is a world class facility with one of the best teaching hospitals in the country.

Dr. Prater also spoke about the 13 states that have veterinary loan repayment programs. 11 of those 13 have CVMs, and they still have shortages.

Dr. Gardner shared his experience about weighing in on this bill as a private citizen with his personal representative. Stakeholder associations need to voice an opinion rather than staying neutral.

KVMA is planning to send out a survey to Membership.

Dr. Quammen indicated that it was expressed yesterday about the academic rigor challenges faced by Kentucky students – that in a general pool, many Kentucky students would not even qualify for admittance at a CVM. Therefore, the deal with the contract seats at Auburn and Tuskegee are critical to Kentucky student's ability to be accepted into any CVM.

- [HB 328](#) – A bill about rabies administration.

Members of the Board discussed the merits and drawbacks of direct vs. indirect supervision of LVTs by a supervising veterinarian for rabies vaccine administration. Current law requires veterinarians to administer the rabies vaccine. HB 328 as originally filed will allow LVTs to also administer the rabies vaccine, but does not specify a required level of supervision. Both CHFS and KBVE believe direct supervision must be required.

Dr. Kennedy led a discussion on international CVIs.

- FYI – AVMA position documents provided to HOD
- **KBVE**
 - **Letter of support to regarding adding an LVT to the Missouri Board.**

Members of the Board acknowledged and approved the letter sent to Missouri.
 - **Report on FARB Conference**

Dr. Park, Dr. Dawes, and Ms. Shane attended the FARB Forum on Professional Regulation, held January 25 - 28, 2024, in Fort Worth, TX. Dr. Dawes reported that the FARB Conference was very worthwhile. Dr. Park agreed and appreciated the insight into the functioning of regulatory boards in other professions, as well as common challenges to all regulators. Ms. Shane presented at a preconference workshop at the FARB Conference, following a recommendation from the AAVSB. Ms. Shane described a possible need for an AAVSB resolution regarding legislative help to Member Boards.

APPLICATIONS COMMITTEE REPORT

Committee Chair Dr. Kennedy provided a report on KBVE applications.

- **Special Permittee updates**
 - While several Special Permit holders passed the NAVLE during the last testing window, Kentucky had 13 candidates who failed to achieve a passing score. Kentucky has several applicants who are on their fourth or fifth attempt. Members of the Board requested more data be gathered to determine if graduates from certain schools are having more difficulty than others; the Board would like more clarity on who is passing and who is failing related to the traditional or distributive model schools.
- **Outlier Applicants**
 - On December 5, Dr. Kennedy, Dr. Staton, Mr. Brengelman, and Ms. Shane met with denied applicant Ms. Janalee Carris. She asked KBVE to consider opening an alternative pathway to Kentucky licensure for veterinary technicians, like California's progressive program. Members of the Board determined that this request does not align with KBVE's LVT title protection initiative.

INVESTIGATIVE REPORTS

KBVE Investigators Dr. Coy St. Clair and Dr. L. Dena Fitzpatrick provided a report to the Board.

- **Periodic Shelter Inspections:**
 - Logan County Humane Society (certificate no. 149522) – new Designated On-site Manager
 - Montgomery County Animal Shelter (certificate no. 149525)

- **Drug Discussion:**

Knox-Whitley Animal Shelter contacted the board to determine if Euthasol would be an acceptable euthanasia drug because they are having trouble ordering Fatal Plus.

Currently, 201 KAR 16:552, Section 3 states the following limitations on drugs:

(1) A certified animal control agency shall be restricted to the purchase of only sodium pentobarbital for the purpose of animal euthanasia.

(2) A certified animal control agency shall be restricted to the purchase of only the following board-authorized specific drugs, or any combination thereof, for the purpose of animal anesthesia or sedation prior to euthanasia.

(a) Acepromazine;

(b) Dexmedetomidine;

(c) Ketamine; and

(d) Xylazine.

(3) Scheduled drugs (controlled substances) shall be limited to a thirty (30) day supply, or the smallest quantity available for purchase if that quantity is greater than a thirty (30) day supply.

Dr. Fitzpatrick shared that after research, she learned that Euthasol and Euthaphen both have active ingredients in addition to sodium pentobarbital that causes them to be a violation of 201 KAR 16:552. Fatal Plus is the only product that is strictly sodium pentobarbital.

Historically, the intent of the law was to remove barbaric methods of euthanasia like shooting or beating to death. Members of the Board agreed to revisit this regulation to change it to state, “(a) sodium pentobarbital, or (b) sodium pentobarbital mix which has been FDA approved for euthanasia” or similar. Research during the meeting seems to indicate that the Board may need to add back in sodium pentobarbital with lidocaine, which was removed following comment from the AVMA during the last revision of this regulation.

Members of the Board directed that KBVE-certified animal control agencies should work to obtain Fatal Plus, but if it cannot be found, then the use of Euthasol and Euthaphen would be acceptable while the KBVE works to update the regulation.

- **Equine Sales Reports:**

- Keeneland – January Horses of All Ages Sale

Dr. St. Clair presented an Equine Sales Report. Most of the veterinarians who were viewing radiographs during this sale were licensed in Kentucky.

WELLNESS COMMITTEE REPORT

Mr. Tom Dorman presented the Wellness Report. Three individuals are currently being monitored and all doing well.

EDUCATION AND OUTREACH COMMITTEE

- **KVMA E&O contract**

Ms. Shane provided an update regarding the KBVE – KVMA Joint Informational Meetings. The schedule is as follows. The first two meetings were well-attended, but additional board member participation is requested.

- Dr. Gardner will try to attend the Jackson Purchase meeting
- Dr. Park and Dr. Velasco will attend the Louisville meeting.

Date	KVMA Region	KVMA POC	Location
Tuesday, January 23	KAEP	Dr. Ernie Martinez	The Thoroughbred Center 3380 Paris Pike, Lexington, KY
Tuesday, January 30	Northern Kentucky VMA	Dr. Matt McGlasson	Receptions Event Center 1379 Donaldson Hwy, Erlanger, KY
Thursday, February 22	Jackson Purchase VMA	Dr. Cathryn Williams	Goldie’s Events 202 Broadway St, Paducah, KY
Tuesday, February 27	Greater Louisville VMA	Dr. Mark Chick	Martin’s BBQ 3408 Indian Lake Dr, Louisville, KY

Date	KVMA Region	KVMA POC	Location
Thursday, March 14	Buffalo Trace VMA (1)	Dr. Shawn Tussey	Morehead State Farm 25 MSU Farm Rd, Morehead, KY
Thursday, March 21	Buffalo Trace VMA (2)	Dr. Shawn Tussey	Perry County Extension 933 Perry Park Rd, Hazard, KY
Monday, April 8	West Central VMA	Dr. John Laster	TBD
Tuesday, April 23	South Central VMA	Dr. Mandy Williams	TBD
Thursday, May 2	South East VMA	Dr. Stacey Hutchison	TBD
Thursday, May 16	Lincoln Trail VMA	Dr. Marsha Bull	TBD
Tuesday, June 18	Central Kentucky VMA	Dr. Chris Jolly	TBD

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

A meeting to continue discussions about the development of an animal massage therapy credential has been scheduled for Feb 16. Dr. Dawes and Dr. Park plan to attend.

- **Kentucky Department of Fish and Wildlife Recourses (KDFWR)**

A meeting with staff and counsel from KDFWR was held on December 5 and attended by Chairman Dr. Park, Dr. Dawes, Dr. Velasco, Dr. St. Clair, Mr. Brengelman, and Ms. Shane. Topics of discussion included SOPs for counties related to rabies identification and testing in wildlife, use of Animal Control Officers (ACOs), transportation, KBVE-certified AES, need for statute and regulatory revisions, as well as the need for additional licensee education regarding 301 KAR 2:075 (s/n not allowable, as is a non-essential surgery). KDFWR will endeavor to have draft regulation to KBVE before Feb 29 for KBVE’s review at their Feb 29 meeting, and an alternative date prior to KBVE’s April 25 meeting at the latest.

GRIEVANCE COMMITTEE REPORT

Committee Chairperson Dr. Dawes provided the Grievance Committee Report from their meeting today, and cases reviewed at their January 18 meeting.

Case Status Recommendations	Case Numbers
Ordered Appearance (Before Grievance Committee Only)	• 2022-05
Ordered Appearance (Before the Full Board)	• 2023-04



Case Status Recommendations	Case Numbers		
Dismissed, no violations of the Practice Act identified	<ul style="list-style-type: none"> • 2023-03 • 2023-28 • 2023-38 	<ul style="list-style-type: none"> • 2023-49 • 2023-50 • 2023-56(A-D) 	<ul style="list-style-type: none"> • 2023-58 • 2023-60(A-B) • 2023-65
Assigned to Investigator	<ul style="list-style-type: none"> • 2023-52 • 2023-53 	<ul style="list-style-type: none"> • 2023-54 • 2023-57(A-D) 	<ul style="list-style-type: none"> • 2023-62 • 2024-10
Assigned to Legal Counsel for Settlement Negotiations	<ul style="list-style-type: none"> • 2021-47 • 2023-17 • 2023-41 	<ul style="list-style-type: none"> • 2023-42 • 2023-43 • 2023-45 	<ul style="list-style-type: none"> • 2023-51
Settlement Agreement Reached (for signature today)	<ul style="list-style-type: none"> • 2022-21(A) • 2022-46(A) 	<ul style="list-style-type: none"> • 2023-22(B) 	<ul style="list-style-type: none"> • 2023-30
Assigned to Legal Counsel for Administrative Hearing	<ul style="list-style-type: none"> • 2021-55(B) 	<ul style="list-style-type: none"> • 2023-17 	
Assigned to Legal Counsel for Demand Letter (Cease and Desist), with possible follow-up filings in Franklin Circuit Court	<ul style="list-style-type: none"> • 2019-11 • 2019-13 • 2020-31 	<ul style="list-style-type: none"> • 2022-21(B) • 2023-16 • 2023-59 	<ul style="list-style-type: none"> • 2023-63 • 2023-10
Assigned to Legal Counsel for Filing Case in Franklin Circuit Court	<ul style="list-style-type: none"> • 2019-11 • 2019-13 • 2020-31 	<ul style="list-style-type: none"> • 2022-21(B) • 2023-16 • 2023-59 	<ul style="list-style-type: none"> • 2023-63 • 2024-10
Direction to Issue Private Admonishment	<ul style="list-style-type: none"> • n/a 		
Closed following KBVE action and fulfillment of terms	<ul style="list-style-type: none"> • 2021-41 • 2022-10 	<ul style="list-style-type: none"> • 2023-33 	<ul style="list-style-type: none"> • 2023-47
New – Waiting on Responses	<ul style="list-style-type: none"> • 2024-01 • 2024-02 • 2024-03 • 2024-04 • 2024-05 	<ul style="list-style-type: none"> • 2024-06 • 2024-07 • 2024-08 • 2024-09 • 2024-10 	<ul style="list-style-type: none"> • 2024-11 • 2024-12 • 2024-13 • 2024-14
IMMEDIATE ORDER FOR SUSPENSION	<ul style="list-style-type: none"> • n/a 		

A MOTION was made by Dr. Velasco to approved the recommendations and actions of the Grievance Committee. The motion, seconded by Dr. Kennedy, passed unanimously.

Chairman Dr. Park thanked the Committee for clearing the backlog of dismissal and closure letters. 55 cases were cleared, including the issuance of 111 letters.

Members of the Board reviewed and discussed the Grievance Committee recommendation to the Full Board regarding the unlicensed practice of equine dentistry. Members of the Board offered their support for the Committee's recommendations and directed staff to implement these recommendations.

- Issuing Demand letters to unlicensed practitioners of equine dentistry
- Sending an email blast to all KBVE licensees related to distribution of drugs to unlicensed persons
- Adding a resolution statement to the website.

The Board took a break between 2:34 pm – 2:45 pm.

GOVERNMENT AFFAIRS COMMITTEE

- **Questions from Licensees**
 - **Veterinary assistants and radiographs; assigned tasks**

Members of the Board reviewed the question submitted and the new regulation 201 KAR 16:750, Section 5. After April 2, 2024, when this regulation becomes effective, a veterinarian or LVT may provide **direct** supervision ([KRS 321.181\(59\)\(c\)](#)) to a veterinary assistant performing radiography. The current law is unclear, so KBVE recommends that Dr. Deborah Spike-Pierce act in conformity with the new regulation.
 - **Required postings in a veterinary facility related to onsite equipment**

Members of the Board discussed this question. It is currently uncommon for practices to have dental Xrays. There is no requirement for declaring or posting this. Some practices decline doing extractions without the dental Xray and will refer cases to other clinics that have dental Xray technology. Members of the Board agreed that communication with the client is the critical component to the concerns outlined, and any such communications should be recorded in the medical record.
- **Policy Discussion - Regarding Kentucky Cattlemen's Association (KCA) Request for Non-veterinarian PhD Reproductive Physiologist Work on Animals**

Dr. Gardner and Dr. Prater provided a report to the Board regarding their research on unlicensed practitioners with PhDs in reproductive physiology, particularly bovine embryo transfer and reproduction work. This type of work falls within the practice of veterinary medicine, as defined in [KRS 321.181\(50\)](#).

In Oklahoma, there is a carveout offering such providers the ability to become certified by the board of veterinary examiners. In doing so, such practitioners must show significant liability insurance, obtain continuing education to maintain their certification, and other requirements. Montana had a similar carveout. The Oklahoma regulations also do not specify which species these individuals can practice on, which opens the door to unintended cross-species work.

They discussed information from the American Embryo Transfer Association (AETA). To be AETA Certified, members must be either a veterinarian or hold a PhD in reproductive

physiology. However, the AETA lists only six (6) PhD members, and this number is in decline.

Other elements of the research that were discussed from the report to the Board:

- Cattle Ultrasonography for pregnancy diagnosis has a false sense of certainty and simplicity amongst cattle producers. The success of the diagnosis is dependent on the experience of the operator and in a finite window of gestational stage.
- The skill of ultrasounding cattle is directly proportional to the palpitation skills of the operator. Some users may have developed their skill in a window <90 days by training in that window post breeding. However, the results may be devastating outside that range.
 - When working with the general public all certainty goes out the window. There are mystery breedings, either by their own bull or a neighbor's bull.
- Since herd productivity and efficiency is a multi-faceted analysis, these procedures are best performed by a comprehensively trained veterinary practitioner.
- Proper performance of these procedures is crucial to the profitability and healthy well-being of the agricultural operation.
- Allowing an exemption for PhD reproductive physiologists to work on animals without a veterinarian license of their own simply further erodes the relationships between veterinarians and producers, reinforcing that a veterinarian will not be available in times of emergency need.
- Improved utilization of veterinarians by producers and owners is essential to the overall health of the relationship between veterinary medicine and the animal agricultural community.

Members of the Board discussed the report and the recommendations made by Dr. Gardner and Dr. Prater to not broaden the current exception in statute. Members were in agreement with the recommendation.

- **Administrative Regulations – side packet**

- **December appearance before General Assembly Administrative Regulation Review Subcommittee (ARRS)**

Chairman Dr. Park and Ms. Shane appeared before the ARRS Committee on December 5, 2023, regarding the following filed regulations, all of which received public comments and had public hearings in 2023.

- 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
- 201 KAR 16:550 – ACA certification
- 201 KAR 16:552 – ACA responsibilities
- 201 KAR 16:560 – AES Certification
- 201 KAR 16:701 – Standards for Medical Records
- 201 KAR 16:702 – Standards for Veterinary Surgery

- 201 KAR 16:750 – LVTs and veterinary assistants – scope of practice

Members of the ARRS Committee had no questions. The regulations are expected to go into effect on April 2, 2024.

- **Board discussion: Type and frequency of announcement(s) re filing**

Some constituents were upset that they did not receive direct notice that these regulations were available for review. Members of the Board discussed the public notice requirements within [KRS Chapter 13A](#) and the Commonwealth's [RegWatch program](#). In addition to these avenues of notification, the KBVE also publishes discussion drafts and filed regulations on the Board's website at www.kybve.com/practice-act.html. Members of the Board determined that the notifications provided were adequate. Parties interested in receiving more information about filings might consider joining the professional association, as KVMA provides such notifications as a member benefit.

- **Other regulations for review this meeting:**

Members of the Board conducted a line-by-line review of the following administrative regulations proposed to be amended.

- **201 KAR 16:590** - Continuing education requirements, veterinarians and veterinary technicians
 - Members of the Board reviewed a series of advance comments submitted by a licensee regarding the need for online options for continuing education.
- **201 KAR 16:520** - Approved veterinary colleges; approved programs for veterinary technicians
 - In Dec 2022, Dr. Slovis and Dr. Fallon appeared before the Board with a petition to allow licensure for graduates of non-AVMA-COE-accredited schools who have achieved diplomate status but have not completed the ECFVG or PAVE program, and not passed the NAVLE.
 - At the time of presentation, seated Members of the Board agreed to investigate the feasibility of this idea.
 - Following discussion today, current Members of the Board do not agree with the proposal as it stands for the following reasons:
 - A license to practice veterinary medicine in Kentucky allows the practice of veterinary medicine on all species; the license is not restricted to one focused area.
 - Boarded specialists are certified in a very specialized area of practice, and their abilities are unknown in relation to working with all species and in other areas of veterinary medicine.

- Educational equivalencies established in the ECFVG and PAVE programs allow for competency assessment of all species and all areas of practice. Further, these programs ensure individuals are fluent in English so they can adeptly interact with clients in the United States.
 - The NAVLE is a required exam, and must be passed by all new licensees of the Board. ICVA does not allow a pathway to test for the NAVLE unless candidates are either 1) a graduate of an AVMA COE accredited school, or 2) a participant in either the ECFVG or PAVE program.
 - If the KBVE were to allow licensure of a boarded specialist who has not graduated from an AVMA-COE-accredited school and not passed the NAVLE, this would need to be a very limited license with restrictions placed on the license for types of practice and species served. This would need a statutory amendment; this may be possible in 2025.
- **201 KAR 16:530** - Examination requirements for veterinarians and veterinary technicians
 - **201 KAR 16:540** - Application requirements for veterinarians and veterinary technicians

All forms and applications will be updated based on the revisions to the above regulations, as discussed today.

A MOTION was made by Dr. Smith to approve the draft regulations as amended, and to direct Ms. Shane to proceed with filing with LRC after the application forms have been updated to match. Further, Ms. Shane, Chairman Dr. Park, and KBVE legal counsel Mr. Brengelman are authorized to work together with LRC staff on any needed edits for conformity to KRS Chapter 13A. The motion, seconded by Dr. Velasco, passed unanimously.

OPEN DISCUSSION / NEW BUSINESS

- **Questions pending from the Board's Office**
 - None further

- **Other Items for Discussion**

Board Members are welcome to attend the following events, as KBVE is a Member Organization of KAC and KLC:

- **Kentucky Agriculture Council (KAC) meeting** – Feb 15, 10 am – 12 pm – Kentucky Fair and Exposition Center, Louisville, Freedom Hall Conference Room, during the National Farm Machinery Show. Board Members welcome to attend.

- **Kentucky Livestock Coalition (KLC) meeting** – Feb 15, 1 pm EST - Kentucky Fair and Exposition Center, Louisville, South Wing Room C108

- **Obituary Notifications**
 - None reported

FUTURE MEETING DATES

- **February 29, 2024** – special meeting focused primarily on regulations and contracts
Office of the State Veterinarian, Frankfort, KY

- **March 28, 2024** – regular meeting
Office of the State Veterinarian, Frankfort, KY

ADJOURNMENT

Chairman Dr. Park adjourned the meeting at 4:59 pm.

These Meeting Minutes were approved by the Board on February 29, 2024.


John C. Park, DVM, Chairman of the Board

PRESIDING OFFICER: John C. Park, 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

Meeting Agenda

February 8, 2024

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

COMMITTEE MEETINGS – CLOSED TO THE PUBLIC

- 9:00 AM Grievance 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

OATH OF OFFICE FOR NEW BOARD MEMBERS

CONSENT AGENDA

- Meeting Agenda for February 8, 2024
- Board Meeting Minutes from November 30, 2023
- 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

BUSINESS AGENDA

BUDGET MATTERS

- Budget items for vote:
 - Annual Dues
 - Annual Expenses
 - E.D. overtime
 - Overnights for KBVE-KVMA E&O Meetings
 - RFPs for the next biennium
 - KDA Contract Negotiations update

UNFINISHED BUSINESS AND UPDATES

- AAVSB Updates
 - Call for Nominations
 - Upcoming Events
 - Board Authorizations for BOD travel
 - Committee Reports
- KVMA / AVMA Updates
 - FYI – AVMA position documents provided to HOD
 - Legislative Updates
- KBVE
 - Letter of support to Missouri Board regarding adding an LVT to their board
 - Transition response to new KDA Commissioner Jonathan Shell

APPLICATIONS COMMITTEE REPORT

- Special Permittee updates
- Outlier Applicants

INVESTIGATIVE REPORTS

- Periodic Shelter Inspections
- Equine Sales Reports

WELLNESS COMMITTEE REPORT

EDUCATION AND OUTREACH COMMITTEE

- KVMA E&O contract
- KBLMT
- KDFWR

EXECUTIVE SESSION, if needed

GRIEVANCE COMMITTEE REPORT

- Recommendation regarding non-veterinarian equine dental providers

GOVERNMENT AFFAIRS COMMITTEE

- **Question from Licensee**
 - Veterinary assistants and radiographs
- **Administrative Regulations**
 - December appearance before ARRS
 - Board discussion regarding public announcement(s)
 - Other regulations for review this meeting:
 - 201 KAR 16:590 - Continuing education requirements, veterinarians and veterinary technicians

- 201 KAR 16:520 - Approved veterinary colleges; approved programs for veterinary technicians – Dr. Slovis & Fallon
- 201 KAR 16:530 - Examination requirements for veterinarians and veterinary technicians
- 201 KAR 16:540 - Application requirements for veterinarians and veterinary technicians

OPEN DISCUSSION / NEW BUSINESS

- Questions pending from the Board's Office
- Other Items for Discussion
- Obituary Notifications

FUTURE MEETING DATES

- **2024 Schedule Discussion**
Office of the State Veterinarian, Frankfort, KY

ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/85685348244?pwd=a1AvZTFyQlBYMWxvTlhrei9TL3MyZz09>

Meeting ID: 856 8534 8244

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• +1 719 359 4580 US

• +1 253 205 0468 US

• +1 253 215 8782 US (Tacoma)

• +1 346 248 7799 US (Houston)

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