

1 UPDATED: 03/13/2024 – DISCUSSION DRAFT ONLY -- NOT FILED WITH LRC

2 BOARDS AND COMMISSIONS

3 Kentucky Board of Veterinary Examiners

4 (New Administrative Regulation)

5 201 KAR 16:545 Application requirements for Veterinary Facility Registration; Veterinarian
6 Managers; Registered Responsible Parties.

7 RELATES TO: KRS 258.043, 321.203, 321.236

8 STATUTORY AUTHORITY: KRS 321.203, 321.235(2)(b)1.c., (2)(b)3.b., (2)(e)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the
10 Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public
11 health, safety, and welfare by and through, in part, the registration and regulation of veterinary
12 facilities and mobile facilities where and from which the practice of veterinary medicine occurs.
13 KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate
14 administrative regulations defining the application requirements and fees for veterinary facilities.
15 This administrative regulation establishes application requirements for veterinary facilities.

16 Section 1. Definitions.

17 (1) "Fixed facility" has the same meaning as KRS 321.181(38).

18 (2) "Mobile facility" or "mobile unit" has the same meaning as KRS 321.181(46). A
19 veterinary facility mobile unit shall be primarily used for the practice of veterinary medicine or
20 the practice of veterinary technology.

1 (3) "Practice of veterinary medicine" ~~is defined by has the same meaning as~~ KRS
2 321.181(50).

3 (4) "Practice of veterinary technology" ~~is defined by has the same meaning as~~ KRS
4 321.181(51).

5 (5) "Premises" is defined by KRS 321.181(52).

6 (6) "Registered responsible party" ~~is defined by has the same meaning as~~ KRS
7 321.181(57).

8 (7)(6) "Veterinarian manager" ~~is defined by has the same meaning as~~ KRS 321.181(68)

9 (8)(7) "Veterinary facility" ~~is defined by has the same meaning as~~ KRS 321.181(71).

10 Section 2. General Requirements. Each veterinary facility that is located in Kentucky
11 where the practice of veterinary medicine or practice of veterinary technology occurs shall
12 possess a veterinary facility registration issued by the Kentucky Board of Veterinary Examiners.
13 Pursuant to KRS 321.236(2), all existing veterinary facilities in Kentucky shall be registered by
14 June 30, 2025.

15 (1) A veterinary facility registration shall not be issued without a physical facility, either
16 a fixed facility or mobile unit.

17 (2) A veterinary facility shall be a dedicated space equipped for, staffed, and primarily
18 ~~devoted~~ dedicated to the practice of veterinary medicine.

19 (3) A mobile facility shall be registered as an affiliate unit on a fixed facility registration,
20 or independently under a unique veterinary facility registration with a designated physical
21 location for parking and storage.

1 (4) A registered facility shall have no more than two (2) mobile units under its
2 registration without incurring additional registration and renewal fees as established in 201 KAR
3 16:515.

4 ~~(5) An expert who provides consulting services only to other veterinarians, who does not~~
5 ~~engage in the practice of veterinary medicine on a patient directly, and who does not have a~~
6 ~~physical facility, either fixed or mobile, where the consultant practices on animals, shall be~~
7 ~~exempt from the requirements of this administrative regulation.~~

8 ~~(6)~~ A registered veterinary facility shall prominently display the current registration
9 certificate in a public area of the registered facility. The registration certificate shall:

10 (a) Legible; and

11 (b) Show the current dates of registration.

12 Section 3. Exemptions from Requirements for Veterinary Facility Registration. The
13 following premises shall be exempt from the requirements of this administrative regulation:

14 (1) Premises identified in KRS 321.181(71)(b).

15 (2) An expert who provides consulting services only to other veterinarians, who does not
16 engage in the practice of veterinary medicine on a patient directly, and who does not have a
17 physical facility, either fixed or mobile, where the consultant practices on animal patients.

18 (3) Public rabies vaccines clinics held in accordance with KRS 258.043.

19 (a) The local health department or veterinarian providing services under KRS 258.043
20 shall register the rabies clinic with the board at least 30-days in advance of the event by
21 submitting a completed application on an Application for Mass Rabies Immunization Clinic form
22 or online equivalent form, including all required attachments.

1 (b) If other services are rendered, including the administration of other vaccines or
2 veterinary products are sold, then the veterinarian must practice at a registered veterinary facility,
3 either fixed or mobile, and a medical exam shall be provided to each patient and a complete
4 medical record shall be established in accordance with 201 KAR 16:701.

5 Section 4. Registered Responsible Party.

6 (1) Each application for a veterinary facility registration shall name the facility and
7 identify each registered responsible party.

8 (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable
9 for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including
10 the timely designation of a veterinarian manager for the veterinary facility in accordance with the
11 provisions of 201 KAR 16:565.

12 (3) When it is determined that a registered responsible party has violated any provisions
13 of the Kentucky Veterinary Medicine Practice Act or 201 KAR Chapter 16, the board may take
14 disciplinary action equal to that for a licensed veterinarian as provided by the Kentucky
15 Veterinary Medicine Practice Act.

16 Section 5. ~~Section 4.~~ Veterinarian Manager.

17 (1) Each application for a veterinary facility registration shall ~~name the facility and~~
18 designate a veterinarian manager. The application shall include the veterinarian manager's
19 original signature, or, if completed online, an equivalent digital signature.

20 (2) A veterinarian manager shall be responsible for meeting the requirements of KRS
21 Chapter 321 and 201 KAR Chapter 16, including ensuring the requirements for minimum
22 standards are met and maintained.

23 ~~(3) A veterinarian manager shall comply with the provisions of 201 KAR 16:565.~~

1 Section 6. Section 5. New Application Requirements.

2 (1) A new application to the board for registration as a veterinary facility shall include
3 the following components:

4 (a) A completed application on an Application for Veterinary Facility Registration ~~of a~~
5 ~~Veterinary Facility~~ form or online equivalent form, including all
6 required attachments and fees;

7 (b) A complete list of persons or entities who shall be the
8 registered responsible party;

9 (c) Identification of the veterinarian manager;

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

12 (e) Identification of the species served ~~by percentage of~~
13 ~~patients seen by the facility~~ from one or more in a list provided
14 by the board;

15 (f)(e) Identification of the patient services offered at the
16 veterinary facility from one (1) or more in a list provided by the
17 board;

18 (g)(f) A complete list of veterinarians working at the
19 facility, excluding veterinarians providing locum services on a
20 temporary basis to the facility;

21 (h)(g) A complete list of licensed veterinary technicians
22 working at the facility;

NOTE FOR DISCUSSION / RESEARCH

(d) Ownership structure– and types, like corporate (multi-state), corporate (in-state only), etc. Sole proprietor, etc.... check business tax designations

NOTE FOR DISCUSSION / RESEARCH

(e) Check AVMA species list: ? feline, canine, equine, bovine (beef or dairy), porcine, small ruminates, avian, camelid, .. and others?

BOARD DIRECTIVE on 2/29:

Need to list 4 “major” categories, with list of subcategories, inclu. Exotics, & other AVMA species types, ...)

NOTE FOR DISCUSSION / RESEARCH

(f) Notes for form development: preventative health, emergency, internal medicine, specialty medicine (type?), surgery, imaging, ...)

BOARD DISCUSSION 2/29:

Need to discuss further – would be publicly available, - follow-up with list of services in application...

1 ~~(i)(h)~~ A complete list of allied animal health professional (AAHP) permittees working at
2 the facility;

3 ~~(j)(i)~~ A complete list of ~~all~~ mobile units affiliated with the veterinary facility;

4 ~~(k)(j)~~ Disclosure of after-hours care arrangements;

5 ~~(l)(k)~~ For fixed facilities, county of location and
6 counties served;

7 (m) If the facility offers haul-in installation;

8 ~~(n)(h)~~ For mobile units, a list of the counties served
9 by the mobile unit; ~~and~~

10 (o) Hours of operation; and

11 ~~(p)(m)~~ A copy of any court documents, final orders, settlement agreements, or other
12 documents requested by the board in support of the application.

13 Section 7. Section 6. Background checks. Pursuant to KRS 321.189, the board may:

14 (1) Conduct a national or jurisdictional level background check on each veterinarian
15 manager applicant for registration. The check shall be processed by a board approved
16 background check provider and may include a copy of the applicant's fingerprints captured at a
17 board-approved location;

18 (2) Reject background checks that do not have an official seal or watermark, or that are
19 more than ninety (90) days old.

20 (3) Impose additional requirements as a condition of registration or deny registration
21 following the board's review of findings from a background check; and

NOTE FOR DISCUSSION / RESEARCH

(k) Notes for form development:

Do you provide afterhours care?
Emergency services? How do you
notify clients of after-hours care
options?

1 (4) Waive the background check requirement for a veterinarian manager who is already
2 licensed in Kentucky and when a background check was previously conducted as a condition of
3 licensure.

4 Section 8. ~~Section 7.~~ Renewal and reinstatement of veterinary facility registrations.

5 Pursuant to 201 KAR 16:575, a registered responsible party or veterinarian manager shall:

6 (1) Ensure the timely renewal of the veterinary facility registration; and

7 (2) If applicable, ensure an appropriate reinstatement application is made to the board.

8 Section 8. Incorporation by reference.

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

10 (a) “Application for Mass Rabies Immunization Clinic”, 4/2024; and

11 (b) “Application for Veterinary Facility Registration ~~of a Veterinary Facility~~”,

12 0403/2024;

13 ~~(b)??~~

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16 40601, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at
17 www.kybve.com.