

1 UPDATED: 10/16/2023 – DISCUSSION DRAFT ONLY -- NOT FILED WITH LRC

2 GENERAL GOVERNMENT CABINET

3 Kentucky Board of Veterinary Examiners

4 (New Administrative Regulation)

5 201 KAR 16:805 Facility Inspections.

6 RELATES TO: KRS 321.203, 321.205, 321.235, 321.236

7 STATUTORY AUTHORITY: KRS 321.235(1)(a), (b), (2)(b)3.c.

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose  
9 of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public  
10 health, safety, and welfare by and through, in part, the regulation of veterinary facilities and  
11 mobile facilities where and from which the practice of veterinary medicine occurs. KRS  
12 321.235(1)(a) requires the Kentucky Board of Veterinary Examiners to promulgate  
13 administrative regulations in accordance with KRS Chapter 13A to effectively carry out and  
14 enforce the provisions of the chapter. This administrative regulation establishes requirements for  
15 inspections of veterinary facilities, AAHP facilities, and mobile facilities.

16 Section 1. Facility Inspections.

17 (1) Inspections for registered facilities shall be voluntary, at the request of a registered  
18 responsible party, veterinarian manager, or credential holder of the board.

19 (2) Fees for the voluntary inspection shall be paid to the board pursuant to 201 KAR  
20 16:519.

1 (3) Notwithstanding any provision of this regulation, nothing shall prevent the board  
2 from conducting inspections at a veterinary facility, AAHP facility, or mobile facility in response  
3 to a grievance filed with or by the board, or upon suspicion of a violation of the Kentucky  
4 Veterinary Medicine Practice Act.

5 Section 2. Purpose of Registered Facility Inspections.

6 (1) The board shall conduct registered facility inspections to:

7 (a) Ensure that registered facilities in Kentucky are operating in compliance with the  
8 minimum standards promulgated by the board in administrative regulations;

9 (b) Encourage the continuous improvement of quality of services to the animals and  
10 citizens of the Commonwealth; and

11 (c) Assist registered facilities in understanding, achieving, and maintaining minimum  
12 standards through education and consultation.

13 (2) Upon the receipt of a grievance or upon suspicion of a violation of KRS Chapter 321  
14 or 201 KAR Chapter 16, the board or its designees may conduct an investigation at any premise  
15 or veterinary facility to determine compliance with the Kentucky Veterinary Medicine Practice  
16 Act.

17 Section 3. Voluntary consultation.

18 (1) Upon request to the board from a registered responsible party, veterinarian manager,  
19 or AAHP manager, the board may conduct an inspection to assist with understanding and  
20 meeting compliance with KRS Chapter 321 and 201 KAR Chapter 16.

21 (2) A registered responsible party, veterinarian manager, or AAHP manager may arrange  
22 for longer term, more intensive training, consultation, or assistance by the board relating to  
23 specific areas of clinic operations, record keeping, management of controlled substances, and

1 other specific areas of concern. Arrangements shall be approved and coordinated through the  
2 board's executive director.

3 (3) The requestor shall pay fees in accordance with 201 KAR 16:519.

4 Section 4. Certificate of Inspection.

5 (1) Registered facilities that have been inspected by the board and determined to be in  
6 compliance with the minimum standards promulgated by the board in administrative regulation  
7 shall receive a certificate of inspection from the board.

8 (2) The certificate shall indicate the:

9 (a) Name of the registered facility;

10 (b) Date of Inspection;

11 (c) Name of the Kentucky Board of Veterinary Examiners; and

12 (d) ?

13 (2) The registered facility may display the certificate of inspection on the premises of the  
14 facility.

15 Section 4. Corrective action – Notice of Noncompliance (NC).

16 (1) When the board or its designee determine that a veterinary facility, AAHP facility, or  
17 mobile facility does not meet the requirements of KRS Chapter 321 or 201 KAR Chapter 16, the  
18 board may issue a notice to comply, or “NC”.

19 (2) The NC shall request the facility's veterinarian manager or AAHP manager submit a  
20 written plan of correction to the board within a specified time for corrections.

21 (3) A copy of each NC shall be maintained in the facility's file.

22 (4) The board or its designee shall follow-up with the facility to ensure that an  
23 appropriate plan of correction is submitted and implemented.

1 Section 5. Corrective action – Notice of Violation (NOV).

2 (1) If a veterinary facility, AAHP facility, or mobile facility remains non-compliant on  
3 the same issue(s) after three (3) notifications from the board, the board may issue a notice of  
4 violation, or “NOV” pursuant to KRS 321.235(2)(h), including a fine per violation should the  
5 violation not be corrected in the timeframe provided by the board. An NOV shall include the  
6 following information:

7 (a) A citation to the statutory or regulatory requirement that has been or is being violated;

8 (b) A description of the circumstances surrounding the violation, set forth in common and  
9 concise language;

10 (c) Measures required to correct the violation;

11 (d) A reasonable time for correction, if the respondent cannot take measures to correct the  
12 violation immediately; and

13 (e) Notice of rights of appeal.

14 (6) Failure to respond to and comply with the instructions provided in a board-issued  
15 NOV, including timely payment of all fines, shall be cause for the board to initiate grievance  
16 proceedings in accordance with KRS 321.351 and 201 KAR 16:610.

17 (a) In accordance with KRS 321.353 and 321.990, resulting board action may result in  
18 revocation or suspension of the veterinarian manager’s licensure to practice in the state, penalties  
19 against the registered responsible party, or in revocation or suspension of the registration for the  
20 veterinary facility.

21 (b) The board may order that the facility be required to undergo mandatory re-inspections  
22 and consultation services at their own expense, pursuant to 201 KAR 16:519.

23 Section 5. Corrective action – Mandatory Re-inspections and Consultation.

1 (1) For each mandatory re-inspection, the board may charge an administrative fee in  
2 accordance with 201 KAR 16:519.

3 (2) For mandatory, individualized consultation (other than initial training provided at the  
4 time of the inspection when violations are found), the board may charge the facility an hourly  
5 consulting fee in accordance with 201 KAR 16:519.

6 (3) The fees for mandatory re-inspection and mandatory, individualized consultation shall  
7 be in addition to any fees assessed for violations in the NOV.

DISCUSSION DRAFT (PRIOR TO LRC FILING)