



KENTUCKY BOARD OF VETERINARY EXAMINERS

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**Kentucky Veterinary Medicine Practice Act Modernization
Proposed Revisions**

2023 DRAFT-03

Matches LRC Matches 2023 RS BR 4 / HB 167

(Changes from 2022 RS HB 493 are Highlighted in Yellow)

(MARKED-UP)

FORMATION OF POLICY

READ ME - Notes on revisions:

- The Table of Contents (TOC) is clickable – go directly to the statute by clicking on the statute title.
- Each statute is presented by “KRS” number (if existing) or “KRS 321.NEW” followed by the title.
- The full, original statutory text is presented following the title, including footnotes from LRC.
- Proposed amendments follow the original statute – will be in line spacing 1.5 lines
 - You will see “**Proposed Revisions to**” followed by the name of the statute
 - If there are no proposed revisions, or other notes, this will also be marked in green highlight, e.g., “**New proposed statute**” or “**No proposed changes**”
 - Edits are presented as follows:
 - **Red text** is added
 - ~~Red strike through text~~ shows a deletion.
 - ~~Double strikethrough green text~~ means the text has been moved to another location in the proposed revised statute.
 - Double underlined green text shows the new location of moved text.
 - ~~Double underlined with a single strikethrough~~ shows a deletion.
 - **Highlighted YELLOW text** shows changes from the 2022 RS HB 493 text

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KRS CHAPTER 321

KRS 321.175 - Purpose of chapter.

It is hereby declared that the practice of veterinary medicine is a privilege which is granted by legislative authority in the interest of public health, safety, and welfare. To protect the public from being misled by incompetent, unscrupulous, and unauthorized practitioners, and from unprofessional or illegal practices by persons licensed to practice veterinary medicine, this chapter is enacted in the interest of the health, safety, and welfare of the animal population and the citizens of Kentucky.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 1, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 282, effective July 15, 1996. -- Created 1992 Ky. Acts ch. 299, sec. 1, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 1, has been changed pursuant to KRS 7.136(1).

Proposed Revisions to - Purpose of chapter. (23 RS HB 167 - Section 1 - Amended)

This chapter shall be known as the Kentucky Veterinary Medicine Practice Act.

(1) It is hereby declared:

- (a) That the practices practice of veterinary medicine, -veterinary technology, animal euthanasia, and allied animal health professionals ~~is~~ and the operation of registered ~~registered~~ veterinary facilities, AAHP facilities, and board-certified animal control agencies, are ~~privileges which are is a privilege which~~

1 ~~is granted by legislative authority in the interest of public health, safety, and welfare- to protect~~
2 the public from:

3 1. Being misled by incompetent, unscrupulous, and unauthorized practitioners; ~~and from~~

4 2. Unprofessional or illegal practices by persons licensed to practice veterinary medicine
5 and veterinary technology;

6 3. Substandard care, and

7 4. Unlicensed persons; ~~this chapter is enacted in the interest of the health, safety, and welfare~~
8 ~~of the animal population and the citizens of Kentucky.~~

9 (b) It a matter of public interest and concern that the practices of veterinary medicine, veterinary
10 technology, and animal euthanasia, and allied animal health professions working on animals as
11 described in this chapter, merit and receive the confidence of the public and that only qualified
12 individuals be permitted to practice these professions in the Commonwealth. This chapter shall
13 be liberally construed to carry out these objectives and purposes.

14 (a) It is further declared that the intent of this legislation is to regulate the professions of veterinary
15 medicine, veterinary technology, animal euthanasia, and allied animal health professional work
16 on animals and to establish standards for veterinary premises and allied animal health
17 professional premises, both fixed and mobile, and shall result in displacing competition by
18 restricting licensure, permitting, certification, and registration to practice these professions, as
19 this practice is defined and interpreted by the board, to persons and premises determined by the
20 board to be qualified under this chapter.

21 -(c) That the intent of this chapter is to regulate the professions of veterinary medicine, veterinary
22 technology, animal euthanasia, and allied animal health professional work on animals and to

1 establish standards for veterinary premises and AAHP premises, both fixed and mobile, and
2 shall result in displacing competition by restricting licensure, permitting, certification, and
3 registration to practice these professions, as this practice is defined and interpreted by the board,
4 to persons and premises determined by the board to be qualified under this chapter; and

5 (d) That any resulting restriction on competition is outweighed by the broader interest in protection
6 of the public health, safety, and welfare. It is understood that the regulatory structure calls for
7 veterinarians, veterinary technicians, AAHPs, and citizens at large to serve on the board and this
8 chapter recognizes the need for professional expertise provided by veterinarians and veterinary
9 technicians serving the public interest.

10 (2) This chapter is intended to provide active oversight and supervision through its legislative enactment,
11 the promulgation of administrative regulations, the appointment of board members by the Governor,
12 legal representation of the board by competent counsel, legislative appropriation of moneys and
13 spending authority to support the board, and engagement in the administrative regulation review
14 process under the auspices of the Legislative Research Commission.

15 (3) It is the purpose of this chapter to promote, preserve, and protect the public health, safety, and
16 welfare by and through the licensure, permitting, certification, registration, and regulation of
17 individuals, whether physically located within or outside of the Commonwealth, who practice
18 veterinary medicine, veterinary technology, and animal euthanasia, and AAHP services within
19 Kentucky, and the registration of veterinary facility locations, AAHP facility locations, and mobile
20 facilities where veterinary medicine or AAHP activities are being practiced. In furtherance of this
21 purpose, this chapter creates the Kentucky Board of Veterinary Examiners whose members,
22 functions, and procedures shall be established in accordance with this chapter.

1 (4) The purpose of this chapter is to establish a comprehensive scheme to fully occupy the fields of
2 veterinary medicine, veterinary technology, AAHP work on animals, and animal euthanasia, and
3 provide a uniform regulatory scheme to be enforced by the Kentucky Board of Veterinary Examiners
4 as defined in the scopes of practice.

2023 DRAFT

1 **KRS 321.181 - Definitions for chapter.**

2 As used in this chapter, unless the context requires otherwise:

- 3 (1) "Board" means the Kentucky Board of Veterinary Examiners;
- 4 (2) "Animal" means any animal, except human beings
- 5 (3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;
- 6 (4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth
7 of Kentucky;
- 8 (5) "Practice of veterinary medicine" means:
- 9 (a) To diagnose, treat, correct, change, relieve, or prevent: animal disease, deformity, defect, injury,
10 or other physical or mental conditions, including the prescription or administration of any drug,
11 medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic
12 substance or technique, and the use of any manual or mechanical procedure for testing for
13 pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with
14 regard to any of the above;
- 15 (b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry, acupuncture, laser
16 therapy, manipulation, and all other branches or specialties of veterinary medicine and the
17 prescribing, administering, or dispensing of drugs and medications for veterinary purposes, in
18 accordance with the applicable federal statutes and regulations governing controlled prescription
19 and legend drugs; and
- 20 (c) To use the words "veterinarian," or "veterinary," or any title, words, abbreviation, or letters in a
21 manner or under circumstances which may induce the belief that the person using them is
22 qualified to do any act described in paragraphs (a) and (b) of this subsection;
- 23 (6) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting the
24 embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the
25 embryo into any animal, including food and companion animals;
- 26 (7) "Chemical restraint" means the use of any prescription or legend drug that restrains or tranquilizes the
27 animal;
- 28 (8) "Direct supervision" means the veterinarian is on the premises, and is quickly and easily available, and
29 the animal has been examined by a veterinarian at the times acceptable veterinary medical practice
30 requires, consistent with the particular delegated animal health care tasks;
- 31 (9) "Indirect supervision" means the veterinarian does not have to be on the premises as long as a valid
32 veterinary/client/patient relationship has been established and the veterinary technician or veterinary
33 assistant has been instructed on the applicable animal health care tasks in accordance with KRS
34 321.441 and 321.443;
- 35 (10) "Emergency" means the animal has been placed in a life threatening condition and immediate
36 treatment is necessary to sustain life;

- 1 (11) "Veterinary wellness program" means the board-sponsored program for the identification,
2 intervention, and monitoring of credential holders or applicants who may be impaired as a result of
3 alcohol abuse, chemical dependence, drug abuse, or any physical or mental condition;
- 4 (12) "Veterinary wellness committee" means a committee appointed by the board that shall be composed
5 of individuals who have expertise in the areas of alcohol abuse, chemical dependence, drug abuse, or
6 physical or mental condition designated by the board to perform activities related to the veterinary
7 wellness program;
- 8 (13) "Veterinary technician" means a person who has completed an associate or bachelor's degree level
9 accredited program of veterinary technology approved by the board, and who is licensed in
10 accordance with KRS 321.441;
- 11 (14) "Veterinary assistant" means a lay person employed by a licensed veterinarian in accordance with KRS
12 321.443;
- 13 (15) "Certified animal control agency" means a county or municipal animal shelter or animal control
14 agency; private humane society; state, county, or municipal law enforcement agency; or any
15 combination of those entities that temporarily houses stray, unwanted, or injured animals and that is
16 certified under the provisions of KRS 321.207;
- 17 (16) "Certified animal euthanasia specialist" means a person employed by a certified animal control agency
18 who is authorized by the board, under KRS 321.207, to humanely euthanize animals by administering
19 drugs designated by the board for euthanasia; and
- 20 (17) "Student" means:
- 21 (a) A person enrolled in any veterinary school or college approved by the American Veterinary
22 Medical Association while pursuing a degree in veterinary medicine; or
- 23 (b) A person in a post-Doctor of Veterinary Medicine temporary private internship, residency, or
24 veterinary hospital-based program, not to exceed thirty (30) days in a calendar year.

25 **Effective:** July 15, 2016

26 **History:** Amended 2016 Ky. Acts ch. 116, sec. 2, effective July 15, 2016. --
27 Amended 2004 Ky. Acts ch. 189, sec. 28, effective July 13, 2004. -- Amended 1998
28 Ky. Acts ch. 126, sec. 1, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 299,
29 sec. 2, effective July 14, 1992.
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1 **READ ME – REMINDER - Notes on revisions:**

- 2 • Edits are presented as follows:
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- 7

8 **Proposed Revisions to Definitions for chapter (23 RS HB 167 - Section 2 – to be**
9 **repealed and reenacted)**

10 As used in this chapter, ~~unless the context requires otherwise:~~

11 1) “Allied animal health professional” or “AAHP” means a professional who has completed an approved

12 allied animal health professional program and who offers specialized, limited services to an animal

13 patient in one (1) of the following areas:

14 (a) Animal Chiropractic; or

15 (b) Equine dentistry;

16 (2) (a) “Allied animal health professional facility” or “AAHP facility” means any building, fixed facility,

17 place, premises, mobile facility, mobile unit, or location from which the practice of allied animal health

18 professionals on animals are conducted or performed, including but not limited to a mobile clinic or

19 facility, outpatient clinic, emergency facility, specialty facility, referral facility, human facility, or center.

20 (b) An AAHP facility shall include all fixed buildings used in AAHP practice at a single physical

21 premises location.

22 (b) An AAHP facility does not include:

1 1. The premises of a client unless a fixed allied animal health professional facility is located on
2 the premises;

3 2. A research facility;

4 3. A federal military base;

5 4. Locations for temporary animal exhibition;

6 5. State or federal regulatory facilities; or

7 6. An approved allied animal health professional program location;

8 (3) "Allied animal health professional manager" or "AAHP manager" means at least one (1) board-
9 permitted AAHP who registers to assume responsibility for the registration, management, and
10 operation of a registered allied animal health professional facility;

11 (4) "Allied animal health professional permit" or "AAHP permit" means a credential issued to an allied
12 animal health professional who is permitted by the board to practice on animals in the
13 Commonwealth under the provisions of this chapter and administrative regulations promulgated
14 under this chapter to conduct specialized services for an animal patient limited to the scope of work as
15 defined in administrative regulation by the board;

16 (5)(2) "Animal" means any member of the animal kingdom other than humans, whether living or dead
17 animal, except human beings;

18 (6) "Animal shelter" means a public agency or private humane society, society for the prevention of
19 cruelty to animals, animal protection shelter or control agency, or other facility that provides shelter
20 and care for homeless, stray, unwanted, or injured animals;

1 (7) “Applicant” means a person who submits an application for licensure, certification, permit, or
2 registration, whether complete or not, to the board;

3 (8) “Approved allied animal health professional program” means a school or educational program
4 offering specialized training to provide limited services to an animal patient that has been approved by
5 the board under standards established by the board through the promulgation of an administrative
6 regulation;

7 (9) “Approved foreign equivalency program” means a school or educational program that has been
8 approved by the board under standards established by the board through the promulgation of an
9 administrative regulation which offers additional training and testing for persons who graduated from
10 a non-board-approved veterinary medical program or non-board-approved veterinary technology
11 program;

12 (10) “Approved program of continuing education” means an educational program approved by the board
13 or offered by an approved provider of continuing education;

14 (11) “Approved provider of continuing education” means any person that has met the requirements of the
15 board to provide educational courses that are designed to assure continued competence in the practice
16 of veterinary medicine ~~or~~, practice of veterinary technology, ~~or~~ animal euthanasia, ~~or other area if~~
17 practice is governed by the board under this chapter;

18 (12) “Approved veterinary medical program” means a school of veterinary medicine or a veterinary
19 medical education program that has been approved by the board under standards established by the
20 board through the promulgation of an administrative regulation;

1 (13) “Approved veterinary technology program” means a school of veterinary technology or a veterinary
2 technology education program that has been approved by the board under standards established by
3 the board through the promulgation of an administrative regulation;

4 (14) “Background check” means an inquiry within a system for the collection, processing, preservation or
5 dissemination of criminal history records maintained by one (1) or more local, state, or federal
6 agencies;

7 (15)(1) “Board” means the Kentucky Board of Veterinary Examiners created under this chapter;

8 (16) “Certificate holder” means a person duly certified by the board under this chapter;

9 (17)(15) “Certified animal control agency” means an animal shelter that is certified by the board
10 under this chapter ~~a county or municipal animal shelter or animal control agency; private humane~~
11 society; state, county, or municipal law enforcement agency; or any combination of those entities ~~KRS~~
12 321.207;

13 (18)(16) “Certified animal euthanasia specialist” means a person employed by a certified animal
14 control agency who is authorized by the board, under the provisions of this chapter ~~KRS 321.207~~, to
15 humanely euthanize animals by administering drugs designated by the board for euthanasia and
16 sedation of animals for euthanasia on animals owned by the certified animal control agency or animals
17 in emergency care circumstances; ~~and~~

18 (19)(7) “Chemical restraint” means the use of any controlled substance, veterinary drug, prescription,
19 veterinary prescription drug, or legend drug that restrains or tranquilizes the animal;

20 (20) “Client” means the owner, owner's agent, or other person presenting the patient for care, who has
21 entered into an agreement with a veterinarian or allied animal health professional on behalf of a

1 patient for the purposes of obtaining veterinary medical services or allied animal health professional
2 services in person or by any means of communication or telehealth;

3 ~~(21)~~(3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;

4 ~~(22)~~ "Complementary and alternative veterinary medicine therapies" means a heterogeneous group of
5 preventive, diagnostic, and therapeutic philosophies and practices that are not considered part of
6 conventional veterinary medicine. These therapies include, but are not limited to:

7 (a) Veterinary acupuncture, acuthery, and acupressure;

8 (b) Veterinary homeopathy;

9 (c) Veterinary manual or manipulative therapy, such as therapies based on techniques practiced in
10 osteopathy, chiropractic medicine, or physical medicine and therapy;

11 (d) Veterinary nutraceutical therapy; and

12 (e) Veterinary phytotherapy;

13 ~~(20)~~ "Consent" means the veterinarian has informed the client, or the client's authorized representative, in
14 a manner understood by the client or the client's authorized representative, of the diagnostic and
15 treatment options, potential outcomes, risk assessment, and prognosis, and the client has consented to
16 the recommended services or treatment;

17 ~~(23)~~ "Consultation" means a veterinarian's receipt of advice, assistance in person, or by any method of
18 communication, from a veterinarian or other person whose expertise, in the opinion of the
19 veterinarian, would benefit a patient while the responsibility for the welfare of the patient remains with
20 the veterinarian receiving consultation;

1 (24) “Continuing education” means training that is designed to assure continued competence in the
2 practice of veterinary medicine, veterinary technology, or for certified animal euthanasia specialists,
3 permitted allied animal health professionals, or any board credential holder;

4 (25) “Continuing education contact hour” means a fifty (50) minute clock hour of instruction, not
5 including breaks or meals;

6 (26) “Conviction” means a formal declaration that someone is guilty of a crime by a court of competent
7 jurisdiction and shall include a finding or verdict of guilt, an admission of guilt, a no contest plea, a
8 plea of nolo contendere, or a guilty plea;

9 (27) “Credential” means:

10 (a) Any license, certificate, permit, registration, or other credential issued or approved by the board;

11 or

12 (b) The authorization to serve as the veterinarian manager or registered responsible party designated
13 on a veterinary facility registration, as the AAHP manager or registered responsible party
14 designated on an AAHP facility registration, or as the designated on-site manager designated for
15 a certified animal control agency;

16 (28) “Credential holder” means a person who holds an approved credential issued by the board in
17 accordance with this chapter, which may be one (1) or more of the following:

18 (a) Certificate;

19 (b) License;

20 (c) Permit;

21 (d) Registration; or

1 (e) Special permit;

2 (29) “Designated on-site manager” means a person who registers with the board to assume responsibility
3 for the ordering, management, use, and disposal of controlled substances at a board-certified animal
4 control agency;

5 (30) “Discipline” means any final order, settlement agreement, reprimand, fine, or other adverse
6 consequence assessed against a person by the board or any of its counterparts in other jurisdictions;

7 (31)(6) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting
8 the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant
9 the embryo into any animal, including food and companion animals;

10 (32)(10) "Emergency care" means immediate treatment that is necessary to sustain life or end
11 suffering of an the animal has been placed that is in a life threatening condition and immediate
12 treatment is necessary to sustain life;

13 (33) “Examination” means a qualifying examination approved by the board as a condition for certification,
14 licensure, permit, or registration;

15 (34) “Expired” is a licensure status whereby the credential licensee or certificate holder failed to renew the
16 credential license or certificate in a timely manner, by the deadline set by the board through the
17 promulgation of an administrative regulation;

18 (35) “Extralabel use” means actual use or intended use of a drug in an animal in a manner that is not in
19 accordance with the approved labeling and includes but is not limited to:

20 (a) Use in species or production class not listed in the labeling;

21 (b) Use for indications such as disease or other conditions not listed in the labeling;

1 (c) Use at dosage levels, frequencies, or routes of administration other than those stated in the
2 labeling; and

3 (d) Deviation from the labeled withdrawal time based on these different uses;

4 (36) “Felony” means a criminal act as defined by any jurisdiction or by definition under federal law;

5 (37) “Fixed facility” means a permanent location that is generally not moveable;

6 (38) “Grievance” or “complaint” means a complaint or any allegation of misconduct that may constitute a
7 violation this chapter or any administrative regulations promulgated under the authority of this
8 chapter.

9 (39) “Impaired” means that a credential holder, designated on-site manager, veterinary manager, or
10 registered responsible party may reasonably be unable is unable to perform that person’s duties with
11 reasonable competence, skill, and safety because of a physical or mental disability or incapacity as
12 evidenced by a written determination from a competent authority or written consent based on clinical
13 evidence, including deterioration of mental capacity, loss of motor skills, or substance use or disorder
14 of sufficient degree to which may reasonably diminish the person's ability to deliver competent patient
15 care;

16 (40) “In-person” means physically in the same physical space;

17 (41) “Informed consent” or “consent” means the veterinarian or allied animal health professional permittee
18 has informed the client, or the client’s authorized representative in a manner understood by the client
19 or the client’s authorized representative of the diagnostic and treatment options, potential outcomes,
20 risk assessment, prognosis, and options and the client has consented to or knowingly declined the
21 recommended services or treatment;

22 (42) “Jurisdiction” means;

1 (a) Any Commonwealth, state, or territory, of the United States of America, including the District
2 of Columbia;

3 (b) Any province of Canada; or

4 (c) Any regulatory organization, including an international body that issues licenses, registrations,
5 permits, or certificates related to the professional fields of veterinary medicine;

6 (43) “Licensee” means a person duly licensed by the board under this chapter;

7 (44) “Livestock” means bovines ~~cattle~~, equines ~~horses~~, sheep, goats, swine, poultry, captured or cultivated
8 aquatic species, farm-raised cervidae and camelidae, bees, and any other species used in the production
9 of fiber, meat, eggs, honey, milk, and other animal food products;

10 (45) “Mobile facility” or “mobile unit” means a motor vehicle that
11 is utilized pursuant to Section 16 of this Act;

I.e., Section 16 is KRS 321.205 –
Mobile Facilities.

12 (46) “Patient” means any animal or group of animals receiving veterinary care from a veterinarian,
13 veterinary technician, veterinary assistant, or animal euthanasia specialist, or allied animal health
14 professional;

15 (47) “Permittee” means a person permitted by the board under this chapter;

16 (48) “Person” means any individual, firm, partnership, association, joint venture, cooperative, corporation,
17 governmental body, or any other group, legal entity, or combination acting in concert, and whether or
18 not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative,
19 or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other
20 representative of such person;

1 ~~(49)~~(5) "Practice of veterinary medicine" means any person who practices veterinary medicine when
2 performing any one (1) or more of the following on an animal:

3 (a) Directly or indirectly diagnoses, prognoses, corrects, changes, relieves, prevents, supervises,
4 recommends, or performs medical or surgical treatment, including complementary and
5 alternative veterinary medicine therapies, obstetrics, dentistry, oral surgery, acupuncture, laser
6 therapy, manipulation, and all other branches or specialties of veterinary medicine, for the
7 diagnosis, prevention, cure, or relief of a wound, defect, deformity, fracture, bodily injury,
8 disease, or dental, physical, behavioral, or mental condition;

9 (b) Prescribes, dispenses, or administers any drug, medicine, anesthetic, biologic, appliance,
10 apparatus, application, treatment, or other therapeutic or diagnostic substance or technique for
11 veterinary purposes, or performs euthanasia, in accordance with the applicable federal statutes
12 and regulations governing controlled prescription, legend drugs and veterinary drugs;

13 (c) Performs any manual procedure for the diagnosis, treatment, or both of pregnancy, sterility, or
14 infertility, including embryo transfer;

15 (d) Determines the health, fitness, or soundness of an animal;

16 (e) Represents oneself directly or indirectly, as engaging in the practice of veterinary medicine; or

17 (f) Use of any words, letters, or titles under the veterinary practice as to induce the belief that the
18 individual using them is authorized to practice veterinary medicine, under this chapter with such
19 use being prima facie evidence of the intention to represent oneself as engaged in the practice of
20 veterinary medicine;

21 ~~(a) To diagnose, treat, correct, change, relieve, or prevent: animal disease, deformity, defect, injury,~~
22 ~~or other physical or mental conditions, including the prescription or administration of any drug,~~

1 ~~medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic~~
2 ~~substance or technique, and the use of any manual or mechanical procedure for testing for~~
3 ~~pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with~~
4 ~~regard to any of the above;~~

5 ~~(b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry, acupuncture, laser~~
6 ~~therapy, manipulation, and all other branches or specialties of veterinary medicine and the~~
7 ~~prescribing, administering, or dispensing of drugs and medications for veterinary purposes, in~~
8 ~~accordance with the applicable federal statutes and regulations governing controlled prescription~~
9 ~~and legend drugs; and~~

10 ~~(c) To use the words "veterinarian," or "veterinary," or any title, words, abbreviation, or letters in a~~
11 ~~manner or under circumstances which may induce the belief that the person using them is~~
12 ~~qualified to do any act described in paragraphs (a) and (b) of this subsection;~~

13 (50) “Practice of veterinary technology” means:

14 ~~(a) The practices of veterinary technology when performing patient care, professional medical care,~~
15 ~~monitoring, treatment, or other services on an animal that require technical understanding of~~
16 ~~veterinary medicine on the basis of written or oral instruction of a board-licensed veterinarian,~~
17 ~~or under supervision of a board-licensed veterinarian;~~

18 ~~(b) Representation of oneself directly or indirectly, as a licensed veterinary technician or “LVT”; or~~

19 ~~(c) Use of any words, letters, or titles under the circumstances that would induce the belief that the~~
20 ~~individual using them is authorized to practice as veterinary technician under this chapter, with~~
21 ~~such use being prima facie evidence of the intention to represent oneself as engaged in practice~~
22 ~~as a board-licensed veterinary technician.~~

1 (51) “Premises” means any place where an animal is located when veterinary medicine is being practiced;

2 (52) “Prescription” means an order for a drug or medicine, or combination or mixture of drugs or
3 medicines, or proprietary preparation, that is signed, given, or authorized and intended for use in the
4 diagnosis, cure, mitigation, treatment, or prevention of disease in a patient;

5 (53) “Registrant” means a person or premise registered with ~~duly permitted by~~ the board under this
6 chapter;

7 (54) “Registered allied animal health professional facility” or “registered AAHP facility” means an AAHP
8 facility that is registered with the board under this chapter;

9 (55) “Registered facility” means any AAHP facility or any veterinary facility that is registered with the board
10 under this chapter;

11 (56) “Registered responsible party” means at least one (1) person who:

12 (a) Does not otherwise hold a credential with the board who is designated as the registered
13 responsible party on a ~~veterinary~~ facility registration and is responsible for its operation and
14 management in conjunction with the veterinarian manager or allied animal health professional
15 manager; and

16 (b) Is held accountable to the board as a credential holder for any violation of this chapter and
17 associated administrative regulations. At a minimum, the registered party shall include all
18 persons, owners, and corporate owners of the registered veterinary facility or allied animal
19 health professional facility;

20 (57) “Registered veterinary facility” means a veterinary facility that is registered with the board under this
21 chapter;

1 (58) "Supervision" pertains to any of the following:

2 (a) "Supervising veterinarian" means a veterinarian who assumes responsibility for the veterinary
3 care given to a patient by an individual working under the veterinarian's direction and has
4 examined the patient pursuant to currently acceptable standards of care;

5 (b) "Immediate supervision" means the supervising veterinarian is physically in the immediate area
6 and within audible and visual range of the patient and the individual treating the patient;

7 (c)(8) "Direct supervision" means the supervising veterinarian is readily available on the premises
8 where the patient is being treated; and the veterinarian is on the premises, and is quickly and
9 easily available, and the animal has been examined by a veterinarian at the times acceptable
10 veterinary medical practice requires, consistent with the particular delegated animal health care
11 tasks;

12 (d)(9) "Indirect supervision" means the supervising veterinarian need not be on the premises but has
13 given either written or oral instructions for the treatment of the patient and is readily available
14 for communication; the veterinarian does not have to be on the premises as long as a valid
15 veterinary/client/patient relationship has been established and the veterinary technician or
16 veterinary assistant has been instructed on the applicable animal health care tasks in accordance
17 with KRS 321.441 and 321.443;

18 (59) "Teleadvice" means the provision of any health information, opinion, guidance, or recommendation
19 concerning prudent future actions that are not specific to a particular patient's health, illness, or injury;

20 (60) "Teleconsulting" means telehealth in which a veterinarian, veterinary technician, AAHP, or other board
21 credential holder uses telehealth tools to communicate with a specialist or another professional to gain
22 insights and advice on the care of a patient;

1 (61) "Telehealth" means all uses of technology to remotely gather and deliver health information, advice,
2 education, and care;

3 (62) "Telemedicine" or "connected care" means the integration of digital technologies to enhance and
4 support the VCPR and facilitate proactive and ongoing care through improved communication,
5 diagnosis, and monitoring;

6 (63) "Telemonitoring," or "mHealth" or "mobile health," means remote monitoring of a patient who is not
7 at the same location as the health care provider;

8 (64) "Telesupervision" means the supervision of individuals using media such as audio or audio/video
9 conference, text messaging, and e-mail;

10 (65) "Telerriage" means the safe, appropriate, and timely assessment and management of an animal patient
11 via electronic consultation with its owner, regardless of whether there is an immediate referral to a
12 veterinarian and where a diagnosis is not rendered;

13 (66)(4) "Veterinarian" means an individual who is licensed to engage in the practice of veterinary medicine
14 under the this chapter a practitioner of veterinary medicine who is duly licensed in the Commonwealth
15 of Kentucky;

16 (67) "Veterinarian manager" is at least one Kentucky-licensed veterinarian who registers to assume
17 responsibility for the registration, management, and operation of a registered veterinary facility;

18 (68) "Veterinarian-Client-Patient Relationship" or "VCPR" is
19 defined in ~~KRS 321.185~~Section 10 of this Act;

I.e., Section 10 is KRS 321.185
VCPR

20 (69)(14) "Veterinary assistant" means a ~~lay person~~layperson or
21 non-credential holder who is employed by a licensed veterinarian
22 in accordance with ~~KRS 321.443~~ Section 29 of this Act;

I.e., Section 29 is KRS 321.443
Veterinary assistants

1 (70) (a) "Veterinary facility" means any building, fixed facility, place, premises, mobile facility, or mobile
2 unit, or allied professional permittee location from which the practice of veterinary medicine
3 and practice of veterinary technology are conducted or performed, including but not limited to
4 a mobile clinic or facility, outpatient clinic, veterinary hospital or clinic, emergency facility,
5 specialty facility, referral facility, or center, temporary health clinic or spay/neuter location. A
6 veterinary facility shall include all fixed buildings used for the practice of veterinary medicine at
7 a single physical premises location.

8 (b) "Veterinary facility" does not include:

9 1. The premises of a veterinary client unless a fixed veterinary facility is located on the
10 veterinary client's premises;

11 2. A research facility;

12 3. A federal military base;

13 4. Locations for temporary animal exhibition;

14 5. State or federal regulatory facilities;

15 6. Officially designated emergency and disaster response locations, or

16 7. An American Veterinary Medical Association-accredited college of veterinary medicine or
17 veterinary technology;

18 (71) "Veterinary specialist" means a veterinarian that has been awarded and maintains certification from an
19 American Veterinary Medical Association-recognized veterinary specialty organization, program, or
20 college, and is registered in this specialty with the board;

21 (72)(17) "Veterinary studentStudent" means:

1 (a) A person enrolled in an approved veterinary medical program ~~any veterinary school or college~~
2 ~~approved by the American Veterinary Medical Association~~ while pursuing a degree in veterinary
3 medicine; or

4 (b) A person in a post-Doctor of Veterinary Medicine temporary private internship, residency, or
5 veterinary hospital-based program, not to exceed thirty (30) days in a calendar year;

6 ~~(73)(13)~~ "Veterinary technician" means a person who has completed an ~~associate or bachelor's degree~~
7 ~~level accredited program of veterinary technology approved by the board approved veterinary~~
8 ~~technology program, and who is licensed in accordance~~
9 ~~with KRS 321.441 this chapter, and meets the requirements~~
10 ~~of Section 28 of the Act;~~

I.e., Section 28 is KRS 321.441
Veterinary technician's license --
Qualifications -- Scope of practice --
Annual fee -- Exception

11 ~~(74)(12)~~ "Veterinary wellness committee" means a
12 committee appointed by the board that shall be composed of individuals who have expertise in the
13 areas of alcohol abuse, chemical dependence, drug abuse, or physical or mental condition designated
14 by the board to perform activities related to the veterinary wellness program; and

15 ~~(75)(11)~~ "Veterinary wellness program" means the board-sponsored program for the identification,
16 intervention, and monitoring of credential holders or applicants who may be impaired as a result of
17 alcohol abuse, chemical dependence, drug abuse, or any physical or mental condition.

KRS 321.185 - Veterinarian-client-patient relationship

- (1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "Veterinarian-client-patient relationship" means that:
- (a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;
 - (b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and
 - (c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.
- (2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.
- (3) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.
- (b) A veterinarian shall not release information concerning a client or care of a client's animal, except:
- 1. On the veterinarian's receipt of:
 - a. A written authorization or other form of waiver executed by the client; or
 - b. An appropriate court order or subpoena; or
 - 2. In cases of animal abuse, pursuant to KRS 321.188.
- (c) A veterinarian who releases information under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.
- (d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:
- 1. The nature and extent of the animal's injuries; or
 - 2. The care and treatment of the animal provided by the veterinarian.
- (e) This subsection shall not apply to:
- 1. An inspection or investigation conducted by the board or an agent of the board; or

- 1 2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse
2 Racing Commission to inspect, investigate, and supervise horses and other participants in
3 horse racing as provided by KRS Chapter 230 and the administrative regulations
4 promulgated under KRS Chapter 230, or any other law applicable to the regulation of
5 horse racing in the Commonwealth.
- 6 (4) Veterinarians providing copies of records under this section may charge no more than the actual cost
7 of copying, including reasonable staff time.

8 **Effective:** July 15, 2020

9 **History:** Amended 2020 Ky. Acts ch. 117, sec. 2, effective July 15, 2020. – Amended
10 2016 Ky. Acts ch. 116, sec. 3, effective July 15, 2016. -- Amended 2009 Ky. Acts ch.
11 39, sec. 1, effective June 25, 2009. -- Created 1992 Ky. Acts ch. 299, sec. 3, effective
12 July 14, 1992.

16 **Proposed Revisions to** ~~Veterinarian-client~~Client-patient ~~Patient relationship~~

17 Relationship (VCPR) **(23 RS HB 167 - Section 10 – amended)**

- 18 (1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the
19 client, and the patient shall be established and maintained. ~~The "Veterinarian~~client-patient
20 relationship" or "VCPR" is the basis for veterinary care and means that:
- 21 (a) The veterinarian and the client, or other caretaker of the patient, both agree for the veterinarian
22 to assume ~~has assumed the~~ responsibility for making medical judgments regarding the health of
23 the animal;
- 24 (b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or
25 preliminary diagnosis of the medical condition of the animal. This means that within the
26 previous twelve (12) months the veterinarian either physically examined the animal or made a
27 medically appropriate in-person visit ~~has recently seen and is personally acquainted with the~~

1 ~~keeping and care of the animal by virtue of an examination of the animal or by medically~~
2 ~~appropriate and timely visits~~ to the premises where the animal is kept; and

3 (c) The ~~practicing~~ veterinarian ~~has assumed responsibility for providing follow-up care and~~
4 ~~continuation of care to the patient, except in cases where the veterinarian has arranged for:~~

5 1. ~~Has arranged for or contracted for emergency care or urgent care coverage by another~~
6 ~~veterinarian who can provide reasonable and appropriate medical care and has notified the~~
7 ~~client how to access the emergency care; or~~

8 2. ~~Has notified the client of an available veterinary-registered facility that can provide~~
9 ~~reasonable and appropriate medical care. is readily available or shall provide medical service~~
10 ~~for follow up in case of adverse reactions or failure of the regimen of therapy. A new~~
11 ~~regimen of therapy shall be contingent only upon cooperation of the client and availability of~~
12 ~~the subject animal.~~

13 (2) ~~The VCPR may extend to another veterinarian employed in the same practice-registered facility who is~~
14 ~~licensed to practice veterinary medicine within the Commonwealth, so long as the other Kentucky-~~
15 ~~licensed veterinarian has sufficient knowledge in the medical record to make a decision.~~

16 (2)(3) The veterinarian shall maintain records ~~that~~which
17 document patient visits, diagnosis, treatment, and other
18 relevant information, ~~as required by Section 4 of this Act.~~

**i.e., Section 4 is KRS 321.NEW [Insert
new statute number for "Medical
Records" statute]**

19 (3)(4) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the
20 veterinarian's client. ~~Consultation by the veterinarian with another veterinarian or professional expert~~
21 ~~for the benefit of the patient shall not constitute a violation of confidentiality:~~

1 (b) A veterinarian shall not release information concerning a client or care of a client's animal,
2 except:

3 1. On the veterinarian's receipt of:

4 a. A written authorization or other form of waiver executed by the client; or

5 b. An appropriate court order or subpoena; ~~or~~

6 2. In cases of animal abuse, pursuant to KRS 321.188-; ~~or~~

7 3. In cases of reportable diseases as they relate to public or animal health pursuant to KRS
8 257.080 and 258.075 and the administrative regulations promulgated under the authority of
9 those statutes-;

10 4. Other exceptions established in Section 4 and

11 Section 14 of this Act; or

12 5. Upon request from the board.

**I.e., Section 4 is KRS 321.NEW [Insert
new statute number for “Medical
Records” statute]**

And

**Section 14 is KRS 321.200, Exemptions
from application of chapter**

13 (c) A veterinarian who releases information under paragraph (b) of this subsection shall not be
14 liable to any person, including the client, for an action resulting from the disclosure.

15 (d) The privilege provided by this subsection is waived by the client or the owner of an animal
16 treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal
17 proceeding:

18 1 The nature and extent of the animal's injuries; or

19 2 The care and treatment of the animal provided by the veterinarian.

20 (e) This subsection shall not apply to:

- 1 1. An inspection or investigation conducted by the board or an agent of the board; or
- 2 2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse
- 3 Racing Commission to inspect, investigate, and supervise horses and other participants in
- 4 horse racing as provided by KRS Chapter 230 and the administrative regulations
- 5 promulgated under KRS Chapter 230, or any other **state or federal** law applicable to the
- 6 regulation of horse racing in the Commonwealth.

7 ~~(4)~~(5) Veterinarians providing copies of records under this section may charge no more than the actual cost
8 of copying, including reasonable staff time.

9 ~~(6)~~ A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering
10 or attempting to render emergency **care** or urgent care to an animal when a client cannot be identified
11 shall not be subject to penalty based solely on the veterinarian's inability to establish a **VCPR** with an
12 owner or the owner's representative.

13 ~~(7)~~ A VCPR cannot be established solely by telehealth means. Without a VCPR, any advice provided
14 through telehealth shall be general and not specific to a patient, diagnosis, or treatment. Veterinary
15 telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in
16 an emergency **care situation** until that patient can be seen in person by a licensed veterinarian.

1 **KRS 321.188 - Reporting of animal abuse.**

2 If a veterinarian finds that an animal with which he or she has a veterinarian-client-patient relationship has
3 been abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the veterinarian may make a report
4 to:

- 5 (1) The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care
6 standard has been promulgated under KRS 257.196; or
7 (2) Law enforcement for any other animal.

8 **Effective:** July 15, 2020

9 **History:** Created 2020 Ky. Acts ch. 117, sec. 1, effective July 15, 2020.

11 **Proposed Revisions Reporting of animal abuse. (23 RS HB 167 - Section 11 -**
12 **amended)**

14 If a veterinarian finds that an animal with which ~~the veterinarian he or she~~ has a VCPR veterinarian-client-
15 patient relationship has been abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the

16 veterinarian may make a report to:

- 17 (1) The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care
18 standard has been promulgated under KRS 257.196; or
19 (2) Law enforcement for any other animal.

20

KRS 321.190 - License required to practice veterinary medicine

Except as provided in KRS 321.200, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless the person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth, as provided in this chapter.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 4, effective July 15, 2016. --
Amended 1992 Ky. Acts ch. 299, sec. 15, effective July 14, 1992. -- Created 1948 Ky.
Acts ch. 181, sec. 15.

Proposed Revisions to License required to practice veterinary medicine (23 RS HB 167 - Section 12 – repealed and reenacted)

~~Except as provided in KRS 321.200, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless the person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth, as provided in this chapter.~~

~~(1) The practice of veterinary medicine and the practice of veterinary technology in the Commonwealth are subject to enforcement by the board. Except as otherwise provided in this chapter, it shall be unlawful for any person to engage in the practice of veterinary medicine or the practice of veterinary technology in the Commonwealth through any means, unless licensed under the applicable provisions of this chapter, except as provided in Section 14 and 29 of this Act.~~

I.e., Section 14 is KRS 321.200
Exemptions from application of
chapter

And
Section 29 is KRS 321.443 Veterinary
assistants

~~(2) (a) **No** person shall **not** use the designation “veterinarian,” “licensed veterinarian,” or any other~~

1 designation indicating licensure status, including abbreviations, or hold that person out as a
2 veterinarian unless licensed for that profession.

3 (b) Not a person shall not use the designation “veterinary technician,” “licensed veterinary
4 technician,” or any other designation indicating licensure status, including abbreviations, or
5 hold that person out as a veterinary technician unless licensed for that profession.

6 (3) The practice of veterinary medicine by telephonic, videoconference, telehealth, or other means shall
7 constitute the practice of veterinary medicine subject to licensure and enforcement by the board.

8 (4) A veterinarian shall utilize the services of a licensed veterinary technician or veterinary assistant in
9 accordance with this chapter and the administrative regulations promulgated under the authority of
10 this chapter. Unauthorized utilization of any person’s services in violation of this chapter shall be
11 considered as aiding and abetting any unlicensed person
12 to practice veterinary medicine as described in Section
13 25 of this Act.

**I.e., Section 25 is KRS 321.351
Disciplinary Action – Offenses Subject
to Action...**

14 (5) Nothing in this chapter shall be construed to prevent members of other professions from performing
15 functions for which they are duly licensed credentialed by the board and that is within their defined
16 scope of practice. However, such persons shall not hold themselves out or refer to themselves by any
17 title or description stating or implying that they are licensed or otherwise entitled to engage in the
18 practice veterinary medicine or the practice of veterinary technology.

19 (6) Except as provided by Section 14 of this Act, nothing in
20 this chapter shall be construed to permit any person who
21 is not a veterinarian to perform any of the following
22 activities relating to animals:

**I.e., Section 14 is KRS 321.200
Exemptions from application of
chapter**

1 (a) Surgery;

2 (b) Diagnosis;

3 (c) Prognosis; and

4 (d) Prescription.

5 (7) A supervising veterinarian, is individually and separately responsible and liable for the performance of
6 the acts delegated to and the omissions of the licensed veterinary technician, veterinary assistant,
7 special permittee, intern, preceptor, resident, or any other individual working under the veterinarian's
8 supervision. Nothing in this section shall be construed to relieve licensed veterinary technicians,
9 veterinary assistants, special permittees, interns, preceptors, residents, or any other individuals working
10 under supervision of any responsibility or liability for any of their own acts or omissions.

11 (8) Unless exempted by Section 14 of this Act, persons
12 engaging in the practice of veterinary medicine or the
13 practice of veterinary technology without a credential
14 from the board shall be subject to enforcement and
15 discipline by the board as established in Section 30 and
16 31.

I.e., Section 30 is KRS 321.NEW [Insert
new statute number for "Fines"
statute]

and

Section 31 is KRS 321.990, Penalty for
violation of Chapter

1 **KRS 321.193 - Veterinarian's license -- Requirements**

2 The board shall issue a license as a "veterinarian" to an applicant who meets the following requirements:

- 3 (1) Has paid the application fee and the appropriate examination fee;
- 4 (2) Is a person of good moral character;
- 5 (3) Has received a degree from a veterinary college approved by the board;
- 6 (4) Has achieved a passing score, as set by the board by administrative regulation, on examinations
7 required by administrative regulation promulgated by the board; and
- 8 (5) Has complied with any other requirement of the board by administrative regulation.

9 **Effective:** July 15, 2016

10 **History:** Amended 2016 Ky. Acts ch. 116, sec. 5, effective July 15, 2016. --
11 Amended 2000 Ky. Acts ch. 240, sec. 1, effective July 14, 2000. -- Created 1992 Ky.
12 Acts ch. 299, sec. 11, effective July 14, 1992

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16 **Proposed Revisions to Veterinarian's license -- Requirements (23 RS HB 167 -**
17 **Section 13 – amended)**

18 The board shall issue a license as a "veterinarian" to an applicant who meets the following requirements:

- 19 (1) Has completed an application for licensure approved by the board in administrative regulation;
- 20 (2) Has paid the application fee and the appropriate examination fee;
- 21 (3)(2) Is a person of good moral character; As one (1) element of good moral character, the board shall
22 require each applicant for licensure to submit a full set of the applicant's fingerprints for the purpose
23 of obtaining criminal records checks, pursuant to applicable law. All good moral character
24 information, including the information obtained through the criminal background checks, shall be
25 relevant to licensure eligibility determinations to the extent permitted by law;

- 1 ~~(4)~~⁽³⁾ Has graduated and received a doctorate degree in veterinary medicine or equivalent degree in
2 veterinary medicine from a board-approved veterinary medical program~~Has received a degree from a~~
3 ~~veterinary college approved by the board;~~
- 4 ~~(5)~~⁽⁴⁾ Has achieved a passing score, as set by the board by administrative regulation, on examinations
5 required by administrative regulation promulgated by the board; ~~and~~
- 6 ~~(6)~~⁽⁵⁾ Has been approved for licensure by the board; and
- 7 ~~(7)~~ Has complied with any other requirements of this chapter or requirement of the board by
8 administrative regulation.
- 9

2023 DRAFT

KRS 321.200 - Exemptions from application of chapter

(1) No provision of this chapter shall be construed to prohibit any of the following:

- (a) Any persons from gratuitously treating animals in cases of emergency, provided they do not use the word "veterinarian," "veterinary," or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to practice veterinary medicine as described in KRS 321.181(5);
- (b) The owner of any animal or animals and the owner's full-time, or part-time, regular employees from caring for and treating, including administering drugs to, any animals belonging to the owner. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;
- (c) Any person from castrating food animals and dehorning cattle, as long as any drugs or medications are obtained and used in accordance with applicable federal statutes and regulations governing controlled and legend drugs;
- (d) Any student as defined in KRS 321.181 from working under the direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth;
- (e) Nonlicensed graduate veterinarians in the United States Armed Services or employees of the Animal and Plant Health Inspection Service of the United States Department of Agriculture or the Kentucky Department of Agriculture, Division of Animal Health while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other states, from meeting licensed veterinarians of this Commonwealth in consultation;
- (f) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-licensed veterinarian, provided there is a veterinary-client patient relationship, as defined in KRS 321.185;
- (g) A university faculty member from teaching veterinary science or related courses, or a faculty member or staff member from engaging in veterinary research, including drug and drug testing research, provided that research is conducted in accordance with applicable federal statutes and regulations governing controlled and legend drugs;
- (h) Any person who holds a postgraduate degree in reproductive physiology or a related field, and who has performed embryo transfers in Kentucky during the five (5) years immediately preceding July 14, 1992, from performing embryo transfers;
- (i) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366; or
- (j) A retailer or its agent from providing information and suggestions regarding the over-the-counter products it sells to treat animals so long as the information and suggestions are consistent with the product label.

(2) (a) A nonresident of the United States may be employed in this state to practice veterinary medicine for not more than thirty (30) days of each year, provided he or she:

- 1. Holds a valid, current license as a veterinarian in his or her home country;

- 1 2. Practices under the direct supervision of a veterinarian licensed in Kentucky;
- 2 3. Registers with the board prior to commencing practice in the state; and
- 3 4. Agrees to practice and follow all the rules and administrative regulations of this chapter
- 4 and be subject to discipline for violations of those rules and administrative regulations by
- 5 the Kentucky Board of Veterinary Examiners.

6 (b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible
7 for a Kentucky license under this chapter.

8 (3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.

9 **Effective:** July 15, 2016

10 **History:** Amended 2016 Ky. Acts ch. 116, sec. 6, effective July 15, 2016. --
11 Amended 2007 Ky. Acts ch. 96, sec. 19, effective June 26, 2007. -- Amended 1992
12 Ky. Acts ch. 299, sec. 16, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181,
13 sec. 16.

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17 **Proposed Revisions to Exemptions from application of chapter (23 RS HB 167 -**
18 **Section 14 – amended)**

19 (1) No provision of this chapter shall be construed to prohibit any of the following:

20 (a) Any persons from gratuitously treating animals in cases of emergency care, provided they do not
21 use the word "veterinarian," "veterinary," "veterinary technician," "veterinary nurse," or any title,
22 words, abbreviation, or letters in a manner or under circumstances which may induce the belief
23 that the person using them is qualified to engage in the practice of veterinary medicine or the
24 practice of veterinary technology as described in KRS 321.181(5);

25 (b) The owner of any animal or animals and the owner's full-time, or part-time, regular employees
26 from caring for and treating, including administering drugs that are obtained and used in
27 accordance with applicable state and federal statutes and regulations to, any animals belonging to
28 the owner. With the exception of paragraph (c) of this subsection and other limiting statutes,

1 ~~treatment shall not include surgery. Transfer of ownership or a temporary contract shall not be~~
2 ~~used for the purpose of circumventing this provision;~~

3 1. ~~Transfer of ownership, a temporary contract, or a temporary change in a person's~~
4 ~~employment status or a temporary contract~~ shall not be used for the purpose of
5 circumventing this provision.

6 2. ~~This provision shall not exempt an employee who would otherwise qualify for a board~~
7 ~~credential from the credentialing requirements of this chapter based on the~~
8 ~~employment status;~~

- 9 (c) Any person from castrating ~~and dehorning~~ food animals ~~and dehorning cattle~~, as long as any
10 drugs or medications are obtained and used in accordance with applicable ~~state and~~ federal
11 statutes and regulations governing controlled ~~substances~~ and legend drugs ~~and veterinary drugs~~;
- 12 (d) Any ~~veterinary~~ student as defined in KRS 321.181 from working under the direct supervision of
13 a veterinarian who is ~~duly~~ licensed under ~~this chapter~~ ~~the laws of this Commonwealth~~;
- 14 (e) ~~Unlicensed Nonlicensed~~ graduate veterinarians in the United States Armed Services or
15 employees of the ~~United States Department of Agriculture~~, Animal and Plant Health Inspection
16 Service ~~of the United States Department of Agriculture~~ ~~or the Kentucky Department of~~
17 ~~Agriculture, Office of the State Veterinarian, Division of Animal Health~~ ~~from engaging while~~
18 ~~engaged~~ in the performance of their official duties, ~~or other lawfully qualified veterinarians~~
19 ~~residing in other states, from meeting~~ licensed veterinarians of this Commonwealth in
20 ~~consultation~~;
- 21 (f) ~~Other lawfully qualified veterinarians who reside in and are licensed in other jurisdictions, from~~
22 ~~discussing or meeting, either in person or via telehealth virtually, with licensed veterinarians of~~

1 this Commonwealth in consultation about a patient so long as the Kentucky-licensed
2 veterinarian has established and maintains a current VCPR with the patient;

3 (g) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-
4 licensed veterinarian, provided there is a current VCPR~~veterinary-client-patient relationship~~, as
5 defined in KRS 321.185;

6 (h)~~(e)~~ A university faculty member from teaching veterinary science or related courses, or a faculty
7 member or staff member from engaging in veterinary research through or on behalf of the
8 university where they are employed, including drug and drug testing research, provided that
9 research is conducted in accordance with applicable state and federal statutes and regulations
10 governing controlled substances, prescription drugs, veterinary drugs, and legend drugs; This
11 provision shall not exempt the university faculty member from the requirements of licensure if
12 the faculty member engages in the practice of veterinary medicine outside the authority of the
13 university or the faculty member's scope of employment with the university or engages in the
14 private practice of veterinary medicine for personal gain.

15 (i)~~(h)~~ Any person who holds a postgraduate degree in reproductive physiology or a related field, and
16 who has performed embryo transfers in Kentucky during the five (5) years immediately
17 preceding July 14, 1992, from performing embryo transfers on animals;

18 (j)~~(i)~~ Volunteer health practitioners providing services under KRS 39A.350 to 39A.366; ~~or~~

19 (k)~~(j)~~ A retailer or its agent from providing information and suggestions regarding the over-the-
20 counter products it sells to treat animals, so long as the information and suggestions are
21 consistent with the product label and species appropriate;

1 (l) A Kentucky licensed veterinarian from inspecting an animal, or an animal's radiographs or other
2 medical records, on behalf of a potential buyer or potential seller, without regard to the existence
3 of a VCPR;

4 (m) Any persons from implanting a microchip in an animal for the purposes of identification or the
5 establishment of ownership; ~~or~~

6 (n) A veterinarian who is licensed in another United States or Canadian jurisdiction, and is in good
7 standing in that jurisdiction, and meets the all criteria for licensure in Kentucky, and who has an
8 active application on file with the board pending for less than ninety (90) days, from working as
9 a veterinarian in Kentucky under the supervision of a Kentucky-licensed veterinarian while the
10 board application for licensure is being processed, so long as the place of employment, start
11 date, contact information where the applicant works, and a supervising veterinarian are disclosed
12 in the application;

13 (o) Allied animal health professional permittees who are working within the scope of the permit; or.

14 (p) Board-certified animal euthanasia specialists who are working within the scope of their
15 certificate.

16 (2) (a) An unlicensed veterinarian who does not qualify for licensure in Kentucky and who is a A
17 nonresident of the United States may be employed in this Commonwealth state to engage in the
18 practice of veterinary medicine for not more than thirty (30) days in a calendar of each year,
19 provided the person he or she:

- 20 1. Holds a valid, current license as a veterinarian in the person's his or her home country;
- 21 2. Practices under the direct supervision of a veterinarian licensed in Kentucky;
- 22 3. Registers with the board prior to commencing practice in the Commonwealth state; and

1 4. Agrees to practice and follow all the rules and administrative regulations of this chapter
2 and be subject to discipline for violations of those rules and administrative regulations
3 by the Kentucky Board of Veterinary Examiners.

4 (b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible
5 for a Kentucky license or other credential under this chapter.

6 (3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.

2023 DRAFT

1 **KRS 321.201 - Special permits -- Duration**

2 (1) The board may issue a special permit to practice veterinary medicine to a nonlicensed veterinarian who
3 is a qualified applicant to become a licensed veterinarian by examination, and who is employed by and
4 under the direct supervision of a Kentucky licensed veterinarian. The special permit shall be issued
5 after the application has been made to take the next examination given by the board and the required
6 fees paid. A letter of recommendation from the supervising licensed veterinarian shall be submitted
7 with the application. The special permit shall expire the day after the notice of results of the first
8 examination given after the permit was issued.

9 (2) A special permit may be subject to the disciplinary procedures as set forth in KRS 321.351.

10 **Effective:** July 15, 2016

11 **History:** Amended 2016 Ky. Acts ch. 116, sec. 7, effective July 15, 2016. -- Created
12 1992 Ky. Acts ch. 299, sec. 5, effective July 14, 1992.

13 **Legislative Research Commission Note** (7/14/92). This statute was created in
14 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A
15 committee substitute for this bill was adopted by the House with a floor amendment,
16 and the Senate subsequently concurred in this action by the House; this amended
17 substitute thus became the enrolled version of the bill. In drafting the House
18 Committee Substitute, the original Section 10 of the bill was deleted in its entirety,
19 but internal section references within the bill were not renumbered to reflect this
20 deletion. Therefore, in codifying this statute, the internal section reference within
21 Acts ch. 299, sec. 5, has been changed pursuant to KRS 7.136(1).
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25 **Proposed Revisions to Special permits -- Duration (23 RS HB 167 - Section 15 -**
26 **amended)**

27 (1) The board may issue a special permit to practice veterinary medicine to an unlicensed a nonlicensed
28 veterinarian who is a qualified applicant to become a licensed veterinarian and who is awaiting the
29 pending results of a board-approved national examination or the final examination stage of a board-
30 approved foreign education equivalency program by examination,

31 (2) Individuals seeking to obtain a special permit shall apply to the board for licensure and shall be who is
32 employed by and working under the direct supervision of a Kentucky-licensed veterinarian. The

1 application shall include a letter of recommendation and acknowledgement of supervisory
2 responsibilities from the and signed by each supervising licensed veterinarian.

3 (3) The special permit shall not be issued until after the application has been submitted ~~made~~ to take the
4 next examination given by a board-approved examination provider ~~the board and the required fees~~
5 ~~paid. A letter of recommendation from the supervising licensed veterinarian shall be submitted with~~
6 ~~the application.~~

7 (4) The special permit shall expire ~~the day~~ seven (7) business days after the notice of results of the first
8 examination given after the permit was issued.

9 (25) A special permit holder may be subject to the disciplinary procedures as set forth in KRS 321.351.

10 (6) If the special permit holder does not pass an examination attempt, the person may apply for and
11 obtain a new special permit for subsequent exam attempts. The board shall not issue any individual
12 person more than a total of four (4) special permits.

KRS 321.205 - Mobile facilities -- Authorized incidental activities

A veterinarian may:

- (1) Make farm or house calls in a motor vehicle or utilize a motor vehicle equipped with special medical or surgical equipment if the veterinarian has a permanent base of operations with a published address and telephone number recorded with the board where the veterinarian may be contacted.
- (2) Apply the principles of environmental sanitation, food inspection, animal nutrition, artificial insemination, environmental pollution control, zoonotic disease control, and disaster medicine in the promotion and protection of public health; and
- (3) Engage in the collection of hazardous biological specimens and the use of vaccine which may be injurious to humans, in accordance with applicable federal statutes and regulations.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 299, sec. 9, effective July 14, 1992

Proposed Revisions to Mobile facilities -- Authorized incidental activities (23 RS HB

167 - Section 16 – amended)

(1) A ~~veterinarian credential holder~~ may utilize a “mobile facility” or “mobile unit” to conduct business within the scope allowable by their board-issued credential and engage in the practice of veterinary medicine.

(2) The mobile facility shall be registered under a current ~~veterinary~~ facility registration with the Kentucky Board of Veterinary Examiners in accordance with Sections 8 and 9 of this Act, and the administrative regulations promulgated under the authority of this chapter.

(3) The mobile facility and its operators shall comply with all applicable local, state, and federal laws.

(4) The mobile facility may:

i.e.,

1. Section 8 is KRS 321.NEW [Insert new statute number for “Veterinary Facility Registration – AAHA Registration -- Responsible Parties – Voluntary Inspections” statute]

2. Section 9 is KRS 321.NEW [Insert new statute number for “Renewal of Facility Registrations” statute]

- 1 ~~(a)(1)~~ Make farm or house calls in a motor vehicle or utilize a motor vehicle equipped with special
2 medical or surgical equipment appropriate for the species-specific services offered if the credential
3 holder veterinarian has a permanent base of operations with a published address and telephone
4 number ~~recorded with the board~~ where the credential holder veterinarian may be contacted. The
5 published contact information shall be on file with the board;
- 6 ~~(b)(2)~~ Apply the principles of environmental sanitation, food inspection, animal nutrition, artificial
7 insemination, environmental pollution control, zoonotic disease control, and disaster medicine in
8 the promotion and protection of public and animal health in accordance with regulations
9 promulgated under this chapter; and
- 10 ~~(c)(3)~~ Engage in the collection of hazardous biological specimens and the use of vaccine which may be
11 injurious to humans, in accordance with applicable state and federal statutes and regulations.

1 **KRS 321.207 - Certification of animal control agencies and animal euthanasia**
2 **specialists**

- 3 (1) The Board of Veterinary Examiners, upon submission of a complete application and payment of a fee
4 established by the board, shall issue to any animal control agency that it determines to be qualified,
5 authorization to apply to the federal Drug Enforcement Agency, including any successor entity, for a
6 restricted controlled substance registration certificate for the purchase, possession, and use of sodium
7 pentobarbital or other drugs as authorized by the board for administration by a certified animal
8 euthanasia specialist to euthanize injured, sick, or abandoned animals.
- 9 (2) To satisfy the board's authorization, the applicant shall comply with administrative regulations
10 promulgated by the board which contain standards for proper storage and handling of the drugs the
11 board has authorized for use, and any other provisions as may be necessary to ensure that the drugs
12 are used safely and solely for the purpose set forth in this section.
- 13 (3) Upon submission of a complete application, payment of a fee established by the board, and successful
14 completion of a board-approved animal euthanasia specialist training course by the applicant, the
15 Board of Veterinary Examiners shall issue to any person whom it determines to be qualified, a
16 certificate for the person to function as a certified animal euthanasia specialist.
- 17 (4) Euthanasia of animals in a certified animal control agency shall be performed by a licensed
18 veterinarian, including a licensed veterinary technician employed by and functioning under the direct
19 supervision of a licensed veterinarian, or a certified animal euthanasia specialist as provided for in
20 subsection (3) of this section. A certified animal control agency that employs a certified animal
21 euthanasia specialist may purchase, possess, and administer sodium pentobarbital or other drugs that
22 the board approves for the euthanasia of animals. Sodium pentobarbital and other drugs approved by
23 the board shall be the only drugs used for the euthanasia of animals in a certified animal control
24 agency.
- 25 (5) Certified animal control agencies and certified animal euthanasia specialists shall be required to renew
26 their certificates at intervals, upon conditions, and upon the payment of fees established by the board.

27 **Effective:** July 15, 2016

28 **History:** Amended 2016 Ky. Acts ch. 116, sec. 8, effective July 15, 2016. -- Created
29 1998 Ky. Acts ch. 126, sec. 2, effective July 15, 1998.
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1 **Proposed Revisions to Certification of animal control agencies and animal**
2 **euthanasia specialists (23 RS HB 167 - Section 17 – amended)**

3 (1) The Kentucky Board of Veterinary Examiners, upon submission of a complete application and
4 payment of a fee established by the board, shall issue to any animal shelter certified animal control
5 agency that it determines to be qualified; an authorization to apply to the United States federal Drug
6 Enforcement Administration (DEA) Agency, including any successor entity, for a restricted controlled
7 substance registration certificate controlled substance registration for the purchase, possession, storage,
8 and administration use of sodium pentobarbital or other the specific drugs approved as authorized by
9 the board for administration by a certified animal euthanasia specialist to euthanize or sedate animals
10 for euthanasia for animals owned by the board-certified animal control agency, or in the case of an
11 emergency care related to, of injured, sick, or abandoned animals.

12 (a) A certified animal control agency that successfully obtains a DEA controlled substance
13 registration shall comply with all state and federal laws related to the ordering, purchase, storage,
14 tracking, management, and disposal of the drugs obtained under the controlled substance
15 registration.

16 (b) A certified animal control agency shall comply with certification renewal requirements as set
17 forth in Section 6 of this Act or the certificate shall
18 expire.

**I.e., Section 6 is KRS 321.NEW [Insert
new statute number for “ Renewal of
certificates for Animal Control
Agencies and Animal Euthanasia
Specialists -- Fees -- Expiration and**

19 (2) To satisfy the board's authorization, the applicant A certified
20 animal control agency shall comply with administrative regulations promulgated by the board which
21 contain standards for proper storage and handling of the drugs the board has authorized approved for

1 this use, and any other provisions as may be necessary to ensure that the drugs are used safely and
2 solely for the purpose set forth in this section.

3 ~~(3)~~ The requirement for inspections shall include the following:

4 (a) A certified animal control agency shall submit to periodic inspections by the board or its
5 authorized representatives to ensure compliance with DEA controlled substance registration and
6 board requirements;

7 (b) An applicant for certification as a certified animal control agency shall submit to an inspection
8 by the board or its authorized representatives prior to certification by the board to ensure
9 adequate security for controlled substances storage; and

10 (c) A previously certified animal control agency with an expired certificate shall submit to
11 inspections by the board or its authorized representatives to ensure proper log updates, removal,
12 and disposal of all drugs obtained under the DEA controlled substance registration.

13 ~~(4)~~⁽³⁾ Upon submission of a complete application, payment of a fee established by the board, and successful
14 completion of a board-approved animal euthanasia specialist training course by the applicant, the
15 Kentucky Board of Veterinary Examiners shall issue to ~~any~~ person whom it determines to be qualified,
16 a certificate for the person to function as a certified animal euthanasia specialist, subject to the
17 following restrictions:

18 (a) A certified animal euthanasia specialist shall comply with
19 certification renewal requirements as set forth in Section
20 6 of this Act or the certificate shall expire;

I.e., Section 6 is KRS 321.NEW [Insert new statute number for "Renewal of certificates for Animal Control Agencies and Animal Euthanasia Specialists -- Fees -- Expiration and termination of certificate -- Reinstatement -- Continuing education -- Retired or inactive certificate status" statute]

1 (b) A certified animal euthanasia specialist shall maintain an employment relationship with a
2 certified animal control agency to be qualified to practice animal euthanasia;

3 (c) A certified animal euthanasia specialist is authorized to perform euthanasia only on the premises
4 of the certified animal control agency, except in case of an emergency care;

5 (d) A certified animal euthanasia specialist shall euthanize only animals that are owned by the
6 certified animal control agency, or in cases of emergency care. Transfer of ownership or a
7 temporary contract shall not be used for the purpose of circumventing this subsection;

8 (e) A certified animal euthanasia specialist shall not perform euthanasia at a private residence; and

9 (f) A certified animal euthanasia specialist shall not perform euthanasia for a fee or other personal
10 gain.

11 (5)(4) Euthanasia of animals in a certified animal control agency shall only be performed by:

12 (a) a licensed veterinarian;

13 (b) including a licensed veterinary technician employed by and functioning under the direct
14 supervision of a licensed veterinarian; or

15 (c) A certified animal euthanasia specialist as provided for in subsection (34) of this section.

16 (6) A certified animal control agency that employs a certified animal euthanasia specialist may purchase,
17 possess, and administer the specific sodium pentobarbital or other drugs approved by that the board in
18 administrative regulation approves for the euthanasia or sedation of animals for euthanasia. The
19 specific Sodium pentobarbital and other drugs approved by the board shall be the only drugs used by
20 certified animal euthanasia specialists for the euthanasia of animals or sedation of animals for
21 euthanasia in a certified animal control agency.

1 ~~(7)-(5)~~ Certified animal control agencies and certified animal euthanasia specialists shall be required to
2 renew their certificates at intervals, upon conditions, and upon the payment of fees established by the
3 board through the promulgation of administrative regulations.

4 ~~(8)~~ (a) A veterinarian who is contracted or otherwise employed by an animal shelter shall not store drugs
5 obtained under the veterinarian's DEA controlled substance registration in the same locked storage
6 unit location where the drugs obtained under another DEA controlled substance registration are
7 stored.

8 (b) Separate and secure storage arrangements, drug logs, drug order forms, and secure, limited
9 access shall be required for each separate DEA controlled substance registration.

10 (c) A veterinarian shall not store drugs ordered under the veterinarian's DEA controlled substance
11 registration at an animal shelter unless the DEA controlled substance registration under which
12 the drugs are ordered lists the animal shelter address as the registrant address.

**KRS 321.211 - Renewal of license -- Fees -- Expiration and termination of license --
Reinstatement -- Continuing education -- Retired or inactive licensure status**

- (1) Each person licensed as a veterinarian shall, on or before September 30 of each even-numbered year, pay to the board a renewal fee to be promulgated by administrative regulation of the board for the renewal of his license. All licenses not renewed by September 30 of each even-numbered year shall expire based on the failure of the individual to renew in a timely manner.
- (2) A sixty (60) day grace period shall be allowed after September 30, as required for renewal in subsection (1) of this section, during which time individuals may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. All licenses not renewed by November 30 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.
- (3) After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board. No person who applies for reinstatement after termination of his license shall be required to submit to any examination as a condition for reinstatement, if reinstatement application is made within five (5) years from the date of termination.
- (4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.
- (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (3) of this section and the renewal fee as set forth in subsection (1) of this section.
- (6) A person who fails to reinstate his license within five (5) years after its termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements of this chapter.
- (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.
- (8) The board may grant retired or inactive licensure status and may establish conditions under which retired or inactive licenses may be renewed as set forth by administrative regulations promulgated by the board.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 9, effective July 15, 2016. --
Amended 2004 Ky. Acts ch. 189, sec. 33, effective July 13, 2004; and ch. 96, sec. 1,
effective July 13, 2004. -- Created 1992 Ky. Acts ch. 299, sec. 12, effective July 14,
1992.

1 **Proposed Revisions to** **Renewal of veterinarian license -- Fees -- Expiration and**
2 **termination of license -- Reinstatement -- Continuing education -- Retired or inactive**
3 **licensure status** **(23 RS HB 167 - Section 18 – amended)**

- 4 (1) Each person licensed as a veterinarian shall biennially submit a completed renewal application and,~~on~~
5 ~~or before September 30 of each even-numbered year,~~ pay to the board a renewal fee ~~to be~~
6 ~~promulgated by administrative regulation of the board,~~ for the renewal of the person's his license. ~~All~~
7 ~~licenses not renewed by September 30 of each even-numbered year shall expire based on the failure of~~
8 ~~the individual to renew in a timely manner.~~
- 9 (2) A sixty (60) day grace period shall be allowed after the renewal deadline date ~~September 30~~, as
10 required for renewal in subsection (1) of this section, during which time individuals may renew their
11 licenses upon submission of a completed renewal application and payment of the renewal fee plus a
12 late renewal fee ~~as promulgated by administrative regulation of the board.~~ All licenses not renewed by
13 the grace period deadline ~~November 30~~ shall ~~expire terminate~~ based on the failure of the individual to
14 renew in a timely manner. Upon ~~expiration termination~~, the licensee is no longer eligible to engage in
15 the practice of veterinary medicine in the Commonwealth.
- 16 (3) After the sixty (60) day grace period, individuals with an expired a terminated license may have their
17 licenses reinstated upon submission of a completed reinstatement application and payment of ~~the~~
18 ~~renewal fee plus~~ a reinstatement fee ~~as promulgated by administrative regulation of the board.~~ No
19 person who applies for reinstatement after ~~expiration termination~~ of the person's veterinarian his
20 license shall be required to submit to anany examination as a condition for reinstatement; if the
21 reinstatement application is made within five (5) years from the date of ~~expiration termination~~.

- 1 (4) A suspended veterinarian license is subject to expiration and termination and shall be renewed as
2 provided in this chapter. Renewal or reinstatement shall not entitle the licensee to engage in the
3 practice of veterinary medicine until the suspension has ended, or is otherwise removed by the board
4 and the right to practice is restored by the board.
- 5 (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated,
6 the licensee shall pay the reinstatement fee ~~as set forth in subsection (3) of this section and the renewal~~
7 ~~fee as set forth in subsection (1) of this section.~~
- 8 (6) A person who fails to reinstate ~~the person's veterinarian~~his license within five (5) years after its
9 ~~expiration or~~ termination ~~shall~~may not have it renewed, restored, reissued, or reinstated. A person may
10 apply for and obtain a new license by meeting the ~~current~~ requirements of this chapter.
- 11 (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence
12 of completion of continuing education as promulgated~~prescribed~~ by the board in~~by~~ administrative
13 regulation.
- 14 (8) The board may grant retired or inactive licensure status and may establish conditions under which
15 retired or inactive licenses may be renewed and reinstated as set forth by the board in administrative
16 regulations ~~promulgated by the board.~~

1 **KRS 321.221 - Licensure by endorsement for veterinarians licensed in other**
2 **jurisdictions**

- 3 (1) The board may issue a license by endorsement to any applicant who, upon applying to the board and
4 remitting a fee set by the board, demonstrates to the board that he has met the following
5 requirements:
- 6 (a) The applicant is a graduate of a veterinary college approved by the board;
 - 7 (b) The applicant is of good moral character;
 - 8 (c) The applicant holds a valid license to practice veterinary medicine and has practiced veterinary
9 medicine in another state of the United States, the District of Columbia, or a territory of the
10 United States for at least one (1) year immediately preceding application, if the requirements for
11 licensure in the issuing state are equal to or higher than the standards required for the issuance
12 of a new license under the provisions of this chapter; and
 - 13 (d) The applicant has passed an examination given by the board on the laws and administrative
14 regulations of the Commonwealth of Kentucky governing the practice of veterinary medicine.
- 15 (2) The board shall not issue a license by endorsement to any applicant who is under investigation in
16 another state, territory, or the District of Columbia for an act which could result in disciplinary action
17 in that jurisdiction until the investigation and disciplinary proceedings have been completed.

18 **Effective:** July 14, 1992

19 **History:** Created 1992 Ky. Acts ch. 299, sec. 4, effective July 14, 1992.

23 **Proposed Revisions to ~~Licensure-Credential~~ by endorsement for ~~persons~~**
24 **~~veterinarians~~ licensed in other jurisdictions (23 RS HB 167 - Section 19 – amended)**

- 25 (1) The board may issue a ~~license-credential~~ by endorsement to any applicant who, upon ~~submitting a~~
26 ~~completed application applying~~ to the board and remitting a fee ~~established in administrative~~
27 ~~regulation set by the board~~, demonstrates to the board that ~~the applicant~~ has met the following
28 requirements:

- 1 (a) The applicant is a graduate of an approved veterinary medical program~~college approved by the~~
2 ~~board,~~ approved veterinary technology program, or other educational program approved by the
3 board as appropriate to the board credential;
- 4 (b) The applicant is of good moral character; As one (1) element of good moral character, the board
5 shall require each applicant for licensure to submit a full set of fingerprints for the purpose of
6 obtaining criminal records checks, pursuant to applicable law. All good moral character
7 information, including the information obtained through the criminal background checks, shall
8 be relevant to licensure credential eligibility determinations to the extent permitted by law;
- 9 (c) The applicant holds a valid credential license to practice veterinary medicine, veterinary
10 technology, animal euthanasia, or an allied animal health profession and has engaged in the
11 practice of practiced veterinary medicine in another state ~~of the United States~~, the District of
12 Columbia, ~~or~~ a territory of the United States, or a province of Canada for at least one (1) year
13 immediately preceding application, if the requirements for licensure credentialing in the issuing
14 state or province are equal to or higher than the standards required for the issuance of a new
15 license credential under the provisions of this chapter; ~~and~~
- 16 (d) The applicant has passed an examination given by the board on the laws and administrative
17 regulations of the Commonwealth of Kentucky governing the practice of veterinary medicines
18 required in administrative regulations promulgated in accordance with KRS Chapter 13A by the
19 board under the provisions of this chapter; ~~and~~
- 20 ~~(e) The application has been approved for a credential licensure by the board.~~
- 21 (2) The board shall not issue a credential license by endorsement to any applicant who is under
22 investigation in another state, territory, ~~or~~ the District of Columbia, a Canadian Province, or any

1 jurisdiction for an act which could result in disciplinary action in that jurisdiction until the
2 investigation and disciplinary proceedings have been completed.

2023 DRAFT

1 **KRS 321.230 - Board of Veterinary Examiners -- Membership -- Qualifications -**
2 **Appointment -- Terms -- Vacancies -- Compensation**

3 There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners." The board
4 shall consist of nine (9) members appointed by the Governor, and the Commissioner of Agriculture or the
5 Commissioner's designee. Seven (7) members shall be citizens of the Commonwealth of Kentucky and shall
6 each have been lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least
7 two (2) years next preceding the date of the member's appointment. One (1) member shall be a citizen at
8 large who is not associated with or financially interested in the practice or business regulated. One (1)
9 member shall be a citizen of the Commonwealth and a licensed veterinary technician who has been
10 employed in the veterinary field in the Commonwealth for at least two (2) years preceding the date of his or
11 her appointment. All appointed members shall be appointed for a term of four (4) years and shall serve until
12 the member is reappointed or a successor is appointed. Any vacancy in the appointed membership of the
13 board shall be filled for the unexpired term by appointment by the Governor. Each member of the board
14 shall receive one hundred dollars (\$100) per day for each day of service actually given in carrying out his
15 duties under this chapter, in addition to his necessary traveling, hotel, and contingent expenses incurred in
16 attending the meetings of the board and in the performance of his duties.

17 **Effective:** July 15, 2016

18 **History:** Amended 2016 Ky. Acts ch. 116, sec. 10, effective July 15, 2016. --
19 Amended 1992 Ky. Acts ch. 299, sec. 17, effective July 14, 1992. -- Amended 1976 -
20 Ky. Acts ch. 206, sec. 15. -- Created 1948 Ky. Acts ch. 181, sec. 2.
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24 **Proposed Revisions to - Board of Veterinary Examiners -- Membership --**
25 **Qualifications - Appointment -- Terms -- Vacancies -- Compensation (23 RS HB 167**
26 **- Section 20 – amended)**

27 There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners."

28 (1) The board shall consist of ~~ten (10)~~ **eleven (11)** members:

29 (a) ~~Ten (10)~~ **Nine (9)** members ~~shall be~~ -appointed by the Governor, ~~and as follows: the Commissioner~~
30 ~~of Agriculture or the Commissioner's designee.~~

1 1. Seven (7) members shall be citizens of the Commonwealth ~~of Kentucky~~ and shall be
2 veterinarians, each ~~have been~~ lawfully engaged in the practice of veterinary medicine in this
3 Commonwealth for at least two (2) years ~~next immediately~~ preceding the date of the
4 member's appointment;:

5 2. One (1) member shall be a citizen of the Commonwealth and shall be a citizen at large who
6 is not associated with or financially interested in the practices or businesses ~~practice or~~
7 business regulated;: and

8 3. One (1) member shall be a citizen of the Commonwealth and a licensed veterinary
9 technician who has been employed in the veterinary field in the Commonwealth for at least
10 two (2) years immediately preceding the date of the member's ~~his or her~~ appointment;: and

11 4. One (1) member shall be an allied animal health professional permittee who has been
12 working on animals in the Commonwealth for at least two (2) years immediately preceding
13 the date of the member's appointment.

14 (b) One (1) member shall be the Commissioner of Agriculture or ~~the Commissioner's~~ designee.

15 (2) Whenever possible, the The Governor shall ensure
16 appointments to the board shall maintain a
17 composition that includes diverse representation from each of the following areas:

**KVMA again is requesting change from
"whenever possible" to "shall".**

18 (a) Species of animals served, including food animals, equines, and small animals, and other species;
19 and

20 (b) All regional areas of the Commonwealth, including eastern Kentucky, western Kentucky, central
21 Kentucky, and northern Kentucky.

1 ~~(3)~~ All appointed members shall be appointed for a term of four (4) years and shall serve until the
2 member is reappointed or a qualified successor is appointed. The terms shall be evenly staggered, so
3 that no more than three (3) members are appointed to full terms in any given calendar year.

4 ~~(4)~~ Any vacancy in the appointed membership of the board shall be filled for the unexpired term by
5 appointment by the Governor.

6 ~~(5)~~ Each member of the board shall receive one hundred dollars (\$100) per day for each day or substantial
7 part of a day of service actually given in carrying out the member'shis duties under this chapter, in
8 addition to the member'shis necessary traveling, hotel, and contingent expenses incurred in attending
9 the meetings of the board and in the performance of the member'shis duties.

10 ~~(6)~~ Each member shall be required to swear the constitutional oath of office, and sign a board adopted
11 code of ethics agreement within six (6) months of initial appointment, or the member may be
12 removed.

13 ~~(6)~~ A board member may be removed by the Governor, or removed by a three-fourths (3/4) majority
14 vote of the board upon one (1) or more of the following grounds:

15 (a) For a poor attendance record, neglect of duty, or malfeasance in office;

16 (b) The refusal or inability for any reason of a board member to perform the duties as a member of
17 the board in an efficient, responsible, and professional manner;

18 (c) The misuse of office by a member of the board to obtain financial or material gain or advantage
19 personally or for another through the office;

20 (d) A final adjudication by a recognized body including the courts that the board member is in
21 violation of the laws governing the practice of veterinary medicine, ~~or~~ the practice of veterinary
22 technology, or other board credentialed profession; or

- 1 (e) Other just and reasonable causes as determined solely by the board pursuant to applicable law.
- 2 In these cases, removal of a member of the board shall be in accordance with the KRS Chapters
- 3 13A and 13B, or other applicable laws.

2023 DRAFT

1 **KRS 321.235 - Powers and duties of board -- Personal immunity.**

- 2 (1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility
3 of evaluating the qualifications of applicants for licensure and certification.
- 4 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,
5 and investigate allegations of practices violating the provisions of this chapter.
- 6 (3) The board may promulgate administrative regulations in accordance with KRS Chapter 13A and this
7 chapter to carry out the provisions of this chapter.
- 8 (4) The board may conduct hearings and keep records and minutes necessary to carry out the function of
9 this chapter.
- 10 (5) The board may evaluate the qualifications and authorize the issuance of licenses, registration, or
11 certification to qualified candidates.
- 12 (6) The board may renew licenses, registrations, and certifications, require continuing education as a
13 condition for renewal, and promulgate administrative regulations regarding the issuance and renewal
14 of retired and inactive licenses.
- 15 (7) The board may suspend, or revoke licenses or certifications, or impose supervisory or probationary
16 conditions upon licensees or certificate holders, or impose administrative disciplinary fines, issue
17 written reprimands, or any combination thereof.
- 18 (8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of
19 veterinary medicine by unlicensed persons. (9) Members of the board, its agents, and employees shall
20 be immune from personal liability in any action, civil or criminal, which is based upon any official act
21 or acts performed by them in good faith.

22 **Effective:** July 15, 2016

23 **History:** Amended 2016 Ky. Acts ch. 116, sec. 11, effective July 15, 2016. --
24 Amended 1998 Ky. Acts ch. 126, sec. 3, effective July 15, 1998. -- Created 1992 Ky.
25 Acts ch. 299, sec. 14, effective July 14, 1992.
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1 **Proposed Revisions to Powers and duties of board -- Personal immunity. (23 RS HB**
2 **167 - Section 21 –to be repealed and reenacted)**

3 (1) The board shall:

4 ~~(a) Administer and enforce the provisions of this chapter and set and evaluate shall have the~~
5 ~~responsibility of evaluating~~ the qualifications of applicants for licensure, ~~and~~ certification,
6 ~~permitting, and registration.~~

7 ~~(b) Promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry~~
8 ~~out and enforce the provisions of this chapter;~~

9 ~~(c) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish the fee~~
10 ~~amounts for all fees required by this chapter and fees for services provided by the board. Fees~~
11 ~~may not exceed amounts necessary to generate sufficient funds to effectively carry out and~~
12 ~~enforce the provisions of this chapter, including costs related to administration; overhead;~~
13 ~~staffing; information technology; investigations;~~
14 ~~inspections; administrative procedures; court~~
15 ~~costs; supplies; equipment; travel; educational~~
16 ~~awards; reserve funds for capital, operational,~~
17 ~~and programmatic expenses; and education and~~
18 ~~outreach efforts;~~

19 ~~(d) Promulgate a code of conduct governing the~~
20 ~~practice of veterinary medicine that shall be~~
21 ~~based upon generally recognized principles of~~
22 ~~professional ethical conduct; and~~

KVMA rejects the language presented by the Board. They feel that the wording leaves open the opportunity to raise fees every year. They want a smaller, more restrictive cap or a formula for calculation of an increase.

To be consistent with current statutes and other Kentucky Boards, **LRC Staff** has indicated that the language should simply read, "The board shall set fees in administrative regulation". There are enough checks and balances in the system due to reviews by the Legislative Review Committees that any regulation raising fees too high or too frequently would be stopped.

1 (e) Maintain jurisdiction over persons and premises, regardless of their licensure, certificate, permit,
2 or registration status relative to acts, omissions, complaints, grievances, and investigations which
3 occurred during the licensure, certification, permit, or registration period. The board shall also
4 maintain jurisdiction over registered facilities, irrespective of their registration status, relative to
5 acts, omissions, complaints, grievances, and investigations which occurred during the registration
6 period. This jurisdiction shall be for purposes of enforcement of this chapter and any
7 administrative regulations promulgated under this chapter, including the assessment and
8 collection of fines, costs, and attorneys' fees. Jurisdiction of the board shall also extend to
9 persons engaging in the unauthorized practice of veterinary medicine, unauthorized practice of
10 veterinary technology, unauthorized practice of animal euthanasia, or unauthorized practice of
11 an allied animal health professional on animals. Licensees, certificate holders, permittees, and
12 registrants shall not divest the board of jurisdiction by changing or relinquishing licensure,
13 certificate, permit, or registration status.

14 (2) The board may:

15 (a) Issue subpoenas, compel the attendance of witnesses and the production of accounts, books,
16 and records, examine witnesses, pay appropriate witness fees, administer oaths, and investigate
17 allegations of practices violating the provisions of this chapter;

18 (b) Promulgate administrative regulations in accordance with KRS Chapter 1 13A:

19 1. To establish and enforce standards for:

20 a. Criteria of programs or other mechanisms to ensure the continuing competence of
21 licensees, certificate holders, permittees, and registrants;

22 b. Codes of conduct for its licensees, certificate holders, permittees, and registrants.

1 c. The registration of veterinary facilities, and mobile facilities, and AAHP facilities;

2 2. Regarding the limited scopes of allied animal health professional practices or procedures
3 on animals and the permitting thereof, including:

4 a. Minimum requirements;

5 b. Examination requirements and passing scores;

6 c. Board oversight; and

7 d. Conditions for application, permitting, renewal, renewal grace periods, and
8 reinstatement;

9 e. Limitations on practice; and

10 f. Minimum standards; and

11 3. To establish:

12 a. Specific duties and responsibilities of the board;

13 b. Administration of licensure, certification, permitting, or registration; and

14 c. Standards in veterinary medicine, medical records, other matters pertaining to
15 veterinarians, veterinary technicians, animal control agencies, animal euthanasia
16 specialists, designated on-site managers, allied animal health professionals, veterinary
17 facilities, AAHP facilities, veterinarian managers, AAHP managers, registered
18 responsible parties, or unlicensed persons consistent with this chapter; and

19 d. A code of conduct for each license, certificate, permit, or registration class issued by
20 the board.

1 (c) Conduct investigations, inspections, and hearings, and keep records and minutes necessary to
2 carry out the function of this chapter;

3 (d) Enter and inspect any property or premises for the purpose of investigating either actual or
4 suspected veterinary practices premises and equipment, including practice vehicles and mobile
5 facilities, at any time for the purpose of ascertaining compliance or noncompliance with this
6 chapter, or any administrative regulation that may be promulgated under this chapter, in
7 accordance with protocols established in this chapter and by the board in administrative
8 regulation;

9 (e) Evaluate the qualifications for and authorize the issuance of licenses, ~~registration, or~~
10 certification, certificates, permits, and registrations to qualified candidates and premises;

11 (f) Renew or deny licenses, ~~registrations, and certifications, certificates, permits, and registrations,~~
12 require continuing education as a condition for renewal, and promulgate administrative
13 regulations regarding the issuance and renewal of retired and inactive licenses, ~~certifications,~~
14 certificates, permits, and registrations.

15 (g) Limit, reprimand, suspend, or revoke licenses, ~~or certifications, certificates, permits, and~~
16 registrations, or impose supervisory or probationary conditions upon licensees, ~~or~~ certificate
17 holders, permittees, or registrants, or impose administrative disciplinary fines, issue written
18 reprimands, or any combination thereof.

19 (h) Issue a notice to comply or a notice of violation to any person for violations of any provision of
20 this chapter or regulations promulgated pursuant to this chapter. A “notice to comply” or “NC”
21 may be issued during the inspection process to request additional information needed to
22 determine compliance or as a notice to correct a minor
23 violation found during the inspection. Failure to take

I.e., Section 30 is KRS 321.990 – Penalty
for violation

1 corrective action can lead to the issuance of a “notice of violation” or “NOV”. A “notice of
2 violation” means that a business or person is operating in violation of the law and subject to
3 penalty pursuant to this chapter. Each day or part of a day that the violation continues is a
4 separate violation and subject to daily penalties. A notice of violation shall contain:

5 1. A citation to the statutory or regulatory requirement that has been or is being violated;

6 2. A description of the circumstances surrounding the violation, set forth in common and
7 concise language;

8 3. Measures required to correct the violation;

9 4. A reasonable time for correction, if the respondent cannot take measures to correct the
10 violation immediately; and

11 5. Notice of rights of appeal.

12 (i) Advise, consult, and cooperate with other agencies of the Commonwealth, other states, the
13 federal government, and interstate and interlocal agencies, and affected persons, groups, and
14 industries;

15 (j) Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary
16 medicine or practice of veterinary technology by unlicensed persons, or against any person for
17 the enforcement of this chapter or any administrative regulations promulgated pursuant to this
18 chapter.

19 (k) Appoint from its own membership or staff one (1) or more members or personnel to act as
20 representatives of the board at any meeting within or outside the Commonwealth; and

1 (l) Implement an educational award program to award scholarships or educational awards, as
2 determined by the board, to a person in the act of advancing toward, or having completed a
3 degree in, veterinary medicine or veterinary technology from an approved veterinary medical
4 program or approved veterinary technology program; and may take any other appropriate action
5 to effectuate the Kentucky Veterinary Medicine Practice Act.

6 1. The selected awardee or awardees shall agree to sign an award contract guaranteeing to
7 provide food animal or rural veterinary services or to protect public health in a veterinary
8 resource shortage area identified by the board. Failure of an awardee to comply with the
9 terms of the award contract shall be cause for the board to seek reimbursement of the
10 award;

11 2. The board shall establish required members of an educational award review committee
12 through an administrative regulation and may contract with other state agencies, entities,
13 and nonprofit organizations corporations for the endowment, management, and
14 administration of the educational award program scholarships and educational awards. The
15 requirements of for the these scholarships and educational awards program, including
16 application requirements, criteria for selecting applicants, criteria for identifying veterinary
17 resource shortage areas, and criteria for prioritizing underserved areas, shall be determined
18 by the board in administrative regulation. However, nothing contained in this section shall
19 be construed as requiring the board to endow or award any scholarship or educational
20 award.

21 3. Educational award monies shall be collected as a portion of veterinarian and veterinary
22 technician renewal fees. No more than fifteen percent (15%) of the monies collected

1 during a single veterinarian renewal period may be applied to the educational awards
2 program.

3 (3) As a part of any board investigation under this section or
4 Section 25 of this Act, the board may require an applicant,
5 credential holder, or any other person engaging in a
6 veterinary practice or activity regulated by the board under
7 this chapter to submit to a criminal background
8 investigation conducted in accordance with Section 7 of
9 this Act.

I.e., Section 25 is KRS 321.351 –
Disciplinary Action – Offenses subject to
disciplinary action – Private
admonishment

And

Section 7 is KRS 321.NEW [Insert new
statute number for “Criminal
background checks” statute]

10 (4) Members of the board, its agents, and employees shall be immune from personal liability in any action,
11 civil or criminal, which is based upon any official act or acts performed by them in good faith.

2023 DRAFT

KRS 321.237 - Veterinary wellness committee

- (1) The board shall have the authority to establish a veterinary wellness committee to undertake the functions and responsibilities of a veterinary wellness program. The functions and responsibilities may include any of the following:
 - (a) Receiving and evaluating reports of suspected impairment from any source;
 - (b) Intervening in cases of verified impairment; or
 - (c) Referring impaired veterinarians to treatment programs.
- (2) Other provisions of law notwithstanding, all board and committee records pertaining to the veterinary wellness program shall be kept confidential. No person in attendance at any meeting of the committee shall be required to testify as to any committee discussions or proceedings.
- (3) Other provisions of law notwithstanding, no member of the board or the veterinary wellness committee shall be liable for damages to any person for any acts, omissions, or recommendations made by the member in good faith while acting within the scope of the member's responsibilities in accordance with this section.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 13, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 10, effective July 14, 1992.

Proposed Revisions to Veterinary wellness committee (23 RS HB 167 - Section 22 – amended)

- (1) The board ~~may~~ shall have the authority to establish a veterinary wellness committee to undertake the functions and responsibilities of a veterinary wellness program. The functions and responsibilities may include any of the following:
 - (a) Receiving and evaluating reports of suspected impairment or incapacitation from any source;
 - (b) Issuing an order directing an applicant, certificate holder, licensee, designated on-site manager, permittee, registrant, or veterinary manager to undergo a mental or physical examination or chemical dependency evaluation, when probable cause exists that the credential holder has

1 engaged in conduct prohibited by this chapter or a statute or administrative regulation enforced
2 by the board. For the purpose of this section, every credential holder is considered to have
3 consented to undergo a mental or physical examination or chemical dependency evaluation
4 when ordered to do so, in writing, by the board and to have waived all objections to the
5 admissibility of the examiner's or evaluator's testimony or reports on the grounds that the
6 testimony or reports constitute a privileged communication.

7 ~~(c)(b)~~ Intervening in cases of verified or suspected impairment or incapacitation; or

8 ~~(d)(e)~~ Referring impaired or incapacitated credential holders, registrants, designated on-site managers,
9 veterinary managers, or applicants veterinarians to treatment programs as a requirement of initial
10 or continued licensure, certification, registration, or permitting.

11 (2) Other provisions of law notwithstanding, all board and committee records pertaining to the veterinary
12 wellness program shall be kept confidential. No person in attendance at any meeting of the committee
13 shall be required to testify as to any committee discussions or proceedings.

14 (3) Other provisions of law notwithstanding, no member of the board or the veterinary wellness
15 committee shall be liable for damages to any person for any acts, omissions, or recommendations
16 made by the member in good faith while acting within the scope of the member's responsibilities in
17 accordance with this section.

1 **KRS 321.240 - Board officers -- Meetings -- Notice of examinations -- Seal --**
2 **Administrative regulations**

- 3 (1) The board shall annually elect a chair and a vice chair from the appointed members of the board.
- 4 (2) The board shall hold at least two (2) meetings annually and additional meetings as the board may deem
5 necessary. The additional meetings may be held upon call of the chair or upon written request of three
6 (3) members of the board. Five (5) members of the board shall constitute a quorum to conduct
7 business.
- 8 (3) The board may employ or contract with any other persons it deems necessary to carry on the work of
9 the board and shall define their duties and fix their compensation.
- 10 (4) Upon recommendation of the board, the Governor may remove any member of the board for a poor
11 attendance record, neglect of duty, or malfeasance in office.
- 12 (5) The board shall promulgate administrative regulations as it may deem necessary and proper to
13 effectively carry out and enforce the provisions of this chapter, including regulations to establish
14 authorized fees. Fees may not exceed amounts necessary to generate sufficient funds to effectively
15 carry out and enforce the provisions of this chapter.
- 16 (6) The board shall promulgate a code of conduct governing the practice of veterinary medicine which
17 shall be based upon generally recognized principles of professional ethical conduct.

18 **Effective:** July 15, 2016

19 **History:** Amended 2016 Ky. Acts ch. 116, sec. 14, effective July 15, 2016. --
20 Amended 1992 Ky. Acts ch. 299, sec. 18, effective July 14, 1992. -- Amended 1962
21 Ky. Acts ch. 279, sec. 1. -- Created 1948 Ky. Acts ch. 181, sec. 3.

1 **Proposed Revisions to Board officers -- Meetings -- Notice of examinations -- Seal --**
2 **Administrative regulations (23 RS HB 167 - Section 23 – amended)**

3 (1) The board shall annually elect a chair and a vice chair from the appointed members of the board.

4 Officers of the board serve for terms of one (1) year and until a successor is elected, without limitation
5 on the number of terms an officer may serve as long as they hold a current appointment to the board.

6 (2) The board shall hold at least two (2) **regular** meetings annually and additional meetings as the board
7 may deem necessary. The additional meetings may be held upon call of the chair or upon written
8 request of three (3) members of the board.

9 (3) Five (5) members of the board shall constitute a quorum to conduct business.

10 (4)(3) The board may employ its own executive director and staff, or employ or contract with any other
11 persons it deems necessary to carry on the work of the board and shall define their duties and fix their
12 compensation. Should the board prefer not to directly employ or contract with persons to serve as its
13 executive director or staff, the board may enter into a contract with another state agency in which the
14 board shall pay to the agency a sum sufficient to offset that agency's costs in the salary and benefits of
15 one (1) or more employees who will be assigned to serve the board as its executive director and staff.

16 (4) Upon recommendation of the board, the Governor may remove any member of the board for a poor
17 attendance record, neglect of duty, or malfeasance in office.

18 (5) The board shall promulgate administrative regulations as it may deem necessary and proper to
19 effectively carry out and enforce the provisions of this chapter, including regulations to establish
20 authorized fees. Fees may not exceed amounts necessary to generate sufficient funds to effectively
21 carry out and enforce the provisions of this chapter, including costs related to administration.

1 ~~overhead, staffing, IT, investigations, inspections, supplies, equipment, travel, and education and~~
2 ~~outreach efforts.~~

3 ~~(6) The board shall promulgate a code of conduct governing the practice of veterinary medicine which~~
4 ~~shall be based upon generally recognized principles of professional ethical conduct.~~

2023 DRAFT

1 **KRS 321.320 - Revolving fund for administration**

2 All fees and other moneys received by the board pursuant to the provisions of this chapter shall be
3 deposited in the State Treasury to the credit of a revolving fund for the use of the board. No part of this
4 revolving fund shall revert to the general funds of this Commonwealth. The compensation of members of
5 the board and all of the employees of the board and all expenses incurred by the board shall be paid from
6 this revolving fund.

7 **Effective:** July 14, 1992

8 **History:** Amended 1992 Ky. Acts ch. 299, sec. 19, effective July 14, 1992. --
9 Amended 1966 Ky. Acts ch. 255, sec. 251. -- Created 1948 Ky. Acts ch. 181, sec. 13.

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13 **Proposed Revisions to Revolving fund for administration (23 RS HB 167 - Section 24**
14 **- amended)**

15 (1) All fees and other moneys received by the board pursuant to the provisions of this chapter shall be
16 deposited in the State Treasury to the credit of a revolving fund for the use of the board.

17 (2) (a) No part of this revolving fund shall revert to the general funds of this Commonwealth.

18 (b) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not
19 lapse but shall be carried forward into the next fiscal year.

20 (c) Any interest earnings of the fund shall become a part of the fund and shall not lapse

21 (3) All expenses incurred by the board shall be paid from this revolving fund, including:

22 (a) The compensation of members of the board;

23 (b) Salaries, wages, and benefits of all of the employees of the board;

24 (c) Payment of contractors hired by the board;

25 (d) Administrative services provided to the board; and

1 (e) Investigative and legal services;

2 (f) Court costs;

3 (g) Technology expenses related to administration of this chapter; and

4 (h) and All other expenses incurred by the board shall be paid from this revolving fund.

5 (4) The board shall keep and maintain a reserve fund for capital, operational, and programmatic
6 expenses.

7 (5) Scholarships and other educational awards approved by the board for the purpose of promoting
8 persons entering into the fields of veterinary medicine shall be paid from this revolving fund.

9 (6) The board may receive and expend funds, in addition to fees collected from parties other than
10 applicants and credential holders, provided that such funds shall be used in the pursuit of a specific
11 objective that the board may accomplish by this chapter or which the board is qualified to accomplish
12 by reason of its jurisdiction or professional expertise.

13 (7) The board may direct the investment of that portion of its revolving fund not needed to meet current
14 expenses, the earnings from which investments shall also be credited to the revolving fund of the
15 board.

16 (8) The fund shall be held subject to the order of the board, and to be used for meeting necessary
17 expenses incurred in the performance of the purposes of this chapter and the duties imposed thereby.

18

KRS 321.351 - Disciplinary action -- Offenses subject to disciplinary action -- Private admonishment.

- (1) The board may refuse to issue a license, or may suspend, revoke, impose probationary or supervisory conditions upon, impose an administrative fine not to exceed five thousand dollars (\$5,000) per violation, issue a written reprimand, issue a private admonishment, or any combination of actions regarding any licensee upon proof that the licensee has:
 - (a) Committed any act of dishonesty or corruption, if in accordance with KRS Chapter 335B. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;
 - (b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement of a license;
 - (c) Committed any unfair, false, misleading, or deceptive act or practice;
 - (d) Been incompetent or negligent in the practice of veterinary medicine;
 - (e) Violated any state statute or administrative regulation governing the practice of veterinary medicine or any activities undertaken by a veterinarian;
 - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
 - (g) Violated the code of ethical conduct as set forth by the board by administrative regulation; or
 - (h) Violated any applicable provision of any federal or state law or regulation regarding the dispensing of controlled or legend drugs, if in accordance with KRS Chapter 335B.
- (2) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of veterinary medicine.
- (3) When in the judgment of the board, an alleged violation is not of a serious nature, and the evidence presented to the board after the investigation and appropriate opportunity for the licensee to respond, provides a clear indication that the alleged violation did in fact occur, the board may issue a written reprimand to the licensee. A copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the reprimand within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request the board shall set aside the written reprimand and set the matter for hearing.
- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the licensee which effectively deals with the complaint.

- 1 (5) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary action.
- 2 (6) Private admonishment shall not be subject to disclosure to the public under KRS 61.878 and shall not
3 constitute disciplinary action, but may be used by the board for statistical purposes or in a subsequent
4 disciplinary action against the licensee or applicant.

5 **Effective:** June 29, 2017

6 **History:** Amended 2017 Ky. Acts ch. 158, sec. 69, effective June 29, 2017. --
7 Amended 2016 Ky. Acts ch. 116, sec. 15, effective July 15, 2016. -- Created 1992 Ky.
8 Acts ch. 299, sec. 13, effective July 14, 1992.
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12 **Proposed Revisions to Disciplinary action -- Offenses subject to disciplinary action --**

13 **Private admonishment (23 RS HB 167 - Section 25 – amended)**

- 14 (1) The board may refuse to issue a license, credential, or may suspend, revoke, impose probationary, or
15 supervisory conditions upon, impose an administrative fine not to exceed five thousand dollars
16 (\$5,000) per violation, issue a written reprimand, issue a private admonishment, or any combination of
17 actions regarding any licensee-credential holder upon proof that the licensee-credential holder has:
- 18 (a) Committed any act of dishonesty or corruption, if in accordance with KRS Chapter 335B. If the
19 act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to
20 disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive
21 evidence at the ensuing disciplinary hearing of the guilt of the licensee-credential holder or
22 applicant. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an
23 admission of guilt, or a plea of nolo contendere;
- 24 (b) Misrepresented or concealed a material fact in obtaining a licenseboard credential, or in
25 reinstatement of a licenseboard credential;
- 26 (c) Committed any unfair, false, misleading, or deceptive act or practice;

- 1 (d) Been incompetent or negligent in the practice of veterinary medicine, the practice of veterinary
2 technology, animal euthanasia, allied animal health professional activities, or its any associated
3 professional activities;
- 4 (e) Violated any ~~state statute or~~ administrative regulation governing the practice of veterinary
5 medicine, the practice of veterinary technology, animal euthanasia, allied animal health
6 professional activities, or its any associated professional activities;
- 7 (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
- 8 (g) Violated the code of ethical conduct as set forth by the board by administrative regulation; ~~or~~
- 9 (h) Become impaired or incapacitated and unable to perform that person's duties with reasonable
10 skill and safety; or
- 11 (i) Violated any applicable provision of any federal or state law or regulation regarding the
12 dispensing of controlled substances, veterinary drugs, veterinary prescription drugs, or legend
13 drugs, if in accordance with KRS Chapter 335B.
- 14 (2) Five (5) years from the date of a revocation, any person whose license board credential has been
15 revoked may petition the board for reinstatement. The board shall investigate the petition and may
16 reinstate the license board credential upon a finding that the individual has complied with any terms
17 prescribed by the board and is again able to competently engage in ~~the practice of veterinary~~
18 medicine.
- 19 (3) When in the judgment of the board, an alleged violation is not of a serious nature, and the evidence
20 presented to the board after the investigation and appropriate opportunity for the licensee credential
21 holder to respond, provides a clear indication that the alleged violation did in fact occur, the board
22 may issue a written reprimand to the licensee credential holder. A copy of the reprimand shall be

1 placed in the permanent file of the licensee credential holder. The licensee credential holder shall have
2 the right to file a response to the reprimand within thirty (30) days of its receipt and to have the
3 response placed in the permanent file. The licensee may alternatively, within thirty (30) days of the
4 receipt, file a request for hearing with the board. Upon receipt of this request the board shall set aside
5 the written reprimand and set the matter for hearing.

6 (4) At any time during the investigative or hearing processes, the board may enter into an agreed order,
7 settlement agreement, or accept an assurance of voluntary compliance with the licensee credential
8 holder which effectively deals with the complaint or grievance.

9 (5) The board may reconsider, modify, or reverse its probation, reprimand, suspensions, or other
10 disciplinary action.

11 (6) Private admonishment shall not be subject to disclosure to the public under KRS 61.878 and shall not
12 constitute disciplinary action, but may be used by the board for statistical purposes or in a subsequent
13 disciplinary action against the licensee credential holder or applicant.

14 (7) As a part of any board investigation under this section or
15 Section 21 of this Act, the board may require an applicant,
16 credential holder, or any other person engaging in a
17 veterinary practice or activity regulated by the board under
18 this chapter to submit to a criminal background
19 investigation conducted in accordance with Section 7 of this
20 Act.

I.e., Section 21 is KRS 321.235 – Powers and Duties of the Board

And

Section 7 is KRS 321.NEW [Insert new statute number for “Criminal background checks” statute]

21 (8) For the purposes of this section, “Credential holder licensee” means a person who:

1 (a) Holds any license, certificate, permit, registration, or other credential issued or approved by the
2 board, or

3 (b) Serves as the veterinarian manager, AAHP manager, or registered responsible party designated
4 on a veterinary facility registration or AAHP facility registration, or serves as the designated on-
5 site manager designated for a certified animal control agency.

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2023 DRAFT

KRS 321.353 - Emergency order for immediate, temporary suspension of license when disciplinary action, investigation, or initiating complaint is pending if the order is necessary to protect the public

- (1) The board may, by a majority vote, issue an emergency order for the immediate, temporary suspension of a license against which disciplinary action, an investigation, or initiating complaint is pending if the order is necessary to protect the public.
- (2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of the licensee's clients or animals, or the general public.
- (3) A licensee may appeal the emergency order by filing a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.
- (4) The appeal of an emergency order shall address only the necessity for the action and shall not constitute an appeal of the merits of the underlying complaint or charge.
- (5) The emergency order shall remain in effect until modified or vacated by the board or hearing officer or superseded by final disciplinary action of the board or hearing officer on the underlying complaint or charge.
- (6) The board shall expedite disciplinary hearings in which a licensee has been suspended under subsection (1) of this section.
- (7) Any party aggrieved by a final order of the board may appeal to the Franklin Circuit Court after a written decision is issued by the board in accordance with KRS Chapter 13B.

Effective: July 15, 2016

History: Created 2016 Ky. Acts ch. 116, sec. 12, effective July 15, 2016.

Proposed Revisions to Emergency order for immediate, temporary suspension of license when disciplinary action, investigation, or initiating complaint is pending if the order is necessary to protect the public **(23 RS HB 167 - Section 26 - amended)**

- 1 (1) The board may, by a majority vote, issue an emergency order for the immediate, temporary suspension
2 of a license, certificate, permit, or registration against which disciplinary action, an investigation, or
3 initiating complaint is pending if the order is necessary to protect the public.
- 4 (2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a
5 finding by the board that the emergency order is in the public interest and that there is substantial
6 evidence of immediate danger to the health, welfare, and safety of the licensee's a credential holder's,
7 clients, ~~or~~ animals, or the general public.
- 8 (3) A licensee, certificate holder, permittee, or registrant may appeal the emergency order by filing a
9 written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty
10 (30) days after receipt of the order.
- 11 (4) The appeal of an emergency order shall address only the necessity for the action and shall not
12 constitute an appeal of the merits of the underlying complaint or charge.
- 13 (5) The emergency order shall remain in effect until modified or vacated by the board or hearing officer
14 or superseded by final disciplinary action of the board or hearing officer on the underlying complaint
15 or charge.
- 16 (6) The board shall expedite disciplinary hearings in which a licensee, certificate holder, permittee, or
17 registrant has been suspended under subsection (1) of this section.
- 18 (7) Any party aggrieved by a final order of the board may appeal to the Franklin Circuit Court after a
19 written decision is issued by the board in accordance with KRS Chapter 13B.

KRS 321.360 - Hearings by board – Appeal

- (1) Except as provided in KRS 321.353, the board, before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, or any combination of actions regarding any license under the provisions of this chapter, shall set the matter for hearing in accordance with KRS Chapter 13B. After denying an application under the provisions of this chapter, or issuing a written reprimand, the board shall grant a hearing in accordance with KRS Chapter 13B to the denied applicant only upon written request of the applicant made within thirty (30) days of the date of the letter advising of the denial or the reprimand.
- (2) Any party aggrieved by a final order of the board may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 16, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 284, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 299, sec. 20, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 114, sec. 78, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 315, sec. 57. -- Created 1948 Ky. Acts ch. 181, sec. 19.

Proposed Revisions to Hearings by board – Appeal (23 RS HB 167 - Section 27 – amended)

- (1) Except as provided in Section 21 of this Act, Section 25 of this Act, and KRS 321.353, the board, before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, or any combination of actions regarding any license, certificate, permit, or registration, or regarding any veterinary manager, AAHP manager, registered responsible party, or designated on-site manager under the provisions of this chapter, shall set the matter for hearing in accordance with KRS Chapter 13B. After denying an application under the provisions of this chapter, or issuing a written reprimand, the board shall grant a hearing in accordance with KRS Chapter 13B to the denied applicant only upon written request of the applicant made within thirty (30) days of the date of the letter advising of the denial or the reprimand.

I.e., Section 21 is KRS 321.235 – Powers and Duties of the Board
And
Section 25 is KRS 321.351 - Disciplinary action -- Offenses subject to disciplinary action -- Private admonishment

- 1 (2) Any party aggrieved by a final order of the board may appeal to Franklin Circuit Court in accordance
- 2 with KRS Chapter 13B.

2023 DRAFT

**KRS 321. 441 - Veterinary technician's license -- Qualifications -- Scope of practice --
Annual fee -- Exception**

- (1) The board shall issue a license as a veterinary technician to an applicant who:
 - (a) Is a graduate of an accredited program of veterinary technology or its equivalent as approved by the board, with an associate or bachelor's degree related to veterinary technology;
 - (b) Obtains a passing score on an examination as determined by the board to assess the qualifications and fitness of an applicant to engage in the practice; and
 - (c) Has met all the requirements of the board as established by administrative regulation of the board.
- (2) The board shall promulgate administrative regulations defining the scope of practice of the veterinary technician as well as the delegable duties from a licensed veterinarian.
- (3) Each veterinary technician licensed by the board shall pay an annual fee as prescribed by the board. Each veterinary technician licensed by the board shall attend annual continuing education hours as required by the board to renew the license. Failure to renew shall result in the termination of the license. If a hearing is requested upon the rejection of an application, or upon the termination of a license, a hearing shall be conducted in accordance with the KRS 321.360.
- (4) The services of a licensed veterinary technician shall be limited to the performance of duties under the direct supervision of a licensed veterinarian, except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists. A licensed veterinary technician shall receive no fee or compensation for services other than salary or compensation paid by the establishment by which the licensed veterinary technician is employed. A licensed veterinary technician shall not participate in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is on the premises. A licensed veterinary technician shall not diagnose, prescribe medication or treatment, or perform surgical procedures other than castrating and dehorning of food animals. A licensed veterinary technician may assist a veterinarian in all duties of veterinary medicine and surgery.
- (5) A veterinarian shall utilize the services of a licensed veterinary technician in accordance with the terms and provisions of this chapter. Unauthorized utilization of licensed veterinary technicians by veterinarians shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine as described in KRS 321.351. (6) Nothing in this section shall prohibit volunteer health practitioners from providing services under KRS 39A.350 to 39A.366.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 17, effective July 15, 2016. --
Amended 2007 Ky. Acts ch. 96, sec. 20, effective June 26, 2007. -- Created 1992 Ky.
Acts ch. 299, sec. 7, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in
1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A
committee substitute for this bill was adopted by the House with a floor amendment,

1 and the Senate subsequently concurred in this action by the House; this amended
2 substitute thus became the enrolled version of the bill. In drafting the House
3 Committee Substitute, the original Section 10 of the bill was deleted in its entirety,
4 but internal section references within the bill were not renumbered to reflect this
5 deletion. Therefore, in codifying this statute, the internal section references within
6 Acts ch. 299, sec. 7, have been changed pursuant to KRS 7.136(1).
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10 **Proposed Revisions to Veterinary technician's license -- Qualifications -- Scope of**
11 **practice --Annual fee -- Exception (23 RS HB 167 - Section 28 – amended)**

- 12 (1) The board shall issue a license as a veterinary technician to an applicant who:
- 13 (a) Is a graduate of an ~~approved accredited program of~~ veterinary technology ~~program or its~~
14 ~~equivalent as approved by the board~~, with an associate or bachelor's degree related to veterinary
15 technology;
 - 16 (b) Obtains a passing score on an examination as determined by the board to assess the
17 qualifications and fitness of an applicant to engage in the practice; ~~and~~
 - 18 (c) ~~Is a person of good moral character.; As one (1) element of good moral character, the board~~
19 ~~shall require each applicant for licensure to submit a full set of the applicant's fingerprints for~~
20 ~~the purpose of obtaining criminal records checks, pursuant to applicable law. All good moral~~
21 ~~character information, including the information obtained through the criminal background~~
22 ~~checks, shall be relevant to licensure eligibility determinations to the extent permitted by law;~~
 - 23 (d) Has met all the requirements of the board as established by administrative regulation of the
24 board; ~~and~~
 - 25 (e) ~~Has been approved for licensure by the board.~~

1 (2) For the purpose of this chapter, “veterinary technician”, “veterinary technologist”, “veterinary nurse”,
2 or any other category of veterinary technician defined by the board in administrative regulation shall
3 have the same meaning as veterinary technician under this chapter.

4 (3) ~~The board shall promulgate administrative regulations defining the scope of practice of the veterinary~~
5 ~~technician as well as the delegable duties from a licensed veterinarian., for one (1) or more category of~~
6 veterinary technicians defining the:

7 (a) Minimum qualifications required;

8 (b) Specific tasks that the licensee may perform under a veterinarian’s supervision; and

9 (c) Specific tasks that the licensee shall not perform.

10 (4) A veterinary technician shall be prohibited from the
11 activities listed in subsection (6) of Section 12 of this Act.

I.e., Section 12 is KRS 321.190 – License
Required to Practice Veterinary
Medicine

12 (5) The practice of veterinary technology by telephonic, videoconference, telehealth or other means shall
13 constitute the practice of veterinary technology subject to licensure and enforcement by the board.

14 (6) A veterinary technician who performs veterinary technology contrary to this chapter and associated
15 administrative regulations shall be subject to disciplinary actions in a manner consistent with this
16 chapter applicable to licensed veterinarians.

17 (7)(3) Each veterinary technician licensed by the board shall pay an annual fee as prescribed by the board.

18 (8) Each veterinary technician licensed by the board shall attend complete annual continuing education
19 hours to renew the license as required by the board in administrative regulation to renew the license.

1 (9) Failure to renew shall result in the ~~termination~~ expiration of the license. ~~If a hearing is requested upon~~
2 ~~the rejection of an application, or upon the termination of a license, a hearing shall be conducted in~~
3 ~~accordance with the KRS 321.360.~~

4 ~~(4)~~ ~~The services of a licensed veterinary technician shall be limited to the performance of duties under the~~
5 ~~direct supervision of a licensed veterinarian, except for the routine administration of drugs, vaccines,~~
6 ~~parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian~~
7 ~~and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship~~
8 ~~exists. A licensed veterinary technician shall receive no fee or compensation for services other than~~
9 ~~salary or compensation paid by the establishment by which the licensed veterinary technician is~~
10 ~~employed. A licensed veterinary technician shall not participate in the operation of a branch office,~~
11 ~~clinic, or allied establishment unless a licensed veterinarian is on the premises. A licensed veterinary~~
12 ~~technician shall not diagnose, prescribe medication or treatment, or perform surgical procedures other~~
13 ~~than castrating and dehorning of food animals. A licensed veterinary technician may assist a~~
14 ~~veterinarian in all duties of veterinary medicine and surgery.~~

15 (10)~~(5)~~ A veterinarian shall utilize the services of a licensed veterinary technician in accordance with the
16 terms and provisions of this chapter and its associated administrative regulations. Unauthorized
17 utilization of licensed veterinary technicians by veterinarians shall be considered as aiding and abetting
18 the unlicensed person to practice veterinary medicine as described in KRS 321.351.

19 (11)~~(6)~~ Nothing in this section shall prohibit volunteer health practitioners from providing services under
20 KRS 39A.350 to 39A.366.

1 (12) Except as authorized by Section 14 of this Act, no person shall practice as a veterinary technician or
2 perform any of the duties usually performed by a veterinary
3 technician unless the person holds a license to practice as a
4 veterinary technician issued and validly existing under the
5 laws of this Commonwealth, as provided in the Kentucky Veterinary Medicine Practice Act.

i.e., Section 14 is KRS 321.200
Exemptions from application of
chapter

2023 DRAFT

KRS 321.443 - Veterinary assistants

- (1) A veterinary assistant may work only under the direct supervision of a veterinarian except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists.
- (2) Duties of a veterinary assistant shall exclude diagnosing, prescribing medication or treatment, and performance of surgical procedures other than castrating and dehorning of food animals.
- (3) A veterinarian shall utilize the service of a veterinary assistant in accordance with the terms and provisions of this chapter. Unauthorized utilization of veterinary assistants shall be considered as aiding and abetting an unlicensed person to practice veterinary medicine as described in KRS 321.351.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 299, sec. 8, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 8, has been changed pursuant to KRS 7.136(1).

Proposed Revisions to Veterinary assistants (23 RS HB 167 - Section 29 – amended)

- (1) A veterinary assistant shall only work in the Commonwealth in the following circumstances:
 - (a) Under the supervision of a board-licensed veterinarian where a VCPR exists; or
 - (b) Under the direct supervision of a board-licensed veterinary technician who is under the supervision of a licensed veterinarian where a VCPR exists. ~~may work only under the direct supervision of a veterinarian except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian~~

1 ~~and under the indirect supervision of a veterinarian where a veterinarian-client-patient~~
2 ~~relationship exists.~~

3 (2) Duties of a veterinary assistant shall exclude diagnosing, prescribing medication or treatment, and
4 performance of surgical procedures other than castrating and dehorning of food animals.

5 (3) A veterinary assistant and the veterinary assistant's employer shall not represent the veterinary
6 assistant as a veterinary technician.

7 (4) A veterinary assistant who performs the duties of a veterinary assistant contrary to this chapter or
8 outside the scope defined by the board shall be subject to disciplinary actions in a manner consistent
9 with this chapter applicable to licensed veterinarians.

10 (5) A veterinarian shall utilize the service of a veterinary assistant in accordance with the terms and
11 provisions of this chapter and its associated administrative regulations. Unauthorized utilization of
12 veterinary assistants shall be considered as aiding and abetting an unlicensed person to practice
13 veterinary medicine as described in KRS 321.351.

1 **KRS 321.NEW – Fines for violations of Chapter**

2 **New proposed statute - (23 RS HB 167 - Section 30 – NEW)**

3 (1) The board shall establish the amounts, limits, or ranges for any fines imposed under this chapter
4 through the promulgation of administrative regulations. The
5 board shall fine any person who:

6 (a) Violates or aids in the violation of Section 8, 12, 15, 17,
7 28, or 29 of this Act for practicing or for performing
8 services without a credential required by the board;

9 (b) Is issued a notice of violation by the board for failure to
10 comply with this chapter or administrative regulations
11 promulgated under this chapter;

12 (c) Exercises or attempts to exercise control over,
13 interferes with, or attempts to influence the
14 professional judgment of a credential holder in any manner, including through coercion,
15 collusion, extortion, inducement, or intimidation;

16 (d) 1. Violates any ruling of the board or hinders any agent of the board in carrying out the duties
17 assigned to them;

18 2. Is an officer who refuses to enforce the provisions of this chapter when called upon by the
19 board to do so; or

20 3. Attempts in any way to hinder or obstruct the board in carrying out the provisions of this
21 chapter; or

i.e., Section 8 is KRS 321.NEW [Insert new statute number for “Veterinary Facility Registration...” statute]

Section 12 is KRS 321.190 License required to practice veterinary medicine

Section 15 is KRS 321.201 Special Permits

Section 17 is KRS 321.207 Certification of animal control agencies and animal euthanasia specialists

Section 28 is KRS 321.441 Veterinary technician’s license

Section 29 is KRS 321.443 Veterinary assistants

1 (e) Resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner
2 interferes with an agent of the board or who willfully refuses to obey their lawful orders.

3 (2) The board may impose additional fines on a person who is convicted under Section 31 of this Act.

4 (3) Each day or part of a day that a violation continues is a separate violation and subject to daily
5 penalties.

6 (4) For any violation of the Kentucky Veterinary Medicine Practice Act, in addition to any other fines
7 designated in this section, the board may impose on any person fines in an amount equal to the cost
8 of investigative and legal fees incurred by the board in processing the case.

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2023 DRAFT

1 **KRS 321.990 – Penalty for violation of KRS 321.990**

2 Any person who shall violate or aid in the violation of KRS 321.190 shall be guilty of a misdemeanor and
3 upon conviction shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or
4 sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both so fined and imprisoned
5 in the discretion of the jury.

6 **Effective:** July 15, 2016

7 **History:** Amended 2016 Ky. Acts ch. 116, sec. 18, effective July 15, 2016. --
8 Amended 1998 Ky. Acts ch. 126, sec. 4, effective July 15, 1998. -- Amended 1996
9 Ky. Acts ch. 318, sec. 283, effective July 15, 1996. -- Amended 1992 Ky. Acts ch.
10 299, sec. 22, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 26.

11 **History for former KRS 321.990:** Repealed 1948 Ky. Acts ch. 181, sec. 28. --
12 Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat.
13 secs. 63b-11, 63b-13.

14 **Legislative Research Commission Note** (7/14/92). This statute was created in
15 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A
16 committee substitute for this bill was adopted by the House with a floor amendment,
17 and the Senate subsequently concurred in this action by the House; this amended
18 substitute thus became the enrolled version of the bill. In drafting the House
19 Committee Substitute, the original Section 10 of the bill was deleted in its entirety,
20 but internal section references within the bill were not renumbered to reflect this
21 deletion. Therefore, in codifying this statute, the internal section reference within
22 Acts ch. 299, sec. 22, has been changed pursuant to KRS 7.136(1).
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1 **Proposed Revisions to Penalty for violation of ~~KRS 321.190~~ Chapter (23 RS HB 167 -**
2 **Section 31 – amended)**

3 (1) Any person who violates or aids in the violation of Section 8,
4 12, 15, 17, 28, or 29 of this Act for practicing or for
5 performing services without a credential required by the
6 board shall be guilty of a misdemeanor upon conviction in
7 court, and shall be sentenced to jail for not less than ten (10)
8 days nor more that ninety (90) days per violation.

9 (2) Any person exercising or attempting to exercise control over,
10 interfering with, or attempting to influence the professional
11 judgment of a credential holder in any manner, including
12 through coercion, collusion, extortion, inducement, or
13 intimidation, shall be guilty of a misdemeanor upon
14 conviction in court, and shall be sentenced to jail for not less
15 than ten (10) days nor more that ninety (90) days per violation.

16 (3) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other
17 manner interferes with an agent of the board or who willfully refuses to obey their lawful orders shall
18 be guilty of a misdemeanor upon conviction in court, and shall be sentenced to jail for not more than
19 thirty (30) days for each offense.

20 (4) Each day or part of a day that a violation continues is a separate violation and subject to daily
21 penalties.

22 (5) Nothing in this section shall limit, preclude, or supersede the board's power to:

i.e.,

Section 8 is KRS 321.NEW [Insert new statute number for “Veterinary facility registrations – Responsible Parties -- Inspections” statute]

Section 12 is KRS 321.190 License to practice Veterinary Medicine

Section 15 is KRS 321.201 Special Permits

Section 17 is KRS 321.207 Certification of animal control agency or animal euthanasia specialist

Section 28 is KRS 321.441 License to practice Veterinary Technology

Section 29 is KRS 321.443 Veterinary assistants

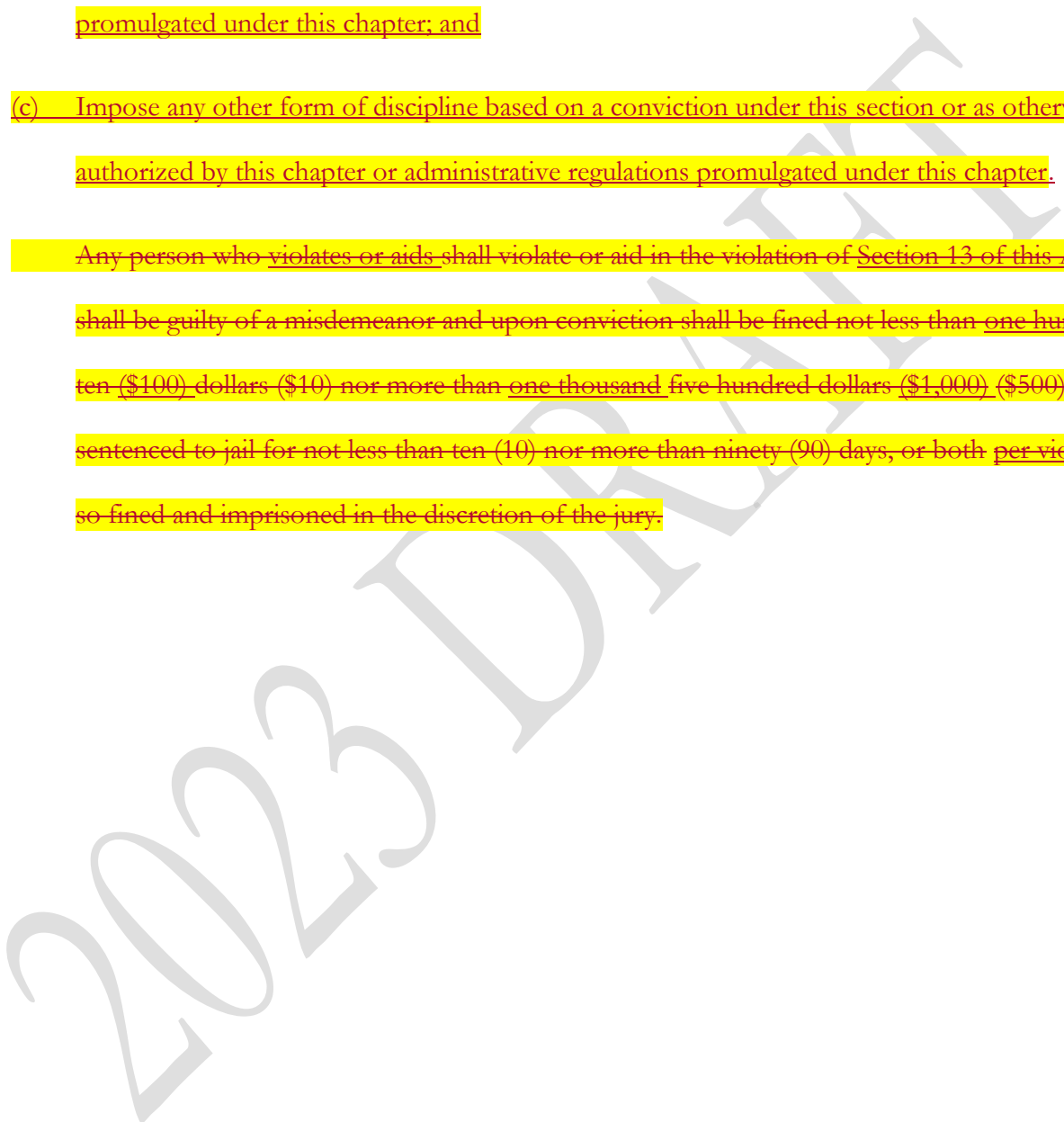
1 (a) Impose fines for a violation of this chapter or any administrative regulations promulgated under
2 this chapter;

3 (b) Deny, restrict, or revoke a license issued under this chapter or administrative regulations
4 promulgated under this chapter; and

5 (c) Impose any other form of discipline based on a conviction under this section or as otherwise
6 authorized by this chapter or administrative regulations promulgated under this chapter.

7 Any person who violates or aids shall violate or aid in the violation of Section 13 of this Act
8 shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred
9 ten (\$100) dollars (\$10) nor more than one thousand five hundred dollars (\$1,000) (\$500), or
10 sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both per violation
11 so fined and imprisoned in the discretion of the jury.

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2 **KRS 321.NEW – Severability**

3 **New proposed statute**

4 If any provision of this Act is declared unconstitutional or

5 illegal, or the applicability of this Act to any Person or

6 circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the

7 remaining provisions of this Act and the application of this Act to other persons and circumstances shall

8 not be affected and shall remain in full force and effect without the invalid provision or application.

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10 **LRC Severability Clause at the end of this bill: (23 RS HB 167 - Section 32)**

11 If any provision of this Act or the application thereof to any person or circumstance is held invalid, the
12 invalidity shall not affect other provisions or applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions of this Act are severable.

NOTE: Highlighted language

FYI

1. Severability is a part of every bill.
2. LRC has standard language for it.
3. It is not converted to statute.

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KRS 321.NEW – Telehealth

New proposed statute - (23 RS BR 4 - Section 3 – new statute)

Within the context of veterinary practice:

(1) “Telehealth” has the same meaning as in Section 2 of this

Act means all uses of technology to remotely gather and
deliver health information, advice, education, and care.

Veterinary telehealth is divided into categories based on

who is involved in the communication. For communication between veterinarians and other persons,
there are distinctions in practice related to whether a VCPR as defined in Section 10 of this Act has
been established with the patient.

(2) (a) “Telemonitoring,” or “mHealth” or “mobile health,” has the same meaning as in Section 2 of

this Act, means remote monitoring of patients who are not at the same location as the health care
provider. Some mHealth applications and wearables are designed to augment animal health care within

VCPRs, while others are designed and marketed directly to consumers for their education and for
animal monitoring without clinical input and outside the context of a VCPR.

(b) “Telesupervision” has the same meaning as in Section 2 of this Act means the supervision of
individuals using media such as audio or audio/video conference, text messaging, and email.

(3) (a) Telehealth that provides the delivery of information specific to a particular patient shall be called

“Connected Care” or “Telemedicine” and shall be conducted within the context of an established
VCPR to ensure protection for the patient.

i.e., Section 2 is KRS 321.181 Definitions
and
Section 10 is KRS 321.185 VCPR

1 (b) “Connected care” or “telemedicine” means has the same meaning as in Section 2 of this Act
2 the integration of digital technologies to enhance and support the VCPR and facilitate
3 proactive and ongoing care through improved communication, diagnosis, and monitoring. It is
4 an approach to veterinary practice that is patient- and client-centered, and actively engages the
5 entire veterinary healthcare team. This type of telehealth involves use of one (1) or more tools
6 to exchange medical information electronically from one (1) site to another to improve a
7 patient's clinical health status, which may be utilized to augment the practice of veterinary
8 medicine. The appropriate application of connected care or telemedicine can enhance animal
9 care by facilitating communication, diagnostics, treatments, client education, scheduling, and
10 other tasks.

11 (c) Practitioners providing connected care or telemedicine to patients in the Commonwealth shall
12 be credentialed to practice by the board and operate in association with a registered veterinary
13 facility or registered allied animal health professional facility in Kentucky. Practitioners
14 practicing this type of telehealth shall comply with all state and federal statutes and regulations,
15 including requirements for access to follow-up care.

16 (d) Connected care or telemedicine provided to patients in Kentucky shall only be conducted
17 within an existing VCPR as defined in Section 10 of this Act, which is required to be
18 reestablished through an in-person visit every twelve (12) months, with the exception for
19 advice given in an emergency care situation or teletriage until a patient can be seen by or
20 transported to a veterinarian. The VCPR for that twelve (12) months shall be deemed to
21 constitute a relationship in Kentucky, regardless if the patient or client travels outside the
22 Commonwealth; and

1 (4) Telehealth conducted without a VCPR may include only the delivery of general advice, educational
2 information, and teletriage. Telehealth which may be conducted without a VCPR includes the
3 following defined activities:

4 (a) “Teleadvice” as defined in Section 2 of this Act means the provision of any health
5 information, opinion, guidance, or recommendation concerning prudent future actions that are
6 not specific to a particular patient's health, illness, or injury. This is general advice that is not
7 intended to diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease,
8 illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions. If the
9 practitioner providing the teleadvice is a qualified veterinarian, ~~or~~ veterinary technician, allied
10 animal health professional (AAHP), or other board
11 credential holder, the practitioner shall be required
12 to hold a valid credential from the Kentucky board,
13 except as authorized by Section 14 of this Act, and shall comply with all state and federal
14 statutes and regulations;

**I.e., Section 14 is KRS 321.200
Exemptions for applications of
chapter**

15 (b) “Teleconsulting” as defined in Section 2 of this Act means telehealth in which a veterinarian,
16 veterinary technician, allied animal health professional, or other board credential holder uses
17 telehealth tools to communicate with a specialist or another professional to gain insights and
18 advice on the care of a patient. In teleconsulting, the established VCPR remains with the
19 veterinarian seeking advice or counsel;

20 (c) “Teletriage” as defined in Section 2 of this Act means the safe, appropriate, and timely
21 assessment and management of animal patients via electronic consultation with their owners,
22 regardless of whether there is an immediate referral to a veterinarian; where a diagnosis is not
23 rendered. In assessing patient condition electronically, the assessor determines urgency and the

1 need for immediate referral to a veterinarian, based on the owner's or responsible party's
2 report of history and clinical signs, sometimes supplemented by visual information, such as
3 photographs or video; and
4 (d) Practitioners providing teleadvice and teletriage to patients in the Commonwealth shall be
5 credentialed to practice by the board in Kentucky, shall comply with all state and federal
6 statutes and regulations, and shall disclose the practitioner's name and Kentucky credential
7 number to the person receiving services.

2023 DRAFT

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KRS 321.NEW – Medical Records

New proposed statute – (23 RS BR 4 - Section 4 – new statute)

- (1) Each veterinarian or allied animal health professional who provides veterinary medical services to animals shall maintain accurate electronic or legibly written medical records that include the identity of the veterinarian credential holder or authorized representative who makes the entry.
- (2) The information in the veterinary medical records are the property of the client, and the client has a right to a copy of those records. The veterinary practice where the records were prepared shall be the official records custodian. Original patient records shall be retained by the veterinary practice, veterinarian, or AAHP who prepared them and be readily retrievable for a period of five (5) years following the last patient encounter. Records shall not be stored by a third party without a record of signed, informed consent by the client. Records stored by a third party shall not relieve the veterinarian or AAHP from the responsibility of supplying records to the client upon request.
- (3) (a) The veterinarian or AAHP may require that a request for medical records the request be in writing and may charge a reasonable fee for copying or the staff time in preparing the requested veterinary medical records, unless there is a board investigation, in which case no charges shall be authorized.
- (b) Copies of the medical records shall be provided to the client, designated veterinarian, AAHP permittee, or duly authorized representative within seven (7) calendar days after receipt of a proper request, or sooner in accordance with the patient’s medical condition.

1 (c) Failure to provide the medical records in a timely fashion upon proper request shall be
2 considered unprofessional conduct.

3 (4) All records required by law to be kept by a veterinarian or AAHP shall be open to inspection by the
4 board or its authorized representatives, and a copy shall be provided immediately upon request.

5 (5) All records shall comply with the requirements set forth by the board in administrative regulations.

6 (6) An animal patient's veterinary medical record and medical condition is confidential and may not be
7 furnished to or discussed with any person other than the client or other veterinarians, veterinary
8 technicians, veterinary assistants, veterinary practice staff, AAHP permittees, or consultants involved
9 in the care or treatment of the patient, except upon authorization of the client or under the following
10 circumstances:

11 (a) Access to the records is specifically required
12 by law, or as detailed in Section 10 and 11 of
13 this Act;

14 (b) In response to a court order, or subpoena with notice given to the client or the client's legal
15 representative;

16 (c) For statistical and scientific research, if the information is abstracted in a way as to protect the
17 identity of the patient and the client;

18 (d) As part of an inspection or investigation conducted by the board or an agent of the board;

19 (e) To verify the rabies vaccination status of an animal;

20 (f) In the course of a consultation as defined in
21 Section 2 of this Act; and

I.e., Section 10 is KRS 321.185 VCPR

And

Section 11 is KRS 321.188 Reporting of
animal abuse

I.e., Section 2 is KRS 321.181
Definitions

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(g) As required by other state or federal law.

(7) A veterinarian or AAHP shall not intentionally create a false record, make a false statement, or alter or modify any medical record, document, or report concerning treatment of a patient. When correcting a medical record, the original content should be readable, and the alteration shall be clearly identified with the correction, reason for correction, date, and author's name.

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KRS 321.NEW - Renewal of veterinary technician license -- Fees -- Expiration and termination of license -- Reinstatement -- Continuing education – Retired or inactive licensure status

New proposed statute - (23 RS BR 4 - Section 5 – new statute)

- (1) Each person who is licensed as a veterinary technician shall submit a completed renewal application by the renewal deadline and pay to the board an annual renewal fee for the renewal of the person’s license.
- (2) A sixty (60) day grace period shall be allowed after the renewal deadline during which time individuals may renew their licenses upon submission of a completed renewal application and payment of the renewal fee **plus** a late fee to the board. All licenses not renewed by the grace period deadline shall expire based on the failure of the individual to renew in a timely manner. Upon expiration, the veterinary technician licensee is no longer eligible to practice in the Commonwealth.
- (3) After the sixty (60) day grace period, individuals with an expired veterinary technician license may have their licenses reinstated upon submission of a completed reinstatement application and payment of a reinstatement fee to the board. No person who applies for reinstatement after expiration of the person’s license shall be required to submit to an examination as a condition for reinstatement if a reinstatement application is made within five (5) years from the date of expiration.
- (4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal or reinstatement shall not entitle the licensee to engage in the practice until the

1 suspension has ended, or is otherwise removed by the board and the right to practice is restored by
2 the board.

3 (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated,
4 the licensee shall pay the reinstatement fee.

5 (6) A person who fails to reinstate a license within five (5) years after its expiration or termination may
6 not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license
7 by meeting the requirements of this chapter.

8 (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence
9 of completion of continuing education as established in administrative regulations promulgated in
10 accordance with KRS Chapter 13A by the board.

11 (8) The board may grant retired or inactive licensure status and may establish conditions under which
12 retired or inactive licenses may be renewed as set forth by established in administrative regulations
13 promulgated in accordance with KRS Chapter 13A by the board.

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KRS 321.NEW- - Renewal of certificates for Animal Control Agencies and Animal Euthanasia Specialists -- Fees -- Expiration and termination of certificate -- Reinstatement -- Continuing education – Retired or inactive certificate status

New proposed statute - (23 RS BR 4 - Section 6 – new statute)

- (1) Each person who is certified as an animal euthanasia specialist shall submit a complete renewal application by the renewal deadline and pay to the board an annual renewal fee for the renewal of the person’s certificate.
- (2) Each animal shelter that is certified as an animal control agency shall submit a completed renewal application by the renewal deadline and pay to the board an annual renewal fee for the renewal of the animal control agency certificate.
- (3) A sixty (60) day grace period shall be allowed after the renewal deadline, during which time individuals and agencies may renew their certificates upon submission of a completed application, and payment of the renewal fee **plus** a late fee to the board. Any certificate that was not renewed by the grace period deadline shall expire. Upon expiration, the holder of that certificate is no longer eligible to practice animal euthanasia in the Commonwealth or maintain a United States Drug Enforcement Administration controlled substances registration.
- (4) After the sixty (60) day grace period, individuals and agencies with an expired certificate may have their certificates reinstated upon submission of a completed reinstatement application and payment of a reinstatement fee to the board if the reinstatement application is made within five (5) years from the date of expiration. Animal control agencies may be subject to inspection prior to reinstatement.

- 1 (5) A suspended certificate is subject to expiration and termination and shall be renewed as provided in
2 this chapter. Renewal or reinstatement shall not entitle the certificate holder to engage in the practice
3 until the suspension has ended or is otherwise removed by the board, and the right to practice is
4 restored by the board.
- 5 (6) A revoked certificate is subject to expiration or termination but may not be renewed. If it is reinstated,
6 the certificate holder shall pay the reinstatement fee.
- 7 (7) A person or agency who fails to reinstate their certificate within five (5) years after its expiration or
8 termination shall not have it renewed, restored, reissued, or reinstated. A person or agency may apply
9 for and obtain a new certificate by meeting the requirements of this chapter.
- 10 (8) The board may require that a person or agency applying for renewal or reinstatement of the certificate
11 show evidence of completion of additional training or continuing education as promulgated in
12 administrative regulation by the board.
- 13 (9) The board may grant retired or inactive certificate status for certified animal euthanasia specialists and
14 may establish conditions under which retired or inactive certificates may be renewed as set forth by
15 administrative regulations promulgated in accordance with KRS Chapter 13A by the board.
- 16 (10) The board shall require any applicant seeking to become
17 registered as the designated on-site manager for an animal
18 control agency to submit to a criminal background
19 investigation conducted in accordance with Section 7 of this Act.

I.e., Section 7 is KRS 321.NEW [Insert
title for Criminal Background Check
statute]

1 **KRS 321.NEW – Criminal Background Checks.**

2 **New proposed statute (23 RS BR 4 - Section 7 – new statute)**

3 The board shall require a national and state criminal background investigation for every applicant
4 seeking a license, certificate, registration, or permit issued by the board permitting the applicant to
5 engage in a veterinary practice or activity regulated by the board. The criminal background investigation
6 shall be by means of a fingerprint check by the Department of Kentucky State Police or equivalent state
7 police body in the applicant’s home state and the Federal Bureau of Investigation, pursuant to the
8 following requirements:

9 (1) The applicant shall provide his or her fingerprints to the Department of Kentucky State Police, or
10 equivalent state police body in the applicant’s home state, for submission to the Federal Bureau of
11 Investigation after a state criminal background check is conducted;

12 (2) The results of the national and state criminal background check shall be sent to the board for the
13 screening of applicants;

14 (3) The board shall be prohibited from releasing any criminal history record information to any private
15 entity or other licensing board, or authorizing receipt by such entity or board; and

16 (4) Any fee charged by the Department of Kentucky State Police or the Federal Bureau of
17 Investigation shall be an amount no greater than the actual cost of processing the request and
18 conducting the background check. The board may charge this fee to the applicant for licensure or
19 certification.

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KRS 321.NEW – Veterinary Facility Registration – AAHP Facility Registration --
Responsible Parties – Voluntary Inspections

New proposed statute (23 RS BR 4 - Section 8 – new statute)

(1) The board may promulgate administrative regulations in accordance with KRS 13 Chapter 13A
defining:

(a) Application, renewal, and reinstatement requirements and fees for veterinary facilities and allied
animal health professional (AAHP) facilities;

(b) Responsibilities and limitations for registered responsible parties, and veterinary managers, and
allied animal health professional (AAHP) managers. This shall include an administrative
regulation governing interference or control by unlicensed persons in the practice of veterinary
medicine or practice of veterinary technology, or by persons who do not hold a board credential.
Both registered responsible parties and veterinary managers shall be responsible for a registered
veterinary facility’s operation and management, and both registered responsible parties and
AAHP managers shall be responsible for a registered AAHP facility. and Both parties associated
with a registered facility be held accountable to the board as a credential holder for any violation
of this chapter; and

(c) Minimum standards for veterinary facilities, and for mobile facilities, and AAHP facilities,
including requirements for application, inspection, sanitation, and other factors.

(2) (a) All existing veterinary facilities and allied animal health professional AAHP facilities, both fixed
and mobile, shall be registered with the board not later than June 30, 2027/2025.

1 (b) The board shall charge a minimum fee of two hundred dollars (\$200) per initial registration and
2 for each subsequent biennial renewal of the registration.

3 (c) The board shall not charge an initial or renewal fee of more than two hundred dollars (\$200) if
4 the excess amount over two hundred dollars (\$200) exceeds the cost to run the registration
5 program

6 (d) Notwithstanding paragraphs (b) and (c) of this subsection, the more in periodic registration fees
7 than the cost to run the registration program. The initial registration fee shall be reduced by half
8 for initial registrations filed with the board by June 30, 2025.

9 (3) After June 30, 20272025, all new facilities shall submit a completed application for registration to the
10 board, including fees as promulgated by the board in administrative regulation.

11 (a) A new veterinary facility or AAHP facility shall not begin operation in the Commonwealth until
12 the completed application and fee have been accepted by the board and notification in writing has
13 been sent to the applicant.

14 (b) After the registration deadline in 2025, each A new veterinary registered facility shall may be
15 inspected by the board to verify that the facility is an operational veterinary facility or AAHP
16 facility within the first one hundred twenty (120) days of operation.

17 (4) A mobile facility that is affiliated with a registered veterinary facility or AAHP facility shall be
18 exempted from the requirement to register independently if a currently registered veterinary fixed
19 facility identifies that unit as its affiliate. The board may set limitations and conditions charge
20 additional registration fees to a registered veterinary facility or AAHP facility based upon the number
21 of registered mobile units associated with a single veterinary facility registration through the
22 promulgation of an administrative regulation in accordance with KRS Chapter 13A.

1 (5) Each application to register a veterinary facility or an AAHP facility shall meet the minimum
2 requirements established by this chapter and the board in an administrative regulation promulgated in
3 accordance with KRS Chapter 13A and identify the following persons responsible for its operation,
4 management:

5 (a) The registered responsible party;

6 (b) The veterinarian manager, if a veterinary facility, or

7 (c) The AAHP manager, if an AAHP facility.

8 (6) (a) The veterinarian manager shall be at least one (1) Kentucky-licensed veterinarian with an active
9 license in good standing with the board.

10 (b) The AAHP manager shall be at least one Kentucky-permitted AAHP with an active permit in
11 good standing with the board.

12 (7) (a) The veterinarian manager and the registered responsible party are responsible for notifying the
13 board of any change in the veterinarian manager's or registered responsible party's association with the
14 veterinary facility.

15 (b) The AAHP manager and the registered responsible party are responsible for notifying the board
16 of any change in the allied animal health professional's, or registered responsible party's
17 association with the AAHP facility.

18 (8) An application for registration renewal shall be completed and
19 submitted to the board periodically after the initial registration
20 deadline in 20272025, in accordance with Section 9 of this Act
21 and as defined in administrative regulations promulgated in
22 accordance with KRS Chapter 13A by the board.

I.e., Section 9 is KRS 321.NEW [Insert new statute number for "Veterinary Facility Registration -- Fees -- Renewal -- Expiration and Termination-- Reinstatement -- Inactive status" statute]

1 (9) The board may conduct voluntary inspection in accordance with the following:

2 (a) Veterinary facilities and AAHP facilities shall be provided an option to conduct a self-inspection
3 at the facility and may consult with the board or request a board inspection to ensure the facility
4 is meeting minimum standards, as established by the board in administrative regulations;

5 (b) The board may charge a fee for in person consultations and inspections as established by the
6 board in administrative regulation promulgated in accordance with KRS Chapter 13A.

7 (c) Voluntary consultations or inspections by the board shall not trigger a notice to comply or a
8 notice of violation for deficiencies. Nothing in this section shall be construed to limit the board
9 from filing a grievance based upon a significant violation impacting public health, safety, and
10 welfare, and animal health; inspected at least once every five (5) years by the board to ensure
11 compliance with this chapter. Veterinary facilities that maintain current accreditation or
12 enrollment in an inspection program approved by the board in administrative regulation shall be
13 exempted from periodic board inspections.

14 (d) Each registered facility that passes a voluntary, in-person inspection by the board, according to
15 standards established by the board in administrative regulation, shall receive a certificate of
16 inspection from the board for display in the registered facility;

17 (e) Inspections of mobile units shall not extend into a registrant's private residence; and

18 (f) This subsection shall not prevent the board from conducting inspections at or implementing
19 disciplinary action against the veterinary registered facility in response to a complaint, grievance,
20 or upon suspicion of a suspected violation of this chapter.

1 (10) The board may revoke or suspend or take other disciplinary action deemed appropriate against the
2 registration, including ordering closure of the veterinary
3 facility or AAHP facility, in accordance with Sections 25 and
4 26 of this Act on any of the following grounds:

5 (a) The board or its agents are denied access to conduct
6 an inspection or investigation;

7 (b) The holder of a registration does not pay any and all prescribed fees or monetary penalties;

8 (c) There is no veterinarian manager or AAHP manager identified within the timeframes set by
9 this chapter;

10 (d) Registered responsible parties are interfering with, exercising control over, or attempting to
11 influence the professional judgement of a board credential holder in any manner;

12 (e) Failure to comply with minimum standards defined in regulation by the board for the
13 veterinary facility or AAHP facility; or

14 (f) Failure to comply with any provision of this chapter or regulations promulgated under this
15 chapter.

16 (11) The board shall may require any veterinarian
17 manager applicant, AAHP manager applicant, or
18 registered responsible party applicant to submit to
19 a criminal background investigation conducted in accordance with Section 7 of this Act.

I.e., Section 25 is KRS 321.351
Disciplinary Action – Offenses subject
to disciplinary action – private
admonishment

And

Section 26 is KRS 321.353 Emergency
order for immediate suspension....

I.e., Section 7 is KRS 321.NEW [Insert
title for Criminal Background Check
statute]

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KRS 321.NEW - Renewal of ~~Veterinary~~ Facility Registration -- Fees -- Expiration and termination of registration -- Reinstatement -- Continuing education -- ~~Inactive registration status~~

New proposed statute - (23 RS BR 4 - Section 9 – new statute)

- (1) Each veterinary facility and allied animal health professional (AAHP) facility registered with the board shall submit a completed renewal application by the renewal deadline and pay a biennial renewal fee for the renewal of the registration.
- (2) A veterinary facility or AAHP facility with an expired registration may have its registration reinstated upon submission of a completed reinstatement application and payment of a reinstatement fee to the board.
- (3) A suspended veterinary facility registration or AAHP facility registration is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal or reinstatement shall not entitle the registrant to allow the practice of veterinary medicine or AAHP practice on the premises or from the mobile facility until the suspension has ended, or is otherwise removed by the board, and the right to operate or practice is restored by the board.
- (4) A revoked registration is subject to expiration or termination but may not be renewed. If it is reinstated, the registration holder shall pay the reinstatement fee to the board.
- (5) A veterinary facility or AAHP facility who fails to reinstate its registration within five (5) years after its expiration or termination shall not have it renewed, restored, reissued, or reinstated. A veterinary

1 facility or AAHP facility may apply for and obtain a new registration by meeting the requirements of
2 this chapter.

3 ~~(6) The board may require that a veterinary facility or AAHP facility applying for renewal or reinstatement~~
4 ~~of registration show evidence of completion of continuing education by the veterinary manager,~~
5 ~~AAHP manager, or registered responsible party as prescribed by administrative regulation of the~~
6 ~~board.~~

7 ~~(7) The board may grant inactive registration status and may establish conditions under which inactive~~
8 ~~registrations may be renewed and reinstated as set forth by administrative regulations promulgated by~~
9 ~~the board.~~

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