

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

2 GENERAL GOVERNMENT CABINET

3 Kentucky Board of Veterinary Examiners

4 (New Administrative Regulation)

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

7 RELATES TO: KRS 321.203, 321.236

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

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

16 Section 1. Definitions.

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

18 (2) "Mobile facility" or "mobile unit" has the same meaning as KRS 321.181(46).

19 (3) "Practice of veterinary medicine" has the same meaning as KRS 321.181(50).

20 (4) "Practice of veterinary technology" has the same meaning as KRS 321.181(51).

21 (5) "Registered responsible party" has the same meaning as KRS 321.181(57).

1 (6) “Veterinarian manager” has the same meaning as KRS 321.181(68)

2 (7) “Veterinary facility” has the same meaning as KRS 321.181(71).

3 Section 2. General Requirements. Each veterinary
4 facility that is located in Kentucky where the practice of
5 veterinary medicine or practice of veterinary technology
6 occurs shall possess a veterinary facility registration issued
7 by the Kentucky Board of Veterinary Examiners. Pursuant to
8 KRS 321.236(2), all existing veterinary facilities in Kentucky
9 shall be registered by June 30, 2025.

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

13 (2) A veterinary facility shall be a **dedicated space**
14 equipped for, staffed, and primarily dedicated to the practice
15 of veterinary medicine.

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

20 (4) A registered facility shall have no more than two (2) mobile units under its
21 registration without incurring additional registration and renewal fees as established in 201 KAR
22 16:515.

NOTES FOR DISCUSSION:

- 1) Look at Pharmacy law to see how they handle requirements for pharmacies in large box stores.
- 2) What about those who use their personal vehicle as a mobile unit?
- 3) Rabies clinics outside of a registered veterinary facility are for rabies vaccines only. A veterinarian cannot establish a VCPR at a community rabies clinic without conducting a physical exam and establishing and maintaining a complete medical record. (This means that no prescription meds without VCPR). If other services rendered, products, administration of other vaccines, fecal test, blood test, etc., then veterinarian must conduct full medical exam, (see New Hampshire law), complete medical record, and have all this conducted at a REGISTERED veterinary facility.

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

5 Section 3. Registered Responsible Party.

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

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

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

16 Section 4. Veterinarian Manager.

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

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

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

1 Section 5. New Application Requirements.

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

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

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

8 (c) Identification of the veterinarian manager;

9 (d) Identification of the species served by percentage of
10 patients seen by the facility from one or more in a list provided
11 by the board;

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

14 (f) A complete list of veterinarians working at the facility;

15 (g) A complete list of veterinary technicians working at the facility;

16 (h) A complete list of allied animal health professional (AAHP) permittees working at the
17 facility;

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

19 (j) Disclosure of afterhours care arrangements;

20 (k) For fixed facilities, county of location;

21 (l) For mobile units, a list of the counties served by the mobile unit; and

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

NOTE FOR DISCUSSION / RESEARCH

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

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

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

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

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

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

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

13 Section 7. Renewal and reinstatement of veterinary facility registrations. Pursuant to 201
14 KAR 16:575, a registered responsible party or veterinarian manager shall:

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

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

17 Section 8. Incorporation by reference.

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

19 (a) "Application for Registration of a Veterinary Facility", 03/2024;

20 (b) ??

21 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright
22 law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky

- 1 40601, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at
- 2 www.kybve.com.

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