

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 16:547 Application requirements for AAHP Facility Registration; AAHP Managers;
6 Registered Responsible Parties.

7 RELATES TO: KRS 321.175, 321.181(1)-(4), 321.203, 321.205, 321.235

8 STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203,
9 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the
11 board to promulgate administrative regulations to implement KRS Chapter 321. KRS
12 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to
13 establish conditions for applications and permitting of allied animal health professional (AAHP)
14 facilities. This administrative regulation establishes application requirements for AAHP
15 facilities, registered responsible parties at AAHP facilities, and AAHP managers.

16 Section 1. Definitions.

17 (1) “Allied animal health professional” or “AAHP” has the same meaning as KRS
18 321.181(1).

19 (2) “Allied animal health professional facility” or “AAHP facility” has the same meaning
20 as KRS 321.181(2).

21 (3) “Fixed facility” has the same meaning as KRS 321.181(38).

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

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

3 Section 2. General Requirements. Each AAHP facility located in Kentucky at which an
4 AAHP permittee practices on animal patients shall possess an AAHP facility registration issued
5 by the Kentucky Board of Veterinary Examiners, unless the AAHP permittee is practicing at a
6 registered veterinary facility.

7 (1) An AAHP facility registration shall not be issued without a physical facility, either a
8 fixed facility or mobile facility.

9 (2) An AAHP facility shall contain a dedicated space equipped for the practice of the
10 allied animal health profession on animal patients.

11 (3) A mobile facility shall be registered as an affiliate unit on a fixed facility registration,
12 or independently under a unique AAHP facility registration with a designated physical location
13 for parking and storage.

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

17 (5) An expert who provides consulting services only to other veterinarians or AAHP
18 permittees, who does not engage in practice on a patient directly, and who does not have a
19 regular physical facility where the consultant practices on animal patients, shall be exempt from
20 the requirements of this administrative regulation.

21 Section 3. Registered Responsible Party.

22 (1) Each application for an AAHP facility registration shall name the facility and identify
23 each registered responsible party.

1 (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable
2 for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including
3 the timely designation of an allied animal health professional manager for the facility, in
4 accordance with 201 KAR 16:563.

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

9 Section 4. AAHP Manager.

10 (1) Each application for an AAHP facility registration shall name the facility and
11 designate an AAHP manager. The application shall include the AAHP manager's original
12 signature, or, if completed online, an equivalent digital signature.

13 (2) An AAHP manager shall be primarily responsible for meeting the requirements of
14 KRS Chapter 321 and 201 KAR Chapter 16, and include ensuring that minimum standards are
15 met and maintained.

16 (3) An AAHP manager shall comply with the provisions of 201 KAR 16:563.

17 Section 5. New Application Requirements.

18 (1) A new application to the board for registration as a AAHP facility shall include the
19 following components:

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

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

23 (c) Identification of the AAHP manager;

1 (d) Identification of the type of AAHP facility from one or more in a list provided by the
2 board;

3 (e) Identification of the species served by percentage of patients seen by the facility from
4 one or more in a list provided by the board;

5 (f) Identification of the patient services offered at the AAHP facility from one (1) or more
6 in a list provided by the board;

7 (g) A complete list of AAHP permittees working at the facility;

8 (h) A complete list of all mobile units affiliated with the AAHP facility;

9 (i) Disclosure of afterhours care arrangements;

10 (j) For fixed facilities, county of location;

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

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

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

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

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

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

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

4 Section 7. Renewal and reinstatement of AAHP facility registrations. Pursuant to 201
5 KAR 16:577, a registered responsible party or AAHP manager shall:

- 6 (1) Ensure the timely renewal of the AAHP facility registration;
- 7 (2) If applicable, ensure an appropriate reinstatement application is made to the board.

8 Section 8. Incorporation by Reference.

9 (1) " Registration of an Allied Animal Health Professional Facility", 3/2024, is
10 incorporated by reference.

11 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright
12 law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky
13 40601, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at
14 www.kybve.com.