

FILED WITH LRC
TIME: 11:45 AM
DEC 15 2022
Emily B Caudill
REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET
2 Kentucky Board of Veterinary Examiners
3 (Amendment)
4 201 KAR 16:560.Certification as an animal euthanasia specialist.
5 RELATES TO: KRS 257.160, 321.207, 321.235(7), 321.351
6 STATUTORY AUTHORITY: KRS 321.207(3), 321.235(3), 321.240(5)
7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(3) requires the Kentucky
8 Board of Veterinary Examiners to issue a certificate to a person who meets the qualifications of
9 an animal euthanasia specialist and is approved by the board for a certificate. KRS 321.235(3)
10 and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS
11 Chapter 321. This administrative regulation establishes the qualifications for certification as an
12 animal euthanasia specialist and renewal requirements [~~and the duties of an animal euthanasia~~
13 ~~specialist~~].
14 Section 1. To [~~In order to~~] be eligible for certification as a board-certified animal euthanasia
15 specialist an applicant shall:
16 (1) Be at least twenty-one (21) years of age;
17 (2) Be of good moral character;
18 (3) Not have been convicted of, or entered an "Alford" plea or plea of nolo contendere to,
19 irrespective of an order granting probation or suspending imposition of any sentence imposed
20 following the conviction or entry of the plea, one (1) or more or the following in the last ten (10)
21 years, subject to the provisions of KRS Chapter 335B:

- 1 (a) A felony;
- 2 (b) An act involving moral turpitude or gross immorality; or
- 3 (c) A violation of any law, rule, or administrative regulation of this state, any other state, or the
- 4 United States government that involves the use or trafficking of illegal substances;
- 5 (4) Have a high school diploma or general equivalency degree (GED);
- 6 (5) Pay the initial certification fee as specified in 201 KAR 16:514;
- 7 (6) Be employed by a board-certified animal control agency; and
- 8 (7) Have successfully completed a board approved sixteen (16) hour euthanasia by injection
- 9 [specialist training] course as established in Section 2 of this administrative regulation within
- 10 twelve (12) months ~~[ten (10) years]~~ prior to application.

11 Section 2. Euthanasia By Injection (EBI) ~~[Specialist]~~ Training Course Curriculum.

- 12 (1) The curriculum for the sixteen (16) hour EBI ~~[euthanasia specialist]~~ course shall provide
- 13 information on the following subjects:
 - 14 (a) Pharmacology, proper administration, and storage of euthanasia solutions that shall consist of
 - 15 a minimum of eight (8) hours;
 - 16 (b) Federal and state laws regulating the storage and accountability for euthanasia solutions and
 - 17 drugs used to assist in euthanasia;
 - 18 (c) Euthanasia specialist stress management and compassion fatigue;
 - 19 (d) Proper animal handling with emphasis on easing the trauma and stress to the animal; and
 - 20 (e) Disposal of euthanized animals.
- 21 (2) An EBI [A] training course ~~[for a euthanasia specialist]~~ shall be reviewed and approved by
- 22 the board prior to presentation. A provider of an EBI ~~[a euthanasia specialist]~~ training shall
- 23 submit the following information to the board for consideration of approval:

- 1 (a) A published course or similar description;
- 2 (b) Names and qualifications of current instructors;
- 3 (c) A copy of the program agenda indicating hours of education, refreshment, and lunch breaks;
- 4 (d) A copy of the full program curriculum;
- 5 (e) A copy of an official certificate of completion from the sponsoring agency; and
- 6 (f) Upon completion of the instruction of a sixteen (16)-hour euthanasia course, a complete
- 7 attendee list to the board, including the following:
 - 8 1. The dates and locations of the course;
 - 9 2. Each attendee's full name and address; and
 - 10 3. Notation by an individual's name if the course was not completed, or more than 15
 - 11 consecutive minutes of any portion of the course was missed.

12 Section 3. An application to the board for certification as an animal euthanasia specialist shall
13 include the following components:

- 14 (1) A completed application on an Application for Certification as an Animal Euthanasia
- 15 Specialist form or online equivalent form, including all required attachments;
- 16 (2) An official copy of final transcripts or a copy of the applicant's diploma from high school, or
- 17 GED certificate, or highest level of education attained;
- 18 (3) A copy of a certificate of completion from a board approved sixteen (16)-hour euthanasia by
- 19 injection training course; and
- 20 (4) Payment for the application fee pursuant to 201 KAR 16:514.

21 Section 4. An individual with an expired animal euthanasia specialist certificate may reinstate
22 their certificate if not more than five (5) years have elapsed since the last date of certificate

1 expiration. Reinstatement applications seeking board approval for certification as an animal
2 euthanasia specialist shall include the following components:

3 (1) A completed application on a Reinstatement Application for Animal Euthanasia Specialists
4 form or online equivalent form, including all required attachments; and

5 (2) Payment for the application fee pursuant to 201 KAR 16:514.

6 Section 5. An application to the board for approval for a change in licensure status shall be made
7 in accordance with 201 KAR 16:580.

8 Section 6. Background Checks. The board may conduct a national or jurisdictional level
9 background check on each applicant for certification. The check shall be processed by a board
10 approved background check provider, and may include a copy of the applicant's fingerprints
11 captured at a board approved location. The board may accept the results of an employment
12 background check from the county office in lieu of a state or federal background check if the
13 background check results are not more than six (6) months old from the date of application. The
14 board may reject background checks that do not have an official seal or watermark, or that are
15 more than ninety (90) days old. The board may impose additional requirements as a condition of
16 certification or deny certification following the board's review of findings from a background
17 check.

18 Section 7. Employment and Termination.

19 (1) A person may function as a certified animal euthanasia specialist only while the person [~~he or~~
20 ~~she~~]remains employed by a board-certified animal control agency in the Commonwealth of
21 Kentucky.

22 (2) Upon termination of employment with a certified animal control agency or upon expiration of
23 the certified animal control agency's certificate, a certified animal euthanasia specialist's

1 certificate status shall automatically be moved by the board from an active to inactive status. The
2 inactive certified individual shall not perform animal euthanasia until the person [~~he or she~~] has
3 obtained employment with a certified animal control agency with a certificate in active status,
4 and applied to the board and been approved to move the animal euthanasia specialist certificate
5 back into active status in accordance with 201 KAR 16:580.

6 [~~Section 8. Duties of a Certified Animal Euthanasia Specialist. The duties of certified animal~~
7 ~~euthanasia specialist shall include the following:~~

- 8 ~~(1) Preparing animals for euthanasia;~~
- 9 ~~(2) Carefully and accurately recording dosages, administration, and drug waste;~~
- 10 ~~(3) Ordering supplies and drugs;~~
- 11 ~~(4) Maintaining the security of all controlled substances and drugs in accordance with 201 KAR~~
12 ~~16:550 and other applicable federal, state, and local laws;~~
- 13 ~~(5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;~~
- 14 ~~(6) Humanely euthanizing animals;~~
- 15 ~~(7) Disposing of the bodies in a manner consistent with KRS 257.160;~~
- 16 ~~(8) Maintaining his or her certification;~~
- 17 ~~(9) Reporting to the board any change of address within thirty (30) days; and~~
- 18 ~~(10) Providing a written response to a grievance or inquiry from the board within thirty (30) days~~
19 ~~of receipt.~~

20 ~~Section 9. Approved Methods of Euthanasia:~~

- 21 ~~(1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection~~
22 ~~on an animal by use of sodium pentobarbital or other AVMA approved euthanasia drug and~~

1 ~~AVMA-approved administration methodology, in a manufactured dosage form, whose only~~
2 ~~indication is for euthanizing animals.~~

3 ~~(2) When using a lethal solution to perform euthanasia on an animal, a certified animal~~
4 ~~euthanasia specialist shall use the appropriate solution in accordance with the following methods~~
5 ~~and in the following order of preference:~~

6 ~~(a) Intravenous injection by hypodermic needle;~~

7 ~~(b) Intraperitoneal injection by hypodermic needle;~~

8 ~~(c) Intracardial injection by hypodermic needle, but only on a sedated or unconscious animal; or~~

9 ~~(d) Solution or powder added to food.]~~

10 Section 8~~[Section 10]~~. Disciplinary Action. A certified animal euthanasia specialist shall be
11 subject to disciplinary action pursuant to KRS 321.235~~(7)~~ and 321.351 for a violation of state
12 or federal statutes or administrative regulations.

13 Section 9~~[Section 10]~~. Incorporation by Reference.

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

15 (a) "Application for Certification as an Animal Euthanasia Specialist", 12/2022~~[3/2020]~~; and

16 (b) "Reinstatement Application for Animal Euthanasia Specialists", 12/2022~~[3/2020]~~.

17 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at
18 the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601,
19 Monday through Friday, 8:30~~[8:00]~~ a.m. to 4:30 p.m. This material may also be obtained at
20 www.kybve.com.

Steven J. Wills, DVM

Steven J. Wills, DVM
Chair, Kentucky Board of Veterinary Examiners

12/15/2022
Date:

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT
201 KAR 16:560

Contact Person: Michelle Shane, Executive Director
Phone: 502-782-0273
Email: michelle.shane@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the application and renewal requirements for certification as an animal euthanasia specialist, as well as details on the required training needed to qualify for certification.

(b) The necessity of this administrative regulation:

As mandated by KRS 321.207, this administrative regulation is necessary to establish the application, renewal, and training requirements for certification as an animal euthanasia specialist.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 321.207 specifically requires the board to promulgate administrative regulations related to the application and training requirements for board-certification as an animal euthanasia specialist.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist in effective administration by clearly detailing board expectations for application and renewal of the board-issued animal euthanasia specialist certificate, as well as the training course required for eligibility of certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Detailing flexibility in background check requirements for certified animal control agency employees. The basic responsibilities of board-certified euthanasia specialists, including controls for the storage and management of controlled substances, have been moved into a new administrative regulation, 201 KAR 16:562.

(b) The necessity of the amendment to this administrative regulation:

The Kentucky Board of Veterinary Examiners has determined this amendment is necessary in response to issues discovered at certified animal control agencies during periodic shelter inspections. Issues include high staff turnover, and sometimes expired staff certificates.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 321.207 specifically requires the board to promulgate administrative regulations related to board-certified animal control agencies and the animal euthanasia specialists they employ. This amendment clarifies training requirements, as well as the ability to accept state level background checks.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment shall ensure transparent standards to ensure compliance related to certification requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

50 board-certified animal control agencies and 161 animal euthanasia specialists, and future applicants.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Applicants for certification as an animal euthanasia specialist shall be required to submit application materials as outlined in this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is a minimal application fee for processing, as established in 201 KAR 16:514.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Administrative ease of clear communications of the approved requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not)

No. All regulated entities have the same requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT
201 KAR 16:560

Contact Person: Michelle Shane, Executive Director
Phone: 502-782-0273
Email: michelle.shane@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Veterinary Examiners and KBVE-certified county animal shelters.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 321.207, KRS 321.235, KRS 321.240

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated from this filing.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated from this filing.

(c) How much will it cost to administer this program for the first year?

This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years?

Staff time will be required for record keeping. Costs will be very minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There will be no cost savings.

(c) How much will it cost the regulated entities for the first year?

There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years?

There will be no additional costs involved.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]*

This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

(a) "Application for Certification as an Animal Euthanasia Specialist", 12/2022, is the 4-page application form that individual persons use to apply to the Kentucky Board of Veterinary Examiners (KBVE) to become certified to humanely euthanize animals at a KBVE-certified animal control shelter. KRS 321.207 requires individuals seeking to function as a certified animal euthanasia specialist take a board-approved training course and apply to the board for certification.

(b) "Reinstatement Application for Animal Euthanasia Specialists", 12/2022, is the 3-page application form that individual persons use to reinstate their Kentucky Board of Veterinary Examiners (KBVE) animal euthanasia specialist certificate. KRS 321.207 requires individuals seeking to function as a certified animal euthanasia specialist take a board-approved training course and apply to the board for certification.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

(a) "Application for Certification as an Animal Euthanasia Specialist", 12/2022, is the 4-page application form that individual persons use to apply to the Kentucky Board of Veterinary Examiners (KBVE) to become certified to humanely euthanize animals at a KBVE-certified animal control shelter.

- Page 1 was amended to change the word "must" to "shall" in the instructions, to change at the bottom of the table "Office Manager Name" to "Manager Name", and to update the "Form Last Updated" date to "12/2022".
- Page 2 was amended to update the table under question 2 to include a "license type" with pre-filled cells in order to comply with database requirements, and to update the "Form Last Updated" date to "12/2022".
- Page 3 was amended to update the "Form Last Updated" date to "12/2022".
- Page 4 was amended under heading V to clarify the background check information on the board's website is on "Applications and Forms" page, to change instances of capitalized "Board" to "board" when the word was independent, to change optional forms of payment to remove bank draft and clarify that applicants should not send cash, to update the attestation statement to update the website link to view KBVE statutes and regulations, to change "laws and regulations" to "statutes and administrative regulations", to change the reference to the website from "the Board's" to "KBVE", to change the signature requirement and contact information from "Designated Onsite Manager" to "Manager", and to update the "Form Last Updated" date to "12/2022".

(b) "Reinstatement Application for Animal Euthanasia Specialists", 12/2022, is the 3-page application form that individual persons use to reinstate their Kentucky Board of Veterinary Examiners (KBVE) animal euthanasia specialist certificate.

- Page 1 was amended to change the word “must” to “shall” in the instructions, to change at the bottom of the table “Office Manager Name” to “Manager Name”, and to update the “Form Last Updated” date to “12/2022”.
- Page 2 was amended under Section II question 1 by adding another column to the table with prefilled cells for database management purposes, the column headings of the last two columns were changed to remove “Date of Licensure MM/DD/YYYY”, to add the word “Date” to the column header “Issued”, under Section III question number 5 to change “last” to “most recent” and to delete the word “below”, to update the “Form Last Updated” date to “12/2022”.
- Page 3 was amended under heading IV to clarify the background check information on the board’s website is on “Applications and Forms” page, to change instances of capitalized “Board” to “board” when the word was independent, to change optional forms of payment to remove bank draft and clarify that applicants should not send cash, to update the attestation statement to change “laws and regulations” to “statutes and administrative regulations”, to update the website link to view KBVE statutes and regulations, to change the reference to the website from “the Board’s” to “KBVE”, to change the signature requirement and contact information from “Designated Onsite Manager” to “Manager”, and to update the “Form Last Updated” date to “12/2022”.