

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 16:563. Responsibilities for allied animal health professionals; limitations on practice.

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

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

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the
10 board to promulgate administrative regulations to implement KRS Chapter 321. KRS
11 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to
12 establish conditions permitting for and limitations upon allied animal health professional
13 (AAHP) permittees and AAHP facilities. This administrative regulation establishes the
14 responsibilities for AAHP permittees and limitations on their practice on animal patients.

15 Section 1. Prohibitions on practicing veterinary medicine.

16 (1) Except as provided for in KRS 321.200 and this administrative regulation, an allied
17 animal health professional permittee shall be prohibited from practicing veterinary medicine.

18 (2) An allied animal health professional shall be held to the same standard of care as a
19 veterinarian when the provider performs the procedure allowed by the scope of work described
20 in this administrative regulation.

1 Section 2. Communications with veterinarians. (1) Allied animal health professional
2 permit holder may consult with an animal patient’s veterinarian prior to commencing work on an
3 animal to ensure:

- 4 (a) Appropriate treatments are provided, and
- 5 (b) No concerns exist related to an animal patient’s condition and medicines.

6 (2) AAHP permittees shall communicate any adverse findings or concerns to the client
7 or the client’s veterinarian.

8 Section 3. Limitations on Practice. (1) An allied animal health professional permittee
9 shall be limited in their practice on animal patients, as established in this section, or the practice
10 shall be considered the practice of veterinary medicine and subject to penalty for practicing
11 without a veterinarian license from the board.

12 (2) An allied professional permittee’s practice shall not be construed to allow the:

- 13 (a) Performance of radiographs or other medical imaging;
- 14 (b) Performance of surgery;
- 15 (c) Prescription, dispensation, or administration of medications; or
- 16 (d) Practice of veterinary medicine outside the scope of the allied animal health

17 professional’s permitted practice area.

18 (3) For AAHP permittees specializing in animal
19 chiropractic, the applicant shall:

20 ~~(a) Not manipulate equines within forty eight (48)~~
21 ~~hours prior to an event~~

- 22 (b) ... ; and
- 23 (c) Comply with other state and federal laws.

NOTES FOR DISCUSSION (3)(a) Need to check HISA / KHRC laws to see if there is a prohibition of concern on treatment of horses within a time period before a race.
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1 Section 4. Registration and Inspection of Allied Animal Health Professional Facilities.

2 (1) Each AAHP permittee and AAHP facility or mobile facility shall be subject to KRS
3 Chapter 321 and 201 KAR Chapter 16.

4 (2) During a facility inspection or investigation, the board or its designee shall be
5 provided unrestricted access to animal use areas.

6 (3) Inspections of an AAHP facility shall be limited to the animal treatment areas unless
7 the board or its designee is accompanied by at least one representative from the professional
8 licensing board or certifying body in the human area of specialty.

9 Section 5. Separate human and animal treatment areas required.

10 (1) An allied professional permittee who treats both
11 animal and human patients in the same registered facility
12 shall:

13 (a) Post a conspicuous sign in the reception area of

14 that facility informing customers that nonhuman patients are treated on the premises;

15 (b) Maintain a separate, non-carpeted room for the purpose of practicing on animal
16 patients;

17 (c) Utilize separate furniture and equipment for use with animal patients which shall not
18 be used for human patients; and

19 (d) ?

NOTE FOR DISCUSSION:

- Should there be a common lobby area?
- Are there any zoonotic concerns?

1 Section 6. Record Keeping. An AAHP permittee
2 shall keep medical records on all animal patients on which
3 they practice their profession pursuant to KRS 321.187.

4 (1) The AAHP permittee's animal patient medical
5 records shall contain sufficient information to justify and
6 describe the course of care on the patient. The records shall
7 contain, at a minimum:

NOTE FOR DISCUSSION:

KBCE needs to review 201 KAR 16:701 and see if we can just reference that reg for requirements, or if we need a whole separate list of medical records requirements (see next page).

8 (a) Name, address, and telephone number of the client, as defined in KRS 321.181(21);

9 (b) Identity of the animal patient, including name, age, sex, and breed;

10 (c) Name, address, and telephone number of the animal patient's veterinarian;

11 (d) Dates of consultations, examinations, or treatments;

12 (e) Brief history of the condition of each animal treated;

13 (f) Working allied animal health professional diagnosis;

14 (g) Treatment plan including expected duration and frequency;

15 (h) Daily treatments, including areas adjusted or otherwise treated;

16 (i) Progress and disposition of the case;

17 (j) Name of practitioner(s) providing service to the patient; and

18 (k) Name and contact information of any person consulted for medical advice on the
19 treatment of the patient.

20 (2) Patient medical records shall be complete and accurate.

21 (3) Patient medical records shall be maintained in the AAHP permittee's office for at
22 least five (5) years past the date of the last patient visit. Cessation from practice, either
23 temporarily or permanently, does not relieve the practitioner from compliance with this section.

1 (4) An AAHP permittee shall not violate the confidential relationship between the
2 permittee and the client, pursuant to KRS 321.187(6). Consultation by the permittee with
3 another AAHP permittee or veterinarian for the benefit of the patient shall not constitute a
4 violation of confidentiality.

5 (a) An allied professional shall not release information concerning a client or care of a
6 client's animal, except:

7 1. On the AAHP permittee's receipt of:

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

9 b. An appropriate court order or subpoena;

10 2. In cases of animal abuse, pursuant to KRS 321.188;

11 3. In response to a court order, or subpoena with notice given to the client or the client's
12 legal representative;

13 4. For statistical and scientific research, if the information is abstracted in a way as to
14 protect the identity of the patient and the client;

15 5. In the course of a consultation as defined in KRS 321.181(24) or provided for in KRS
16 321.200(1)(f);

17 6. Pursuant to KRS 321.185(4)(b)3., in cases of reportable diseases as they relate to
18 public or animal health pursuant to KRS 257.080 and 258.065 and the administrative regulations
19 promulgated under the authority of those chapters;

20 7. Access to the records is specifically required by other state or federal law; and

21 8. As part of an inspection or investigation conducted by the board or an agent of the
22 board, or by the professional licensing board or its agent in the human area of specialty.

1 (b) An AAHP permittee shall, if requested by the client, communicate their findings and
2 treatment plan with the client's designated veterinarian.

3 Section 7. Duty to Report. AAHP permittees shall report to the board:

4 (1) Any change of address, phone, or email within thirty (30) days;

5 (2) Any suspected violation of KRS Chapter 321 or 201 KAR Chapter 16 by themselves
6 or another person at the AAHP facility within ten (10) days;

7 (3) Provide a written response to a grievance or inquiry from the board in accordance
8 with 201 KAR 16:610; and

9 (4) ...

10 Section 8. Compliance and Disciplinary Action.

11 (1) AAHP permittees shall comply with the following or shall be subject to disciplinary
12 action pursuant to KRS 321.235 and 321.351 for a violation of state statutes or administrative
13 regulations.

14 (a) KRS Chapter 321 and 201 KAR Chapter 16; and

15 (b) Other applicable federal, state, and local laws.

16 (2) The board shall report any grievance or disciplinary action received against an allied
17 professional permittee to the professional licensing board in the human area of specialty and may
18 consult with that board as experts in their professional field.