

FILED WITH LRC  
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*Emily B Caudill*  
REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Veterinary Examiners

3 (New Administrative Regulation)

4 201 KAR 16:702. Standards for Veterinary Surgery.

5 RELATES TO: KRS 321.175, 321.190, 321.193, 321.441, 321.443

6 STATUTORY AUTHORITY: KRS 321.175, 321.235(2)(b)3.c.

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175 and 321.235 declare that the

8 Kentucky Board of Veterinary Examiners shall protect the public by ensuring only qualified

9 individuals are allowed to practice veterinary medicine the Commonwealth in the interest of the

10 health, safety, and welfare of the animal population and the citizens of Kentucky. KRS 321.190

11 and 321.193 detail that a license is required for veterinarians to practice veterinary medicine in

12 the Commonwealth. KRS 321.441 and 321.443 detail that veterinary technicians and veterinary

13 assistants shall be properly supervised when assisting a veterinarian with the practice of

14 veterinary medicine. This administrative regulation sets forth minimum standards for surgical

15 procedures to ensure the safety and welfare of animal patients, and provides confidence in basic

16 care and support for clients.

17 Section 1. All veterinary medical procedures performed in the Commonwealth shall

18 comply with the following basic surgical standards.

19 (1) If animals are housed or retained for treatment:

20 (a) Appropriate housing shall be provided for each animal before and after surgery; and

1 (b) Enclosures shall be secure and provide a flat surface for the animal that is clean, dry,  
2 and warm with adequate space for the animal to turn around, while allowing for safety at various  
3 stages of sedation and anesthesia and sufficient visibility by the staff.

4 (2) All drugs and biologicals shall be labeled in accordance with 201 KAR 16:600, and  
5 maintained, administered, dispensed, and prescribed in compliance with state and federal laws.

6 (3) During the postoperative period, care shall be taken to provide patients with a smooth  
7 transition from the anesthetized state.

8 (4) Plans shall be in place to handle any emergency that might occur throughout the  
9 procedure, and postoperatively.

10 (5) Patients shall be evaluated and deemed adequately recovered, stable, ambulatory, and  
11 within normal physiological parameters following anesthesia immediately prior to release.

12 (6) Clear instructions for postoperative care by the client shall be provided to the client  
13 both verbally and in writing.

14 (7) Arrangements for follow-up or emergency care during the 48-hour period after  
15 surgery shall be provided to the client both verbally and in writing.

16 (8) A veterinarian may perform emergency aseptic surgical procedures in another room  
17 when the room designated for aseptic surgery is occupied or temporarily unavailable.

18 Section 2. Additional requirements for small animals. All veterinary medical procedures  
19 performed on small animals in the Commonwealth shall comply with Section 1o of this  
20 administrative regulation and the following basic surgical standards.

21 (1) The operating area shall:

22 (a) Be dedicated to surgery; and

1 (b) Contain the necessary equipment for anesthesia, appropriate intubation,  
2 administration of oxygen, and monitoring; and

3 (2) Establish, maintain, and follow the following protocols:

4 (a) Infectious disease protocols to be performed in an environment to minimize infectious  
5 disease;

6 (b) Aseptic surgical technique protocols;

7 (c) Sterile instruments protocols ensuring separate sterile instruments to be used for each  
8 patient. Cold sterilization is not considered an appropriate method to adequately sterilize surgical  
9 instruments for small animals, except for cold sterilization for endoscopic, laproscopic, and  
10 arthroscopic procedures. In these allowable instances of cold sterilization, the method is  
11 permitted only by use of glutaraldehyde-based products;

12 (d) Anesthetic protocols that are balanced and include sedation, the provision of pre- and  
13 post-operative analgesia, stress reduction, muscle relaxation, and controlled, complete recovery  
14 of consciousness prior to discharge;

15 (e) Pre- and post-op monitoring protocols to monitor patients; and

16 (f) Thermal support protocols.

17 Section 3. Responsibility for patient care.

18 (1) During the 48-hour period after surgery, the veterinarian who performed the surgery  
19 is responsible for patient aftercare and 24/7 emergency management following the surgery.

20 (2) If there are no personnel on the premises during any time an animal is left at the  
21 veterinary facility:

22 (a) Prior notice of this fact shall be given to the client in writing and the notification  
23 recorded in the medical records; and

1 (b) If requested, the client shall be provided an option to transfer the patient care to a 24-  
2 hour facility.

3 (3) The veterinarian who performed the surgery shall be relieved of this responsibility  
4 only when the following conditions are met:

5 (a) The veterinarian or veterinary facility has made specific arrangements in writing with  
6 another veterinarian to provide emergency care for the surgical patient;

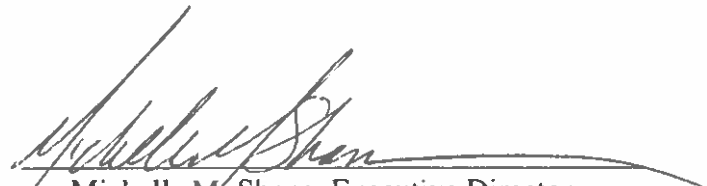
7 (b) The client has been informed both verbally and in writing of the transfer of  
8 responsibility; and

9 (c) The client has been provided current contact information for the new responsible care  
10 provider.

11 Section 4. Client notification. Clients, owners, or the designated care provider for the  
12 patient shall be informed both verbally and in writing of the following information following  
13 surgery.

14 (1) Post-operative medical care instructions; and

15 (2) 24/7 emergency contact information for the 48-hour period following surgery.



p.p Michelle M. Shane, Executive Director  
on behalf of Steven J. Wills, DVM, Board Chair  
Kentucky Board of Veterinary Examiners

7/12/2023  
Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on September 25, 2023 at 1:00 p.m., at the Kentucky Department of Agriculture, Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 September 30, 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 16:702

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 standards regarding basic requirements for veterinary surgery.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish the standard protocols and procedures for credential holders of the board to perform veterinary surgery on animals.

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

KRS 321.235, 321.351, 321.360, 321.990 specifically direct the board enforce the provisions of KRS Chapter 321 and impose penalties, where appropriate. KRS 321.235 authorizes the board promulgate administrative regulations to carry out the provisions of the chapter.

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

This administrative regulation shall assist in effective administration by clearly detailing the basic requirements and standards for veterinary surgery.

(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:

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This is a new administrative regulation.

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

This is a new administrative regulation.

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

2,690 veterinarians and 590 licensed veterinary technicians, 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:

All licensees identified in question (3) are required to have and maintain minimum equipment and supplies to safely and humanely conduct animal surgery. This new administrative regulation establishes the requirements for veterinary surgery, ensuring transparency of board expectations and standardizing veterinary surgery in order to assist in patient care and welfare.

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

There shall be no additional costs imposed as a result of this administrative regulation unless a licensee does not have appropriate equipment and supplies on hand for the services offered.

(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 regulation establishes standards for veterinary surgery performed by licensees of the board.



(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  
201 KAR 16:702

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.

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

KRS 321.235, 321.351, 321.360, 321.990.

(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 an agency program. This regulation establishes requirements for licensees of the board.

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

This is not an agency program. 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 for veterinary surgery standards, making them easily accessible for regulated entities and the public.

(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).