

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Veterinary Examiners

3 (New Administrative Regulation)

4 201 KAR 16:750. Licensed Veterinary Technicians (LVTs) -- Scope of Practice and Supervisory
5 Requirements.

6 RELATES TO: KRS 321.175, 321.190, 321.441, 321.443

7 STATUTORY AUTHORITY: KRS 321.235(2)(b)3.c., 321.441(3)(b)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175 and 321.235 declare that the
9 Kentucky Board of Veterinary Examiners shall protect the public by ensuring only qualified
10 individuals are allowed to engage in the practice of veterinary technology the Commonwealth to
11 promote, preserve, and protect the public health, safety, and welfare. KRS 321.441 details that a
12 license is required for veterinary technicians to practice veterinary technology in the
13 Commonwealth. KRS 321.441 and 321.443 detail that veterinary technicians and veterinary
14 assistants must be properly supervised when assisting a veterinarian with the practice of
15 veterinary medicine. This administrative regulation sets forth the scope of practice under various
16 levels of veterinarian supervision to ensure the safety and welfare of animal patients, clearly
17 define appropriate roles to be assigned by supervisors, and to provide confidence in basic care
18 and support for clients.

19 Section 1. Definitions.

20 (1) "Direct supervision," is defined by KRS 321.181(59)(c).

21 (2) "Immediate supervision" is defined by KRS 321.181(59)(b).

1 (3) "Indirect supervision" is defined by KRS 321.181(59)(d).

2 (4) "Veterinarian-Client-Patient Relationship" or "VCPR" is defined in KRS 321.185.

3 Section 2. (1) A licensed veterinary technician (LVT) may perform the following acts as set forth
4 in this administrative regulation under the direction, supervision, and responsibility of a board-
5 licensed veterinarian, who has established and maintains a current Veterinarian-Client-Patient
6 Relationship (VCPR).

7 (2) The veterinarian and LVT shall comply with the record keeping rule established by the board
8 in 201 KAR 16:701 (Standards for Medical Records).

9 (3) The decision about the level of supervision required by an LVT is ultimately up to the
10 discretion of the supervising veterinarian as long as:

11 (a) The tasks assigned to the LVT do not provide a lower level of supervision than that which is
12 prescribed in this administrative regulation;

13 (b) The supervising veterinarian is confident in the level of training and trust in the LVT; and

14 (c) The tasks assigned to the LVT comply with all state and federal laws.

15 (4) Pursuant to KRS 321.443, a veterinary assistant under the employ of a board-licensed
16 veterinarian may be assigned work similar to an LVT, as described in subsection (3) of this
17 section, so long as the supervising veterinarian is confident in the level of training and trust in the
18 veterinary assistant and their ability to competently and safely perform assigned tasks.

19 (5) Except as authorized by KRS 321.200, nothing in KRS Chapter 321 or 201 KAR Chapter 16
20 shall be construed to permit an LVT or veterinary assistant, or any person who is not a
21 veterinarian to perform any of the following activities relating to animals:

22 (a) Surgery;

23 (b) Diagnosis;

1 (c) Prognosis; or

2 (d) Prescription.

3 Section 2. Immediate supervision. Allowable animal healthcare tasks for LVTs under immediate
4 supervision are:

5 (1) Assisting the Veterinarian with surgical procedures; and

6 (2) Placement of abdominal, thoracic, or PEG tubes.

7 Section 3. Direct supervision. Allowable animal healthcare tasks under direct supervision are:

8 (1) Dental procedures including, at a minimum:

9 (a) The removal of calculus, soft deposits, plaque, and stains;

10 (b) The smoothing, filing, and polishing of teeth;

11 (c) Dental single root extractions not requiring sectioning of the tooth or sectioning of the bone;

12 (d) Suturing a gingival incision;

13 (2) Euthanasia; and

14 (3) Placement of intraosseous catheterization.

15 Section 4. Indirect supervision. Telesupervision falls under the definition of indirect supervision.

16 Allowable animal healthcare tasks under indirect supervision are:

17 (1) General anesthesia and sedation, maintenance, and recovery;

18 (2) Non-emergency endotracheal intubation;

19 (3) Regional anesthesia, including paravertebral blocks, epidurals, local blocks;

20 (4) Placement of tubes, including at a minimum:

21 (a) Gastric tubes;

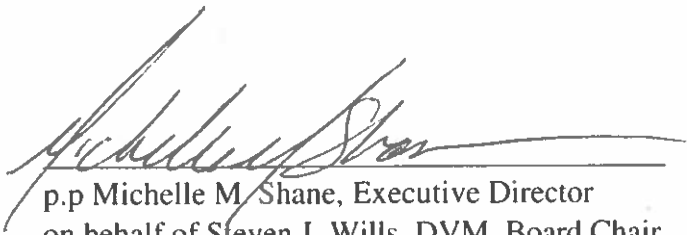
22 (b) Nasogastric tubes; and

23 (c) Nasoesophageal tubes;

- 1 (5) Placement of epidural, and nasal catheters;
- 2 (6) Ear flushing with pressure or suction;
- 3 (7) Application of casts, splints, and slings for the immobilization of fractures;
- 4 (8) Administration of chemotherapy;
- 5 (9) Administration of radiation therapy;
- 6 (10) Intravascular catheterization through creation of a relief hole in the skin;
- 7 (11) Intra-arterial catheterizations;
- 8 (12) Unless prohibited by state or federal regulation administration, preparation and application
- 9 of treatments, including at a minimum:
- 10 (a) Drugs;
- 11 (b) Medications;
- 12 (c) Controlled substances;
- 13 (d) Enemas; and
- 14 (e) Biological and immunological agents,
- 15 (13) Suturing, stapling, and gluing of an existing surgical skin incision;
- 16 (14) Fluid aspiration from a body cavity or organ, as known as cystocentesis;
- 17 (15) Intravenous catheterization, intra-arterial catheterization, and maintenance;
- 18 (16) Imaging, including at a minimum:
- 19 (a) Radiography;
- 20 (b) Ultrasonography;
- 21 (c) Computed tomography;
- 22 (d) Magnetic resonance imaging;
- 23 (e) Fluoroscopy; and

- 1 (f) Administration of radio-opaque agents/materials;
- 2 (17) Except when in conflict with state or federal law,
- 3 (a) Collection of blood;
- 4 (b) Collection and preparation of cellular or microbiological samples by skin scrapings,
- 5 impressions, or other non- surgical methods;
- 6 (18) Collection of urine by expression, catheterization (unobstructed), and insertion of an
- 7 indwelling urinary catheter;
- 8 (19) Monitoring, including at a minimum:
- 9 (a) ECG;
- 10 (b) Blood pressure; and
- 11 (c) CO₂ and blood oxygen saturation;
- 12 (20) Clinical laboratory test procedures;
- 13 (21) Handling and disposal of biohazardous waste materials;
- 14 (22) Implantation of a subcutaneous identification chip;
- 15 (23) Laser therapy;
- 16 (24) Animal rehabilitation therapies;
- 17 (25) Ocular tonometry, Schirmer tear test, and fluorescein stain application;
- 18 (26) Suture and staple removal;
- 19 (27) Reproductive ultrasound, and semen evaluation;
- 20 (28) Floating equine teeth; and
- 21 (29) Tasks at the discretion of the veterinarian, which are not in contravention of KRS 321.190
- 22 and KRS 321.181(50).
- 23 Section 5. Emergency animal patient care.

- 1 (1) A supervising veterinarian in emergency animal patient care may assign to an LVT:
- 2 (a) Application of tourniquets and/or pressure procedures to control hemorrhage;
- 3 (b) Application of appropriate wound dressings in severe burn cases;
- 4 (c) Resuscitative oxygen procedures;
- 5 (d) Anti-seizure treatment; and
- 6 (e) Supportive treatment in heat prostration cases.
- 7 (2) In emergency situations and while under the direct supervision of a veterinarian via verbal
- 8 communication or in accordance supervising veterinarian's protocols, an LVT may:
- 9 (a) Administer drugs to control pain and shock;
- 10 (b) Initiate and perform CPR and provide immediate post resuscitation care, including:
- 11 1. Administration of medication; and
- 12 2. Defibrillation according to protocols established in writing at the veterinary facility.



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 16:750

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 level of supervision required for various veterinary medicine tasks assigned by a supervising veterinarian to a licensed veterinary technician or veterinary assistant.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish clearly delineated tasks that a veterinarian may safely assign to veterinary technicians and veterinary assistants, ensuring that the employees are utilized to the fullest extent of their abilities and help reduce workload pressures on veterinarians.

(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 tasks a veterinarian can safely and confidently assign to staff.

(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, 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:

Licensees identified in question (3) generally work together in a veterinary facility. This new administrative regulation establishes the level of supervision required for licensed veterinary technicians (LVTs) and veterinary assistants, increasing work efficiencies. Veterinarians shall be required to assign tasks, and LVTs and veterinary assistants shall be required work within the supervisory parameters established in this administrative regulation.

(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.

(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 supervisory requirements only.

(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 16:750

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, 321.441, 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 a new program. There are no costs involved.

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

There are no costs involved.

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).