

**Kentucky Board of Veterinary Examiners**  
**\*\*\*DISCUSSION DRAFT\*\*\***  
**(NOT FILED WITH LRC -- FOR DISCUSSION ONLY)**

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Veterinary Examiners

3 ~~(New Administrative Regulation)~~ – **DISCUSSION DRAFT ONLY** –

4 201 KAR 16:805 Veterinary Facility Inspections.

5 RELATES TO: KRS ...

6 STATUTORY AUTHORITY: KRS ...

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175 states the purpose of the  
8 Kentucky Veterinary Medicine Practice Act is to protect the health, safety, and welfare of the  
9 animal population and the citizens of Kentucky. KRS 321... requires the Kentucky Board of  
10 Veterinary Examiners to promulgate administrative regulations as it may deem necessary and  
11 proper to effectively carry out and enforce the provisions of KRS Chapter 321, .... This  
12 administrative regulation establishes requirements for veterinary facility inspections.

13 Section 1. Periodic Veterinary Facility Inspections.

14 (1) Except as provided for in subsection 2 of this paragraph, each registered veterinary facility  
15 shall be inspected by a board inspector or other board representative at least one (1) time every  
16 three (3) calendar years from the date of initial registration or at a frequency determined by the  
17 board.

18 (2) Veterinary facilities that maintain current accreditation or enrollment in one of the following  
19 organizations or programs shall be exempt from periodic veterinary facility inspections.

20 (a) American Animal Hospital Association (AAHA); and

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1 (b) American Veterinary Medical Association (AVMA) preceptor locations.

2 (3) Notwithstanding any provision of this regulation, nothing shall prevent the board from  
3 conducting inspections at the veterinary facility in response to a grievance filed with the board,  
4 or upon suspicion of a violation of the Kentucky Veterinary Medicine Practice Act.

5 Section 2. Purpose of Periodic Veterinary Facility Inspections.

6 (1) The board shall conduct periodic facility inspections to:

7 (a) Ensure that every registered veterinary facility in Kentucky is operating in compliance with  
8 the minimum standards promulgated by the board in administrative regulation;

9 (b) Encourage the continuous improvement of quality of services to the animals and citizens of  
10 the Commonwealth; and

11 (c) Assist facilities in achieving and maintaining minimum standards through education and  
12 consultation.

13 Section 2. Corrective actions.

14 (1) When the board or its designated inspector determine that a registered veterinary facility does  
15 not meet the minimum standards for veterinary facilities, the board's designated inspector may  
16 issue a notice to comply, or "NC".

17 (2) The NC shall request the facility's veterinarian manager submit a written plan of correction to  
18 the board inspector within a specified time for corrections.

19 (3) A copy of each NC shall be maintained in the veterinary facility's board file.

20 (4) The board or its designated inspector shall follow-up with the veterinary facility to ensure  
21 that an appropriate plan of correction is submitted and implemented.

22 (5) If a registered veterinary facility remains non-compliant on the same issue(s) after three (3)  
23 notifications from the board, the board may issue a notice of violation, or "NOV" pursuant to

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1 KRS 321..., including a fine per violation should the violation not be corrected in the timeframe  
2 provided by the board. An NOV shall include the following information:

3 (a) A citation to the statutory or regulatory requirement that has been or is being violated;

4 (b) A description of the circumstances surrounding the violation, set forth in common and  
5 concise language;

6 (c) Measures required to correct the violation;

7 (d) A reasonable time for correction, if the respondent cannot take measures to correct the  
8 violation immediately; and

9 (e) Notice of rights of appeal.

10 (6) As a part of corrective actions within an NOV, should the violation not be corrected in the  
11 timeframe provided by the board, the board may determine that the veterinary facility requires  
12 mandatory re-inspections and consultation services.

13 (a) For each mandatory re-inspection, the board may charge an administrative fee in accordance  
14 with 201 KAR 16:515;

15 (b) For mandatory, individualized consultation other than initial training provided at the time of  
16 the inspection when violations are found, the board may charge the facility an hourly consulting  
17 fee in accordance with 201 KAR 16:515; and

18 (c) The fees for mandatory re-inspection and mandatory, individualized consultation shall be in  
19 addition to any fees assessed for violations in the NOV.

20 (7) Failure to respond to and comply with the instructions provided in a board-issued NOV,  
21 including timely payment of all fines, shall be cause for the board to initiate grievance  
22 proceedings in accordance with KRS 321.351 and 201 KAR 16:610. In accordance with KRS  
23 321.353 and 321.990, resulting board action may result in revocation or suspension of the

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1 veterinarian manager's licensure to practice in the state, penalties against the registered  
2 responsible party, or in revocation or suspension of the registration for the veterinary facility.

3 Section 3. Voluntary consultation.

4 (1) Upon request, a board inspector may provide an initial professional courtesy inspection to  
5 assist a new facility or new veterinarian manager in setting up a veterinary facility.

6 (2) A veterinarian manager may arrange for longer term, more intensive training, consultation, or  
7 assistance by the board inspector relating to specific areas of clinic operations, record keeping,  
8 management of controlled substances, etc., in accordance with 201 KAR 16:515, Section 5(4).

9 Arrangements shall be approved and coordinated through the board's executive director.