



KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

Office: 502-782-0273 • Fax: 502-695-5887

kybve.com • [vet@ky.gov](mailto:veter@ky.gov)

Kentucky Veterinary Medicine Practice Act Modernization White Paper

Mission of the Kentucky Board of Veterinary Examiners

The Kentucky Veterinary Medicine Practice Act declares that the practice of veterinary medicine is a privilege granted by legislative authority in the interest of public health, safety, and welfare.

The mission of the Kentucky Board of Veterinary Examiners (KBVE) is to carry out the General Assembly's mandate, stated in KRS 321.175: to protect the citizens of the Commonwealth from being misled by incompetent, unscrupulous, and unauthorized practitioners, and to protect the Commonwealth's citizens and animals from unprofessional or illegal practices by those persons who are licensed to practice veterinary medicine in this jurisdiction and those persons who practice without a license.

History of the Kentucky Veterinary Medicine Practice Act

- **1942** – Creation of the Board, Meeting requirements, Vet License required, Penalties, Exemptions, Reporting requirements for County Clerks
- **1948** – Repeal of all statutes; passage of new statutory package for the Board, Meeting requirements, Funding Source, Vet License required, Penalties, Exemptions
- **1992, 1998** – Added statutes KBVE Power and Duties, Definitions, VCPR, Animal Control Agencies (ACAs) and Animal Euthanasia Specialists (AESs), Disciplinary Authority, Veterinary Technician licensure, Veterinary Assistants, Wellness Committee, and Mobile Facilities; as well as some minor edits to existing statutes; repealed multiple statutes, some requirements moved to regulation
- **1962, 2000, 2004, 2007, 2009, 2016 and 2017** – Minor edits; created Emergency Order for immediate suspension; removed employment restrictions on veterinary technician profession
- **2020** – added provisions for optional animal abuse reporting

In summary, nearly 30 years have passed since the last substantial updates to the Kentucky Veterinary Medicine Practice Act (the “Practice Act”). Given changes in the medical and technological landscapes, as well as the shortages in veterinary services, the Practice Act is due for modernization.

Members of the KBVE began this initiative more than two (2) years ago. The board conducted an in-depth review of two national Practice Act Models, one from the **American Association of Veterinary State Boards (AAVSB)** and one from the **American Veterinary Medical Association (AVMA)**. Both models utilize input from the national veterinary community on today's key issues in veterinary medicine regulation. Additionally, the board looked at existing laws in key states and consulted with the Kentucky Veterinary Medical Association (KVMA) and the Kentucky Veterinary Technician Association (KVTA). In 2022, the KBVE hosted 15 stakeholder meetings, both regional and species specific. The compiled feedback was used to refine the proposed draft, providing a comprehensive piece of legislation that better protects consumers and provides members of the profession transparent frameworks in which to conduct business.



Modernization Highlights

- 1) **Expanded Definitions.** KRS 321.181 (Definitions for chapter) contains only 17 definitions. Following work on the Practice Act, the KBVE has incorporated additional terms and refined existing definitions to better reflect national standards and provide clarification for the public, bringing the total definitions in the updated statute to more than 75 terms. This will provide a common language for discussions with all stakeholders, practitioners, and clients.
- 2) **Additional Clarifying Statutes.**
 - a) **Renewals.** The KBVE seeks to add credential renewal requirements in distinct statutes for all licenses, permits, certificates, and registrations (collectively, “credential holders”) under the board’s authority. This will clarify grace periods, expiration of credentials, requirements for reinstatement or new application, and provide for inactive and/or retired credentials.
 - b) **Animal Control Agencies and Animal Euthanasia Specialists.** Given both national and statewide concerns related to the abuse of controlled substances (CS), the KBVE seeks to update KRS 321.207 (Certification of animal control agencies and animal euthanasia specialists).
 - A KBVE-certified animal control agency orders and stores CS onsite; these drugs are overseen by laymen, both designated on-site managers and certified as animal euthanasia specialists (AES). This update will make clear CS oversight responsibilities.
 - Additionally, the KBVE seeks to clarify the restricted duties of the AES to ensure there is no overlap of the untrained professional’s work with the practice of veterinary medicine, as defined in KRS 321.181.
 - c) **Medical Records.** In response to constituent concerns and numerous complaint cases over the past several decades, the KBVE determined it is necessary to explain adequate medical records. Too often invoices are the only medical record, failing to include critical medical details of patient care; too often clients request records and are denied access. The board is proposing a new statute to help both licensees and citizens understand the basic requirements of current medical records standards.
- 3) **Criminal Background Checks.** In response to wellness concerns and efforts to protect the public, the board has instituted background checks as a part of the application process for new credential holders. Following the passage of these statutes, the KBVE shall seek approval from the FBI to receive background check results directly to the board, ensuring the authenticity of those results for the purpose of credentialing. Background checks will not be required for renewals.
- 4) **Telehealth.** At the request of the KVMA, and using the AVMA model definitions, the KBVE has added a statute to provide a framework for telehealth, clarifying when telehealth requires the establishment of an in person veterinary-client-patient-relationship (VCPR) and when telehealth may be used without a VCPR. This statute is essential to ensure:
 - Rapid and early diagnosis of high consequence diseases that can impact the food supply or endanger the public; and
 - Protections for patients and an avenue for recourse when clients/owners and their animals are ill-served or harmed by the inappropriate use of telehealth.

- 5) **Addition of Veterinary Facility Registrations and a Voluntary Inspection Program.** According to the AVMA, as of October 2019, there are 35 states, including Washington, D.C., that have specific regulations governing the operation of veterinary facilities. The intent of the Kentucky board is to phase in registration of veterinary facilities by 2025. This will enable the board to:
- a) Better understand and work to lessen veterinary shortages in the Commonwealth, particularly as related to food and commodity animals (\$2.8 billion industry annually in Kentucky), equines (\$6.5 billion annually in Kentucky), and the companion animal industry (est. \$500 million annually in Kentucky), as well as rural service areas.
 - b) Define responsible parties in corporate or non-licensee owned practices, ensuring that someone can be held accountable to the public for the decisions and practices at a veterinary facility that affect patients and clients. Without a responsible party, citizens of the Commonwealth often have no recourse in these settings.
 - c) Address constituent complaints about basic standards of care in fly-by-night low-cost spay/neuter and health clinics, where clients are sometimes provided substandard care and left without any options for follow-up care when the patient experiences complications from the procedures.
 - d) Assist clients in locating and connecting with services in their regional areas.
 - e) Provide transparent standards that are accessible to practitioners and the public.
 - f) Offer a voluntary inspection program to assist and inform licensees about current standards of practice, helping elevate the practice of veterinary medicine, and reduce complaints to the board.
- 6) **Clarifying the Roles of Veterinary Technicians and Veterinary Assistants.** To alleviate a great deal of confusion in both the veterinary community and amongst citizens of the Commonwealth, the KBVE seeks to amend KRS 321.441 (Veterinary technician's license -- Qualifications -- Scope of practice -- Annual fee -- Exception) and KRS 321.443 (Veterinary assistants) to allow for distinction between the college educated, licensed veterinary technician and the trained layperson veterinary assistant. These distinctions will clarify the title protections available for licensed veterinary technician (LVT) classes, and shall aid veterinarians in fully utilizing the skills of their trained LVT staff.
- a) The KVTA supports these changes. In 2021, the KVTA surveyed members and found that, besides compassion fatigue, the top reasons cited by LVTs for dissatisfaction with their profession are underutilization of their skills, as well as misconceptions of their profession by both employers and the public.
 - b) Clarifying the role of LVTs and veterinary assistants will not change the ability of veterinarians to fully utilize unlicensed veterinary assistant staff under their supervision.
- 7) **Educational Awards.** KBVE is requesting the ability to administer an educational awards program for graduates with a degree in veterinary medicine or veterinary technology to focus on relieving shortages in the workforce, primarily in food animal medicine and rural communities. Current board demographics data shows an alarming trend in retirement age of current practitioners, affirming the existing acute shortages in available veterinary services. The intent of the KBVE is to engage awardees in their profession within the borders of the Commonwealth. An awards committee of key stakeholders shall be established in administrative regulations to administer this program.

- 8) **Allied Animal Health Professional Permits.** In response to requests from stakeholder groups, the board seeks to expand its scope and institute a new permit class for the “allied animal health professional” providing animal chiropractic services. The proposed statutory definition of an “allied animal health professional” or “AAHP” means “a professional who has completed an approved allied animal health professional program as defined by administrative regulation and who offers specialized, limited services as defined by administrative regulation to an animal patient in animal chiropractic.”
- 9) **Increased Board Authority.** Incorporated at the request of a significant majority of stakeholders, the board is seeking increased authority to take action against those in violation of the Practice Act and those offering veterinary services without a board credential. This expansion includes:
- a) Addition of the Allied Animal Health Professional Permit;
 - b) Designation of “Registered Responsible Parties” (i.e., non-licensee and corporate owners) on Veterinary Facility Registrations; and
 - c) The ability for the board to issue a Notice to Comply (NC) or a Notice of Violation (NOV) for violations of the Veterinary Medicine Practice Act.

Notes on Facility Registrations

According to 2018 AVMA Report on the Market for Veterinary Services, there are an estimated 680 veterinary facilities in Kentucky.

- Facilities will not need to register until 2025
 - Allows time to engage with KBVE on development of the standards in regulation
 - Allows all licensees to become familiar those standards
 - Initial fee would be reduced by half (to \$100) for all facilities registered by June 30, 2025
- First renewal would be in 2027
 - Renewal fee will be due biennially; flat fee of \$200 (equal to \$100 per year) or the cost to run the program
- Mobile facilities would not need to register separately unless they were unaffiliated with a fixed location
 - There would be separate standards for small animal and large animal units
- KBVE would offer a voluntary inspection program to registered facilities, providing an informative review of the minimum standards in administrative regulation.

Proposal Access and Questions

Please visit the KBVE website at www.kybve.com/practice-act.html for easy access to the bill draft.

Any questions or comments about the Kentucky Veterinary Medicine Practice Act Modernization proposal may be directed to the KBVE office at Vet@ky.gov or to the KBVE, 107 Corporate Drive, Second Floor, Frankfort, KY 40601.