



## KENTUCKY BOARD OF VETERINARY EXAMINERS

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### Kentucky Veterinary Medicine Practice Act Modernization White Paper

#### Mission of the Kentucky Board of Veterinary Examiners (KBVE)

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 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Veterinary Assistants, Wellness Committee, and Mobile Facilities; as well as some minor edits to existing statutes; repealed multiple statutes, some requirements moved to regulation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 Animal Abuse Reporting (no proposed edits in current package)

**In summary, nearly 30 years have passed since the last substantial updates to the Kentucky Veterinary Medicine Practice Act** (the "Practice Act"). In today's changing medical and technological landscapes, the Practice Act is due for modernization.

To facilitate a review and update of the Practice Act, the KBVE invested more than a year conducting an in-depth review of two national Practice Act Models (PAMs) from the **American Association of Veterinary State Boards (AAVSB)** and the **American Veterinary Medical Association (AVMA)**. Both PAMs have input from the national veterinary community and regulators from across North America on today's key issues in veterinary medicine and regulation. Additionally, the board looked at existing laws in surrounding states and consulted with the leadership of the Kentucky Veterinary Medical Association (KVMA) and the Kentucky Veterinary Technician Association (KVTA). The KBVE took the best model components and feedback and merged them with the board's mission in Kentucky to update the Practice Act.

## Modernization Highlights

- 1) **Expanded Definitions.** KRS 321.181 Definitions for chapter contains only 17 definitions. Following review of the national PAMs, 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 60 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 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 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 licensees, permittees, certificate holders, and registrants. 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 clarify telehealth: what it encompasses and when the establishment of an in-person veterinary-client-patient-relationship (VCPR) is required. 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, as well as to provide an avenue for recourse when clients/owners and their animals are ill-served or harmed by veterinarians providing telehealth

- 5) **Addition of Veterinary Facility Registrations & Inspections.** 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 over period of five (5) years. 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).
  - 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 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 low-cost procedures.
  - d) Conduct inspections to help educate licensee population on current standards of practice, to help elevate the practice of veterinary medicine, and reduce complaints to the board.
  - e) Provide transparent standards that are accessible to practitioners, providing protections to licensees who meet the regulatory standards.
- 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 shall aid veterinarians in fully utilizing the skills of their trained staff, and help clarify the title protections available for licensed veterinary technician (LVT) classes.
- 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, and misconception 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 and those advancing toward a degree in veterinary medicine and 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, indicating that there will soon be acute shortages in available veterinary services. The intent of the KBVE is to engage awardees in their profession within the borders of the Commonwealth.

- 8) **Allied Professional Permits.** In response to calls from stakeholder groups, the board is seeking to expand its scope and institute a new permit class for the “allied professional” practicing on animals. The proposed statutory definition of an “allied professional” means “a professional who has completed an approved allied professional program and who offers specialized, limited services to an animal patient in one (1) of the following areas:
- (a) Acupuncture therapy;
  - (b) Chiropractic;
  - (c) Massage therapy;
  - (d) Physical manipulation or therapy;
  - (e) Equine dentistry; or
  - (f) Other area of specialized, limited service defined by the board in administrative regulation.”
- 9) **Increased Board Authority.** Incorporated at the request of a significant majority of stakeholders, the board has requested increased authority to take action against those in violation of the Practice Act and those offering services without a board-credential. This expansion includes:
- a) Addition of the Allied Professional Permit
  - b) Designation of “Registered Responsible Parties” (i.e., non-licensee and corporate owners) on Veterinary Facility Registrations
  - c) Allows for a Notice of Violation (NOV) and fine for violation of Practice Act
  - d) Swift resolution of violations
  - e) Non-response would still be adjudicated in Franklin Circuit Court

## Notes on Facility Registrations

According to 2018 AVMA Report on the Market for Veterinary Services, there are an estimated 680 veterinary facilities in Kentucky. KBVE plans to base regulatory fee calculations on a flat **biennial** renewal fee every odd year.

- Facilities will not need to register until 2027
  - Allows time to engage with KBVE on development of the standards in regulation
  - Allows all licensees to become familiar those standards
- First renewal would be in 2029
  - Registered facilities would be required to renew the registration every two (2) years
- Mobile facilities would not need to register separately unless they were unaffiliated with a brick and mortar location
  - There would be separate standards for small animal and large animal units
- Facilities with American Animal Hospital Association (AAHA) accreditation or those who pass AVMA standards for preceptor locations would be exempt from KBVE inspection requirements, except in the case of a citizen complaint or grievance investigation

- Inspections on all non-AAHA/non-AVMA approved facilities may include:
  - Verification of statistics:
    - Employees working in veterinary medicine
    - Type of facility (stationary, emergency, mobile, ambulatory, etc.)
    - Species types served (small, large, mixed, food, exotics, etc.)
    - Types of services offered (radiology, surgery, dental, anesthesia, ER, etc.)
  - Informative review of:
    - Basic clean and sanitary condition requirements
    - Afterhours care posting requirements
    - Dispensing requirements
    - Medical Records requirements

## Proposal Access and Questions

Please visit the KBVE website at [www.kybve.com/practice-act.html](http://www.kybve.com/practice-act.html) for easy access to the Legislative Research Commission (LRC) page directly to this bill.

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