



KENTUCKY BOARD OF VETERINARY EXAMINERS

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Statement regarding Repeal of KBVE Policy 2104

At the September 2021 board meeting, the Kentucky Board of Veterinary Examiners (KBVE) passed Policy 2104 entitled “Appropriate Use of Anesthesia Drugs in Small Animal Medicine” as an informational statement meant simply to provide helpful guidance to veterinarians under Kentucky law and in response to numerous inquiries to the board about this topic. The policy was published on the KBVE website at www.kybve.com/practice-act.html under the drop-down heading “KBVE Policies”.

KBVE uses the publication of policies to push out information the board is considering for regulation to be embodied in the law in an amended administrative regulation under 201 KAR Chapter 16. A policy by itself is not legally enforceable. Policy incorporated in an administrative regulation of the board with notice and comment rulemaking under KRS Chapter 13A is enforceable, and goes through a public comment period before being enacted into law. The KBVE has been publishing some policy in writing prior to the regulatory process in order to allow for a broader period of comment and feedback.

This particular policy was enacted in response to multiple complaint cases spanning more than a decade in which some licensees were performing spay/neuters and using certain drugs as the sole anesthetic protocol, with no other support or monitoring and without any reversing agents following surgery. This situation (use of the drugs without support or reversing agents), was not clearly detailed in the published policy.

No feedback was received on Policy 2104 until May 3, 2022, when a concerned veterinarian contacted the KBVE with a single question about the policy. The licensee then took excerpts from the personal email response and posted these along with portions of the policy on the Veterinary Information Network (VIN). This resulted in a flood of comments to the board from across the country.

Members of the board reviewed all the feedback received at the May 2022 board meeting and KBVE Policy 2104 was repealed. That policy statement of the board is null and void with no legal effect or consequence.

The board agreed to have three members meet with a select group of concerned stakeholders, including leadership from the KVMA and the AVMA, as well as licensees operating high volume spay/neuters in Kentucky. That meeting was held July 21, 2022. As a result of this discussion, the board is going to look more specifically into the following areas before moving forward with any further initiative on this topic, which may result in amended administrative regulations.

- Review literature and studies provided from AVMA on this and related topics
- Review the frequency of and associated medical records from KBVE grievance cases where failures have occurred in the past
- Prepare a package of case files for submission to the FDA for review of adverse reactions to any drugs
- Meet with stakeholders and formulate basic standards of surgery care and post-op care for incorporation into regulation

- Develop inspection protocols to educate licensees on standards, and ensure appropriate information is being sent home with clients

If you have questions or concerns about this topic or other KBVE related issues, please contact the board at Vet@ky.gov. Otherwise, please be aware of further changes in KRS Chapter 321 and the administrative regulations thereunder in 201 KAR Chapter 16.