

AN ACT relating to veterinarian licensing and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

Within the context of veterinary practice:

(1) "Telehealth" means all uses of technology to remotely gather and deliver health information, advice, education, and care. Veterinary telehealth is divided into categories based on who is involved in the communication. For communication between veterinarians and other persons, there are distinctions in practice related to whether a VCPR, as defined in Section 10 of this Act, has been established with the patient.

(2) (a) "Telemonitoring," also known as "mHealth" or "mobile health," means remote monitoring of patients who are not at the same location as the health care provider. Some mHealth applications and wearables are designed to augment animal health care within VCPRs, while others are designed and marketed directly to consumers for their education and for animal monitoring without clinical input and outside the context of a VCPR.

(b) "Telesupervision" means the supervision of individuals using media such as audio or audio/video conference, text messaging, and e-mail.

(3) (a) Telehealth that provides the delivery of information specific to a particular patient shall be called "connected care" or "telemedicine" and shall be conducted within the context of an established VCPR to ensure protection for the patient.

(b) "Connected care" or "telemedicine" means the integration of digital technologies to enhance and support the VCPR and facilitate proactive and ongoing care through improved communication, diagnosis, and monitoring.

It is an approach to veterinary practice that is patient- and client-centered, and actively engages the entire veterinary healthcare team. This type of telehealth involves use of one (1) or more tools to exchange medical information electronically from one (1) site to another to improve a patient's clinical health status, which may be utilized to augment the practice of veterinary medicine. The appropriate application of connected care or telemedicine can enhance animal care by facilitating communication, diagnostics, treatments, client education, scheduling, and other tasks.

(c) Practitioners providing connected care or telemedicine to patients in the Commonwealth shall be credentialed to practice by the board and operate in association with a registered veterinary facility in Kentucky. Practitioners practicing this type of telehealth shall comply with all state and federal statutes and regulations, including requirements for access to follow-up care.

(d) Connected care or telemedicine provided to patients in Kentucky shall only be conducted within an existing VCPR as defined in Section 10 of this Act, which is required to be reestablished through an in-person visit every twelve (12) months, with the exception of advice given in an emergency care situation or teletriage until a patient can be seen by or transported to a veterinarian. The VCPR for that twelve (12) months shall be deemed to constitute a relationship in Kentucky, regardless of whether the patient or client travels outside the Commonwealth.

(4) Telehealth conducted without a VCPR may include only the delivery of general advice, educational information, and teletriage. Telehealth which may be conducted without a VCPR includes the following defined activities:

(a) "Teleadvice" means the provision of any health information, opinion,

guidance, or recommendation concerning prudent future actions that are not specific to a particular patient's health, illness, or injury. This is general advice that is not intended to diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions. If the practitioner providing the teleadvice is a qualified veterinarian, veterinary technician, allied professional, or other board credential holder, the practitioner shall be required to hold a valid credential from the Kentucky board, except as authorized by Section 14 of this Act, and shall comply with all state and federal statutes and regulations;

- (b) "Teleconsulting" means telehealth in which a veterinarian, veterinary technician, allied professional, or other board credential holder uses telehealth tools to communicate with a specialist or another professional to gain insights and advice on the care of a patient. In teleconsulting, the established VCPR remains with the veterinarian seeking advice or counsel;
- (c) "Triage" means the safe, appropriate, and timely assessment and management of animal patients via electronic consultation with their owners, regardless of whether there is an immediate referral to a veterinarian, where a diagnosis is not rendered. In assessing patient condition electronically, the assessor determines urgency and the need for immediate referral to a veterinarian, based on the owner's or responsible party's report of history and clinical signs, sometimes supplemented by visual information, such as photographs or video; and
- (d) Practitioners providing teleadvice and triage to patients in the Commonwealth shall be credentialed to practice by the board in Kentucky, shall comply with all state and federal statutes and regulations, and shall disclose the practitioner's name and Kentucky credential number to the

person receiving services.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

- (1) Each veterinarian who provides veterinary medical services shall maintain accurate electronic or legibly written medical records that include the identity of the veterinarian or authorized representative who makes the entry.
- (2) The information in the veterinary medical records are the property of the client, and the client has a right to a copy of those records. The veterinary practice where the records were prepared shall be the official records custodian. Original patient records shall be retained by the veterinary practice or veterinarian who prepared them and be readily retrievable for a period of five (5) years following the last patient encounter.
- (3) (a) The veterinarian may require that a request for veterinary medical records be in writing and may charge a reasonable fee for copying or the staff time in preparing the requested veterinary medical records.

(b) Copies of the medical records shall be provided to the client, designated veterinarian, or authorized representative within seven (7) calendar days after receipt of a proper request, or sooner in accordance with the patient's medical condition.

(c) Failure to provide the medical records in a timely fashion upon proper request shall be considered unprofessional conduct.
- (4) All records required by law to be kept by a veterinarian shall be open to inspection by the board or its authorized representatives, and a copy shall be provided immediately upon request.
- (5) All records shall comply with the requirements set forth by the board in administrative regulations.
- (6) A patient's veterinary medical record and medical condition is confidential and

may not be furnished to or discussed with any person other than the client or other veterinarians, veterinary technicians, veterinary assistants, veterinary practice staff, or consultants involved in the care or treatment of the patient, except upon authorization of the client or under the following circumstances:

(a) Access to the records is specifically required by law, or as described in Sections 10 and 11 of this Act;

(b) In response to a court order or subpoena with notice given to the client or the client's legal representative;

(c) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the patient and the client;

(d) As part of an inspection or investigation conducted by the board or an agent of the board;

(e) To verify the rabies vaccination status of an animal;

(f) In the course of a consultation as defined in Section 9 of this Act; and

(g) As required by other state or federal law.

(7) A veterinarian shall not intentionally create a false record, make a false statement, or alter or modify any medical record, document, or report concerning treatment of a patient. When correcting a medical record, the original content should be readable, and the alteration shall be clearly identified with the correction, reason for correction, date, and author's name.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

(1) Each person who is licensed as a veterinary technician shall submit a completed renewal application by the renewal deadline and pay to the board an annual renewal fee for the renewal of the person's license.

(2) A sixty (60) day grace period shall be allowed after the renewal deadline, during which time individuals may renew their licenses upon submission of a completed

renewal application and payment of the renewal fee plus a late fee to the board.
All licenses not renewed by the grace period deadline shall expire based on the failure of the individual to renew in a timely manner. Upon expiration, the veterinary technician licensee is no longer eligible to practice in the Commonwealth.

- (3) After the sixty (60) day grace period, individuals with an expired veterinary technician license may have their licenses reinstated upon submission of a completed reinstatement application and payment of a reinstatement fee to the board. No person who applies for reinstatement after expiration of the person's license shall be required to submit to an examination as a condition for reinstatement if a reinstatement application is made within five (5) years from the date of expiration.
- (4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal or reinstatement shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board, and the right to practice is restored by the board.
- (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee.
- (6) A person who fails to reinstate a license within five (5) years after its expiration or termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the requirements of this chapter.
- (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as established in administrative regulations promulgated by the board.
- (8) The board may grant retired or inactive licensure status and may establish conditions under which retired or inactive licenses may be renewed as established

in administrative regulations promulgated by the board.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

- (1) Each person who is certified as an animal euthanasia specialist shall submit a complete renewal application by the renewal deadline and pay to the board an annual renewal fee for the renewal of the person's certificate.
- (2) Each animal shelter that is certified as an animal control agency shall submit a completed renewal application by the renewal deadline and pay to the board an annual renewal fee for the renewal of the animal control agency certificate.
- (3) A sixty (60) day grace period shall be allowed after the renewal deadline, during which time individuals and agencies may renew their certificates upon submission of a completed application, and payment of the renewal fee plus a late fee to the board. Any certificate that was not renewed by the grace period deadline shall expire. Upon expiration, the holder of that certificate is no longer eligible to practice animal euthanasia in the Commonwealth or maintain a United States Drug Enforcement Administration controlled substances registration.
- (4) After the sixty (60) day grace period, individuals and agencies with an expired certificate may have their certificates reinstated upon submission of a completed reinstatement application and payment of a reinstatement fee to the board if the reinstatement application is made within five (5) years from the date of expiration. Animal control agencies may be subject to inspection prior to reinstatement.
- (5) A suspended certificate is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal or reinstatement shall not entitle the certificate holder to engage in the practice until the suspension has ended or is otherwise removed by the board, and the right to practice is restored by the

board.

- (6) A revoked certificate is subject to expiration or termination but may not be renewed. If it is reinstated, the certificate holder shall pay the reinstatement fee.
- (7) A person or agency that fails to reinstate its certificate within five (5) years after its expiration or termination shall not have it renewed, restored, reissued, or reinstated. A person or agency may apply for and obtain a new certificate by meeting the requirements of this chapter.
- (8) The board may require that a person or agency applying for renewal or reinstatement of the certificate show evidence of completion of additional training or continuing education as promulgated in administrative regulation by the board.
- (9) The board may grant retired or inactive certificate status for certified animal euthanasia specialists and may establish conditions under which retired or inactive certificates may be renewed as set forth by administrative regulations promulgated by the board.
- (10) The board shall require any applicant seeking to become registered as the designated on-site manager for an animal control agency to submit to a criminal background investigation conducted in accordance with Section 5 of this Act.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

The board shall require a national and state criminal background investigation for every applicant seeking a license, certificate, registration, or permit issued by the board permitting the applicant to engage in a veterinary practice or activity regulated by the board. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police, or equivalent state police body in the applicant's home state, and the Federal Bureau of Investigation, pursuant to the following requirements:

- (1) The applicant shall provide his or her fingerprints to the Department of Kentucky State Police, or equivalent state police body in the applicant's home state, for submission to the Federal Bureau of Investigation after a state criminal background check is conducted;
- (2) The results of the national and state criminal background check shall be sent to the board for the screening of applicants;
- (3) The board shall be prohibited from releasing any criminal history record information to any private entity or other licensing board, or authorizing receipt by such entity or board; and
- (4) Any fee charged by the Department of Kentucky State Police or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check. The board may charge this fee to the applicant for licensure or certification.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

- (1) The board may promulgate administrative regulations defining:
 - (a) Application, renewal, and reinstatement requirements and fees for veterinary facilities;
 - (b) Responsibilities and limitations for registered responsible parties and veterinarian managers. This shall include an administrative regulation governing interference or control by unlicensed persons in the practice of veterinary medicine or veterinary technology, or by persons who do not hold a board credential. Both registered responsible parties and veterinarian managers shall be responsible for a registered veterinary facility's operation and management, and shall be held accountable to the board as a credential holder for any violation of this chapter; and
 - (c) Minimum standards for veterinary facilities and for mobile facilities,

- including requirements for application, inspection, sanitation, and other factors.
- (2) All existing veterinary facilities shall be registered with the board not later than June 30, 2027.
- (3) After June 30, 2027, all new facilities shall submit a completed application for registration to the board, including fees as promulgated by the board in administrative regulation.
- (a) A new veterinary facility shall not begin operation in the Commonwealth until the completed application and fee have been accepted by the board and notification in writing has been sent to the applicant.
- (b) A new veterinary facility shall be inspected within the first one hundred twenty (120) days of operation.
- (4) A mobile facility that is affiliated with a registered veterinary facility shall be exempted from the requirement to register independently if a currently registered veterinary facility identifies that unit as its affiliate. The board may set limitations and conditions upon the number of registered units associated with a single veterinary facility registration through the promulgation of an administrative regulation.
- (5) Each application to register a veterinary facility shall identify the following persons responsible for its operation, management, and meeting the minimum requirements established by this chapter and by the board in an administrative regulation:
- (a) The registered responsible party; and
- (b) The veterinarian manager.
- (6) The veterinarian manager shall be a Kentucky-licensed veterinarian with an active license in good standing with the board.
- (7) The veterinarian manager and the registered responsible party are responsible

for notifying the board of any change in the veterinarian manager's or registered responsible party's association with the veterinary facility.

(8) An application for registration renewal shall be completed and submitted to the board periodically after the initial registration deadline in 2027, in accordance with Section 7 of this Act and as defined in administrative regulations promulgated by the board.

(9) Veterinary facilities shall be inspected at least once every five (5) years by the board to ensure compliance with this chapter. Veterinary facilities that maintain current accreditation or enrollment in an inspection program approved by the board in an administrative regulation shall be exempted from periodic board inspections. This subsection shall not prevent the board from conducting inspections at the veterinary facility in response to a complaint or upon a suspected violation of this chapter.

(10) The board may revoke, suspend, or take other disciplinary action deemed appropriate against the registration, including ordering closure of the veterinary facility, in accordance with Sections 25 and 26 of this Act on any of the following grounds:

(a) The board or its agents are denied access to conduct an inspection or investigation;

(b) The holder of a registration does not pay all prescribed fees or monetary penalties;

(c) There is no veterinarian manager identified within the timeframes set by this chapter;

(d) Registered responsible parties are interfering with, exercising control over, or attempting to influence the professional judgment of a board credential holder in any manner;

(e) Failure to comply with minimum standards defined in administrative

regulation by the board for the veterinary facility; or

(f) Failure to comply with any provision of this chapter or administrative regulations promulgated under this chapter.

(11) The board shall require any veterinarian manager applicant or registered responsible party applicant to submit to a criminal background investigation conducted in accordance with Section 5 of this Act.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

(1) Each veterinary facility registered with the board shall submit a completed renewal application by the renewal deadline and pay a biennial renewal fee for the renewal of the registration.

(2) A veterinary facility with an expired registration may have its registration reinstated upon submission of a completed reinstatement application and payment of a reinstatement fee to the board.

(3) A suspended veterinary facility registration is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal or reinstatement shall not entitle the registrant to allow the practice of veterinary medicine on the premises or from the mobile facility until the suspension has ended, or is otherwise removed by the board, and the right to operate or practice is restored by the board.

(4) A revoked registration is subject to expiration or termination but may not be renewed. If it is reinstated, the registration holder shall pay the reinstatement fee to the board.

(5) A veterinary facility that fails to reinstate its registration within five (5) years after its expiration or termination shall not have it renewed, restored, reissued, or reinstated. A veterinary facility may apply for and obtain a new registration by meeting the requirements of this chapter.

(6) The board may require that a veterinary facility applying for renewal or reinstatement of registration show evidence of completion of continuing education by the veterinarian manager or registered responsible party as prescribed by administrative regulation of the board.

(7) The board may grant inactive registration status and may establish conditions under which inactive registrations may be renewed and reinstated as set forth by administrative regulations promulgated by the board.

→Section 8. KRS 321.175 is amended to read as follows:

It is hereby declared that the practices~~[practice]~~ of veterinary medicine, veterinary technology, and animal euthanasia, and the operation of registered veterinary facilities and board-certified animal control agencies, are privileges which are~~[is a privilege which is]~~ granted by legislative authority in the interest of public health, safety, and welfare, and are subject to regulation and control in the public interest. To protect the public from being misled by incompetent, unscrupulous, and unauthorized practitioners,~~[and]~~ from unprofessional or illegal practices by persons licensed to practice veterinary medicine and veterinary technology, from substandard care, and from unlicensed persons, this chapter is enacted in the interest of the health, safety, and welfare of the animal population and the citizens of Kentucky.

(1) It is declared to be a matter of public interest and concern that the practices of veterinary medicine, veterinary technology, and animal euthanasia, including all allied professions working on animals, as described in this chapter, merit and receive the confidence of the public and that only qualified individuals be permitted to practice these professions in the Commonwealth. This chapter shall be liberally construed to carry out these objectives and purposes.

(a) It is further declared that the intent of this chapter is to regulate the professions of veterinary medicine, veterinary technology, animal euthanasia, and allied professional work on animals and to establish

standards for veterinary premises, both fixed and mobile, and shall result in displacing competition by restricting licensure, permitting, certification, and registration to practice these professions, as this practice is defined and interpreted by the board, to persons and premises determined by the board to be qualified under this chapter.

(b) It is further declared that any resulting restriction on competition is outweighed by the broader interest in protection of the public health, safety, and welfare. It is understood that the regulatory structure calls for veterinarians, veterinary technicians, and citizens-at-large to serve on the board and this chapter recognizes the need for professional expertise provided by veterinarians and veterinary technicians serving the public interest.

(2) This chapter is intended to provide active oversight and supervision through its legislative enactment, the promulgation of administrative regulations, the appointment of board members by the Governor, legal representation of the board by competent counsel, legislative appropriation of moneys and spending authority to support the board, and engagement in the administrative regulation review process under the auspices of the Legislative Research Commission.

(3) It is the purpose of this chapter to promote, preserve, and protect the public health, safety, and welfare by and through the licensure, permitting, certification, registration, and regulation of individuals, whether physically located within or outside of the Commonwealth, who practice veterinary medicine, veterinary technology, and animal euthanasia within Kentucky, and the registration of veterinary facility locations and mobile facilities where veterinary medicine is being practiced. In furtherance of this purpose, this chapter creates the Kentucky Board of Veterinary Examiners, whose members, functions, and procedures shall be established in accordance with this chapter.

(4) The purpose of this chapter is to establish a comprehensive scheme to fully occupy the fields of veterinary medicine, veterinary technology, and animal euthanasia, and provide a uniform regulatory scheme to be enforced by the Kentucky Board of Veterinary Examiners as defined in the scopes of practice.

➔SECTION 9. KRS 321.181 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

As used in this chapter:

(1) "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.

(2) "Allied professional permit" means a credential issued to an allied professional who is permitted by the board to practice on animals in the Commonwealth under the provisions of this chapter and regulations promulgated under this chapter to conduct specialized, limited services to an animal patient;

(3) "Animal" means any member of the animal kingdom other than humans, whether living or dead;

(4) "Animal shelter" means a public agency or private humane society, society for the prevention of cruelty to animals, animal protection shelter or control agency, or other facility that provides shelter and care for homeless, stray, unwanted, or injured animals;

- (5) "Applicant" means a person who submits an application for licensure, certification, permit, or registration, whether complete or not, to the board;
- (6) "Approved allied professional program" means a school or educational program offering specialized training to provide limited services to an animal patient that has been approved by the board under standards established by the board through the promulgation of an administrative regulation;
- (7) "Approved program of continuing education" means an educational program approved by the board or offered by an approved provider of continuing education;
- (8) "Approved provider of continuing education" means any person that has met the requirements of the board to provide educational courses that are designed to ensure continued competence in the practice of veterinary medicine or practice of veterinary technology or animal euthanasia;
- (9) "Approved veterinary medical program" means a school of veterinary medicine or a veterinary medical education program that has been approved by the board under standards established by the board through the promulgation of an administrative regulation;
- (10) "Approved veterinary technology program" means a school of veterinary technology or a veterinary technology education program that has been approved by the board under standards established by the board through the promulgation of an administrative regulation;
- (11) "Background check" means an inquiry within a system for the collection, processing, preservation, or dissemination of criminal history records maintained by one (1) or more local, state, or federal agencies;
- (12) "Board" means the Kentucky Board of Veterinary Examiners created under this chapter;
- (13) "Certificate holder" means a person certified by the board under this chapter;

- (14) "Certified animal control agency" means an animal shelter that is certified under this chapter;
- (15) "Certified animal euthanasia specialist" means a person employed by a certified animal control agency who is authorized by the board, under the provisions of this chapter, to humanely euthanize animals by administering drugs designated by the board for euthanasia and sedation of animals for euthanasia on animals owned by the certified animal control agency or animals in emergency circumstances;
- (16) "Chemical restraint" means the use of any controlled substance, veterinary drug, prescription, veterinary prescription drug, or legend drug that restrains or tranquilizes the animal;
- (17) "Client" means a person, either the owner, owner's agent, or other person presenting the patient for care, who has entered into an agreement with a veterinarian on behalf of a patient for the purposes of obtaining veterinary medical services in person or by any means of communication;
- (18) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;
- (19) "Complementary and alternative veterinary medicine therapies" means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices that are not considered part of conventional veterinary medicine. These therapies include but are not limited to:
- (a) Veterinary acupuncture, acuthery, and acupressure;
 - (b) Veterinary homeopathy;
 - (c) Veterinary manual or manipulative therapy, such as therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy;
 - (d) Veterinary nutraceutical therapy; and

(e) Veterinary phytotherapy;

(20) "Consent" means the veterinarian has informed the client, or the client's authorized representative, in a manner understood by the client or the client's authorized representative, of the diagnostic and treatment options, potential outcomes, risk assessment, and prognosis, and the client has consented to the recommended services or treatment;

(21) "Consultation" means a veterinarian's receipt of advice or assistance in person, or by any method of communication, from a veterinarian or other person whose expertise, in the opinion of the veterinarian, would benefit a patient. Under any circumstance, the responsibility for the welfare of the patient remains with the veterinarian receiving consultation;

(22) "Continuing education" means training that is designed to ensure continued competence in the practice of veterinary medicine, veterinary technology, or for certified animal euthanasia specialists, permitted allied professionals, or any board credential holder;

(23) "Continuing education contact hour" means a fifty (50) minute clock hour of instruction, not including breaks or meals;

(24) "Conviction" means a formal declaration that someone is guilty of a crime by a court of competent jurisdiction and shall include a finding or verdict of guilt, an admission of guilt, a no contest plea, a plea of nolo contendere, or a guilty plea;

(25) "Credential holder" means a person who holds an approved credential issued by the board in accordance with this chapter, which may be one (1) or more of the following:

(a) Certificate;

(b) License;

(c) Permit;

(d) Registration; or

- (e) Special permit;
- (26) "Designated on-site manager" means a person who registers with the board to assume responsibility for the ordering, management, use, and disposal of controlled substances at a board-certified animal control agency;
- (27) "Discipline" means any final order, settlement agreement, reprimand, fine, or other adverse consequence assessed against a person by the board or any of its counterparts in other jurisdictions;
- (28) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting the embryo into another animal or for the purpose of cryopreserving the embryo, or to implant the embryo into any animal, including food and companion animals;
- (29) "Emergency" means the animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life or end suffering;
- (30) "Examination" means a qualifying examination approved by the board as a condition for certification, licensure, permit, or registration;
- (31) "Expired" is a licensure status whereby the credential holder failed to renew the credential in a timely manner, by the deadlines set by the board through the promulgation of an administrative regulation;
- (32) "Extralabel use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling. This includes but is not limited to:
- (a) Use in species or production class not listed in the labeling;
- (b) Use for indications such as disease or other conditions not listed in the labeling;
- (c) Use at dosage levels, frequencies, or routes of administration other than those stated in the labeling; and
- (d) Deviation from the labeled withdrawal time based on these different uses;

(33) "Felony" means a criminal act as defined by any jurisdiction or by definition under federal law;

(34) "Impaired" means that a credential holder, designated on-site manager, veterinarian manager, or registered responsible party may reasonably be unable to perform that person's duties with reasonable skill and safety because of a physical or mental disability or incapacity, including deterioration of mental capacity, loss of motor skills, or substance use or disorder of sufficient degree which may reasonably diminish the person's ability to deliver competent patient care;

(35) "Jurisdiction" means any Commonwealth, state, or territory, including the District of Columbia, of the United States of America, any province of Canada, or a regulatory organization, including international bodies, which issues licenses, registrations, permits, or certificates related to the professional fields of veterinary medicine;

(36) "Licensee" means a person licensed by the board under this chapter;

(37) "Livestock" means bovines, equines, sheep, goats, swine, poultry, captured or cultivated aquatic species, farm-raised cervidae and camelidae, bees, and any other species used in the production of fiber, meat, eggs, honey, milk, and other animal food products;

(38) "Mobile facility" is described in Section 16 of this Act;

(39) "Patient" means any animal or group of animals receiving care from a veterinarian, veterinary technician, veterinary assistant, animal euthanasia specialist, or allied professional;

(40) "Permittee" means a person permitted by the board under this chapter;

(41) "Person" means any individual, firm, partnership, association, joint venture, cooperative, corporation, governmental body, or any other group, legal entity, or combination acting in concert, and whether or not acting as a principal, trustee,

fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of the person;

(42) "Practice of veterinary medicine" means any person who practices veterinary medicine when performing any one (1) or more of the following on an animal:

(a) Directly or indirectly diagnoses, prognoses, corrects, changes, relieves, prevents, supervises, recommends, or performs medical or surgical treatment, including complementary and alternative veterinary medicine therapies, obstetrics, dentistry, oral surgery, acupuncture, laser therapy, manipulation, and all other branches or specialties of veterinary medicine, for the diagnosis, prevention, cure, or relief of a wound, defect, deformity, fracture, bodily injury, disease, or dental, physical, behavioral, or mental condition;

(b) Prescribes, dispenses, or administers any drug, medicine, anesthetic, biologic, appliance, apparatus, application, treatment, or other therapeutic or diagnostic substance or technique for veterinary purposes, in accordance with the applicable federal statutes and regulations governing controlled prescription drugs, legend drugs, and veterinary drugs;

(c) Performs any manual procedure for the diagnosis, treatment, or both of pregnancy, sterility, or infertility, including embryo transfer;

(d) Determines the health, fitness, or soundness of an animal;

(e) Represents oneself directly or indirectly, as engaging in the practice of veterinary medicine; or

(f) Uses any words, letters, or titles as to induce the belief that the individual using them is authorized to practice veterinary medicine under this chapter. This use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine;

(43) "Practice of veterinary technology" means:

- (a) The practices of veterinary technology when performing patient care, professional medical care, monitoring, treatment, or other services on an animal that require a technical understanding of veterinary medicine on the basis of written or oral instruction of a board-licensed veterinarian, or under supervision of a board-licensed veterinarian;
- (b) Representation of oneself directly or indirectly, as a licensed veterinary technician or "LVT"; or
- (c) Use of any words, letters, or titles under the circumstances that would induce the belief that the individual using them is authorized to practice as a veterinary technician under this chapter. This use shall be prima facie evidence of the intention to represent oneself as engaged in practice as a board-licensed veterinary technician;

(44) "Premises" means any place where an animal is located when veterinary medicine is being practiced;

(45) "Prescription" means an order for a drug or medicine, or combination or mixture of drugs or medicines, or proprietary preparation, that is signed, given, or authorized and intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in a patient;

(46) "Registrant" means a person or premises registered with the board under this chapter;

(47) "Registered responsible party" means a person who:

- (a) Does not otherwise hold a credential with the board who is designated as the registered responsible party on a veterinary facility registration and is responsible for its operation and management in conjunction with the veterinarian manager; and
- (b) Is held accountable to the board as a credential holder for any violation of

this chapter and its associated administrative regulations. At a minimum, the registered party shall include all owners and corporate owners of the registered veterinary facility;

(48) "Registered veterinary facility" means a veterinary facility that is registered with the board under this chapter;

(49) "Supervision" pertains to any of the following:

(a) "Supervising veterinarian" means a veterinarian who assumes responsibility for the veterinary care given to a patient by an individual working under the veterinarian's direction. The supervising veterinarian shall have examined the patient pursuant to currently acceptable standards of care;

(b) "Immediate supervision" means the supervising veterinarian is physically in the immediate area and within audible and visual range of the patient and the individual treating the patient;

(c) "Direct supervision" means the supervising veterinarian is readily available on the premises where the patient is being treated; and

(d) "Indirect supervision" means the supervising veterinarian need not be on the premises but has given either written or oral instructions for the treatment of the patient and is readily available for communication;

(50) "Telehealth" and associated terms are defined in Section 1 of this Act;

(51) "Veterinarian" means an individual who is licensed to engage in the practice of veterinary medicine under this chapter;

(52) "Veterinarian manager" is a veterinarian who registers to assume responsibility for the registration, management, and operation of a registered veterinary facility;

(53) "Veterinarian-client-patient relationship" or "VCPR" is defined in Section 10 of this Act;

(54) "Veterinary assistant" means a layperson who is employed by a licensed veterinarian in accordance with Section 29 of this Act;

(55) (a) "Veterinary facility" means any building, place, premises, mobile facility, or mobile unit from which the practice of veterinary medicine and practice of veterinary technology are conducted or performed, including but not limited to a mobile clinic or facility, outpatient clinic, veterinary hospital or clinic, emergency facility, specialty facility, referral facility, or center, temporary health clinic or spay/neuter location.

(b) "Veterinary facility" does not include the premises of a veterinary client unless a veterinary facility is located on the premises, a research facility, a federal military base, locations for temporary animal exhibition, state or federal regulatory facilities, officially designated emergency and disaster response locations, or an American Veterinary Medical Association-accredited college of veterinary medicine or veterinary technology;

(56) "Veterinary specialist" means a veterinarian that has been awarded and maintains certification from an American Veterinary Medical Association-recognized veterinary specialty organization, program, or college, and is registered in this specialty with the board;

(57) "Veterinary student" means:

(a) A person enrolled in any veterinary school or college approved by the American Veterinary Medical Association while pursuing a degree in veterinary medicine; or

(b) A person in a post-Doctor of Veterinary Medicine temporary private internship, residency, or veterinary hospital-based program, not to exceed thirty (30) days in a calendar year;

(58) "Veterinary technician" means a person who has completed an approved veterinary technology program, and who is licensed in accordance with this

chapter. The board may further define subcategories of veterinary technicians in accordance with Section 28 of this Act;

(59) "Veterinary wellness committee" means a committee appointed by the board that shall be composed of individuals who have expertise in the areas of alcohol abuse, chemical dependence, drug abuse, or physical or mental condition designated by the board to perform activities related to the veterinary wellness program; and

(60) "Veterinary wellness program" means the board-sponsored program for the identification, intervention, and monitoring of credential holders or applicants who may be impaired as a result of alcohol abuse, chemical dependence, drug abuse, or any physical or mental condition.

➔Section 10. KRS 321.185 is amended to read as follows:

(1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. The "veterinarian-client-patient relationship" or "VCPR" is the basis for veterinary care and means that:

(a) The veterinarian and the client or other caretaker of the patient both agree for the veterinarian to assume~~[has assumed the]~~ responsibility for making medical judgments regarding the health of the animal~~[and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian];~~

(b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that within the previous twelve (12) months the veterinarian either physically examined the animal or made a medically appropriate in-person visit~~[has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by~~

~~medically appropriate and timely visits]~~ to the premises where the animal is kept; and

- (c) The ~~practicing]~~ veterinarian **has assumed responsibility for providing follow-up care and continuation of care to the patient, except in cases where the veterinarian:**

1. Has arranged for or contracted for emergency or urgent care coverage by another veterinarian who can provide reasonable and appropriate medical care and has notified the client how to access emergency care;

or

2. Has notified the client of an available veterinary facility that can provide reasonable and appropriate medical care~~[is readily available or~~

~~shall provide medical service for follow up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal].~~

- (2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information, **as required by Section 2 of this Act.**

- (3) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client, **Consultation by the veterinarian with another veterinarian or professional expert for the benefit of the patient shall not constitute a violation of confidentiality.**

- (b) A veterinarian shall not release information concerning a client or care of a client's animal, except:

1. On the veterinarian's receipt of:

a. A written authorization or other form of waiver executed by the client; or

b. An appropriate court order or subpoena;~~[or]~~

2. In cases of animal abuse, pursuant to KRS 321.188; or
 3. *In cases of reportable diseases as they relate to public or animal health pursuant to KRS 257.080 and 258.075 and the administrative regulations promulgated under the authority of those statutes.*
- (c) A veterinarian who releases information under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.
- (d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:
1. The nature and extent of the animal's injuries; or
 2. The care and treatment of the animal provided by the veterinarian.
- (e) This subsection shall not apply to:
1. An inspection or investigation conducted by the board or an agent of the board; or
 2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth.
- (4) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.
- (5) A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency or urgent care to an animal when a client cannot be identified shall not be subject to penalty based solely on the veterinarian's inability to establish a VCPR with an owner or the*

owner's representative.

(6) A VCPR cannot be established solely by telehealth means. Without a VCPR, any advice provided through telehealth shall be general and not specific to a patient, diagnosis, or treatment. Veterinary telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in an emergency until that patient can be seen in person by a licensed veterinarian.

➔Section 11. KRS 321.188 is amended to read as follows:

If a veterinarian finds that an animal with which the veterinarian~~[he or she]~~ has a VCPR~~[veterinarian-client-patient-relationship]~~ has been abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the veterinarian may make a report to:

- (1) The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care standard has been promulgated under KRS 257.196; or
- (2) Law enforcement for any other animal.

➔SECTION 12. KRS 321.190 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The practice of veterinary medicine and the practice of veterinary technology in the Commonwealth are subject to enforcement by the board. Except as otherwise provided in this chapter, it shall be unlawful for any person to engage in the practice of veterinary medicine or the practice of veterinary technology in the Commonwealth through any means, unless licensed under the applicable provisions of this chapter, except as provided in Sections 14 and 29 of this Act.

(2) (a) No person shall use the designation "veterinarian," "licensed veterinarian," or any other designation indicating licensure status, including abbreviations, or hold that person out as a veterinarian unless licensed for that profession.

(b) No person shall use the designation "veterinary technician," "licensed veterinary technician," or any other designation indicating licensure status,

including abbreviations, or hold that person out as a veterinary technician unless licensed for that profession.

(3) The practice of veterinary medicine by telephonic, videoconference, telehealth, or other means shall constitute the practice of veterinary medicine subject to licensure and enforcement by the board.

(4) A veterinarian shall utilize the services of a licensed veterinary technician or veterinary assistant in accordance with this chapter and the administrative regulations promulgated under the authority of this chapter. Unauthorized utilization of any person's services in violation of this chapter shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine as described in Section 25 of this Act.

(5) Nothing in this chapter shall be construed to prevent members of other professions from performing functions for which they are licensed and within their scope of practice. However, these persons shall not hold themselves out or refer to themselves by any title or description stating or implying that they are licensed or otherwise entitled to engage in the practice of veterinary medicine or the practice of veterinary technology.

(6) Except as authorized by Section 14 of this Act, nothing in this chapter shall be construed to permit any person who is not a veterinarian to perform any of the following activities relating to animals:

(a) Surgery;

(b) Diagnosis;

(c) Prognosis; and

(d) Prescription.

➔Section 13. KRS 321.193 is amended to read as follows:

The board shall issue a license as a "veterinarian" to an applicant who meets the following requirements:

- (1) *Has completed an application for licensure approved by the board in administrative regulation;*
- (2) Has paid the application fee and the appropriate examination fee;
- (3)~~(2)~~ Is a person of good moral character. *As one (1) element of good moral character, the board shall require each applicant for licensure to submit a full set of the applicant's fingerprints for the purpose of obtaining criminal records checks, pursuant to applicable law. All good moral character information, including the information obtained through the criminal background checks, shall be relevant to licensure eligibility determinations to the extent permitted by law;*
- (4)~~(3)~~ *Has graduated and received a doctorate degree in veterinary medicine or equivalent degree in veterinary medicine from a board-approved veterinary medical program*~~[Has received a degree from a veterinary college approved by the board];~~
- (5)~~(4)~~ Has achieved a passing score~~[, as set by the board by administrative regulation,]~~ on examinations required by administrative regulation promulgated by the board;~~[and]~~
- (6) *Has been approved for licensure by the board; and*
- (7)~~(5)~~ Has complied with any other requirement of the board by administrative regulation.

➔Section 14. KRS 321.200 is amended to read as follows:

- (1) No provision of this chapter shall be construed to prohibit any of the following:
- (a) Any persons from gratuitously treating animals in cases of emergency, provided they do not use the word "veterinarian," "veterinary," "*veterinary technician,*" "*veterinary nurse,*" or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to *engage in the* practice *of* veterinary

medicine or the practice of veterinary technology as described in KRS 321.181~~[(5)]~~;

- (b) The owner of any animal or animals and the owner's full-time, or part-time, regular employees from caring for and treating, including administering drugs that are obtained and used in accordance with applicable state and federal statutes and regulations to, any animals belonging to the owner. With the exception of paragraph (c) of this subsection, treatment shall not include surgery.
1. Transfer of ownership, ~~or~~ a temporary contract, or a temporary change in a person's employment status shall not be used for the purpose of circumventing this provision.
 2. This provision shall not exempt an employee who would otherwise qualify for a board credential from the credentialing requirements of this chapter based on the employment status;
- (c) Any person from castrating and dehorning food animals ~~and dehorning cattle~~, as long as any drugs or medications are obtained and used in accordance with applicable state and federal statutes and regulations governing controlled substances, ~~and~~ legend drugs, and veterinary drugs;
- (d) Any veterinary student as defined in KRS 321.181 from working under the direct supervision of a veterinarian who is ~~duly~~ licensed under this chapter ~~the laws of this Commonwealth~~;
- (e) Unlicensed ~~Nonlicensed~~ graduate veterinarians in the United States Armed Services or employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, from engaging ~~of the United States Department of Agriculture or the Kentucky Department of Agriculture, Division of Animal Health while engaged~~ in the performance of their official duties, ~~or other lawfully qualified veterinarians residing in other states, from~~

~~meeting licensed veterinarians of this Commonwealth in consultation};~~

- (f) *Other lawfully qualified veterinarians residing in and licensed in other jurisdictions, from discussing or meeting, either in person or via telehealth, with licensed veterinarians of this Commonwealth in consultation about a patient so long as the Kentucky-licensed veterinarian has established and maintains a current VCPR with the patient;*
- (g) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-licensed veterinarian, provided there is a *current VCPR*~~[veterinary-client-patient relationship]~~, as defined in KRS 321.185;
- ~~(h)~~^(g) A university faculty member from teaching veterinary science or related courses, or a faculty member or staff member from engaging in veterinary research, including drug and drug testing research, provided that research is conducted in accordance with applicable *state and* federal statutes and regulations governing controlled *substances, prescription drugs, veterinary drugs,* and legend drugs;
- ~~(i)~~^(h) Any person who holds a postgraduate degree in reproductive physiology or a related field, and who has performed embryo transfers in Kentucky during the five (5) years immediately preceding July 14, 1992, from performing embryo transfers *on animals;*
- ~~(j)~~⁽ⁱ⁾ Volunteer health practitioners providing services under KRS 39A.350 to 39A.366;~~[or]~~
- ~~(k)~~^(j) A retailer or its agent from providing information and suggestions regarding the over-the-counter products it sells to treat animals so long as the information and suggestions are consistent with the product label *and species appropriate;*
- (l) A Kentucky-licensed veterinarian from inspecting an animal, or an animal's radiographs or other medical records, on behalf of a potential*

buyer or potential seller, without regard to the existence of a VCPR;

(m) Any persons from implanting a microchip in an animal for the purposes of identification or the establishment of ownership; or

(n) A veterinarian who is licensed in another United States or Canadian jurisdiction, and is in good standing in that jurisdiction, and meets all criteria for licensure in Kentucky, and who has an active application on file with the board pending for less than ninety (90) days, from working as a veterinarian in Kentucky under the supervision of a Kentucky-licensed veterinarian while the board application for licensure is being processed, so long as the place of employment, start date, contact information where the applicant works, and a supervising veterinarian are disclosed in the application.

(2) (a) An unlicensed veterinarian who does not qualify for licensure in Kentucky and who is a nonresident of the United States may be employed in this Commonwealth^[state] to engage in the practice of veterinary medicine for not more than thirty (30) days in a calendar^[of each] year, provided the person^[he or she]:

1. Holds a valid, current license as a veterinarian in the person's^[his or her] home country;
2. Practices under the direct supervision of a veterinarian licensed in Kentucky;
3. Registers with the board prior to commencing practice in the Commonwealth^[state]; and
4. Agrees to practice and follow all the rules and administrative regulations of this chapter and be subject to discipline for violations of those rules and administrative regulations by the Kentucky Board of Veterinary Examiners.

(b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible for a Kentucky license under this chapter.

(3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.

➔Section 15. KRS 321.201 is amended to read as follows:

(1) The board may issue a special permit to practice veterinary medicine to **an unlicensed**~~[a nonlicensed]~~ veterinarian who is a qualified applicant to become a licensed veterinarian **and who is awaiting the pending results of a board-approved national examination or the final examination stage of a board-approved foreign education equivalency program.**~~[by examination.]~~

(2) **Individuals seeking to obtain a special permit shall apply to the board for licensure and shall be**~~[who is]~~ employed by and **working** under the direct supervision of a Kentucky~~[]~~ licensed veterinarian. **The application shall include a letter of recommendation and acknowledgement of supervisory responsibilities and signed by each the supervising licensed veterinarian.**

(3) The special permit shall **not** be issued **until**~~[after]~~ the application has been **submitted**~~[made]~~ to take the next examination given by **a board-approved examination provider**~~[the board and the required fees paid. A letter of recommendation from the supervising licensed veterinarian shall be submitted with the application].~~

(4) The special permit shall expire **seven (7) business days**~~[the day]~~ after the notice of results of the first examination given after the permit was issued.

(5)~~[(2)]~~ A special permit **holder** may be subject to the disciplinary procedures as set forth in KRS 321.351.

(6) **If the special permit holder does not pass an examination attempt, the person may apply for and obtain a new special permit for subsequent examination attempts. The board shall not issue any individual person more than a total of**

four (4) special permits.

➔Section 16. KRS 321.205 is amended to read as follows:

(1) A veterinarian may utilize a "mobile facility" or "mobile unit" to conduct business and engage in the practice of veterinary medicine.

(2) The mobile facility shall be registered under a current veterinary facility registration with the Kentucky Board of Veterinary Examiners in accordance with Sections 6 and 7 of this Act and the administrative regulations promulgated under the authority of this chapter.

(3) The mobile facility and its operators shall comply with all applicable local, state, and federal laws.

(4) The mobile facility may:

(a)~~(1)~~ Make farm or house calls in a motor vehicle or utilize a motor vehicle equipped with special medical or surgical equipment **appropriate for the species-specific services offered** if the veterinarian has a permanent base of operations with a published address and telephone number ~~recorded with the board~~ where the veterinarian may be contacted. **The published contact information shall be on file with the board;**

(b)~~(2)~~ Apply the principles of environmental sanitation, food inspection, animal nutrition, artificial insemination, environmental pollution control, zoonotic disease control, and disaster medicine in the promotion and protection of public **and animal** health **in accordance with administrative regulations promulgated under this chapter;** and

(c)~~(3)~~ Engage in the collection of hazardous biological specimens and the use of vaccine which may be injurious to humans, in accordance with applicable **state and** federal statutes and regulations.

➔Section 17. KRS 321.207 is amended to read as follows:

(1) The **Kentucky** Board of Veterinary Examiners, upon submission of a complete

application and payment of a fee established by the board, shall issue to any animal shelter~~[control agency]~~ that it determines to be qualified, an authorization to apply to the United States~~[federal]~~ Drug Enforcement Administration (DEA)~~[Agency, including any successor entity,]~~ for a controlled substance registration~~[restricted controlled substance registration certificate]~~ for the purchase, possession, storage, and administration~~[use]~~ of the specific~~[sodium pentobarbital or other]~~ drugs approved~~[as authorized]~~ by the board~~[for administration by a certified animal euthanasia specialist]~~ to euthanize or sedate animals for euthanasia for animals owned by the board-certified animal control agency, or in the case of an emergency, of injured, sick, or abandoned animals.

(a) A certified animal control agency that successfully obtains a DEA controlled substance registration shall comply with all state and federal laws related to the ordering, purchase, storage, tracking, management, and disposal of the drugs obtained under the controlled substance registration.

(b) A certified animal control agency shall comply with certification renewal requirements as set forth in Section 4 of this Act or the certificate shall expire.

(2) A certified animal control agency~~[To satisfy the board's authorization, the applicant]~~ shall comply with administrative regulations promulgated by the board which contain standards for proper storage and handling of the drugs the board has approved~~[authorized]~~ for this use, and any other provisions as may be necessary to ensure that the drugs are used safely and solely for the purpose set forth in this section.

(3) The requirements for inspections shall include the following:

(a) A certified animal control agency shall submit to periodic inspections by the board or its authorized representatives to ensure compliance with DEA controlled substance registration and board requirements;

(b) An applicant for certification as a certified animal control agency shall submit to an inspection by the board or its authorized representatives prior to certification by the board to ensure adequate security for controlled substances storage; and

(c) A previously certified animal control agency with an expired certificate shall submit to inspections by the board or its authorized representatives to ensure proper log updates, removal, and disposal of all drugs obtained under the DEA controlled substance registration.

(4) Upon submission of a complete application, payment of a fee established by the board, and successful completion of a board-approved animal euthanasia specialist training course by the applicant, the Kentucky Board of Veterinary Examiners shall issue to a~~any~~ person whom it determines to be qualified, a certificate for the person to function as a certified animal euthanasia specialist, subject to the following restrictions:

(a) A certified animal euthanasia specialist shall comply with certification renewal requirements as set forth in Section 4 of this Act or the certificate shall expire;

(b) A certified animal euthanasia specialist shall maintain an employment relationship with a certified animal control agency to be qualified to practice animal euthanasia;

(c) A certified animal euthanasia specialist is authorized to perform euthanasia only on the premises of the certified animal control agency, except in case of an emergency;

(d) A certified animal euthanasia specialist shall euthanize only animals that are owned by the certified animal control agency, or in cases of emergency. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this subsection;

(e) A certified animal euthanasia specialist shall not perform euthanasia at a private residence; and

(f) A certified animal euthanasia specialist shall not perform euthanasia for a fee or other personal gain.

(5)~~(4)~~ Euthanasia of animals in a certified animal control agency shall **only** be performed by:

(a) A licensed veterinarian;~~including~~

(b) A licensed veterinary technician~~employed by and~~ functioning under the~~direct~~ supervision of a licensed veterinarian;~~or~~

(c) A certified animal euthanasia specialist as provided for in subsection (4)~~(3)~~ of this section.

(6) A certified animal control agency that employs a certified animal euthanasia specialist may purchase, possess, and administer **the specific**~~sodium pentobarbital or other~~ drugs **approved by**~~that~~ the board~~approves~~ for the euthanasia **or sedation** of animals **for euthanasia**. **The specific**~~Sodium pentobarbital and other~~ drugs approved by the board shall be the only drugs used **by certified animal euthanasia specialists** for the euthanasia of animals **or sedation of animals for euthanasia** in a certified animal control agency.

(7)~~(5)~~ Certified animal control agencies and certified animal euthanasia specialists shall be required to renew their certificates at intervals, upon conditions, and upon the payment of fees established by the board **through the promulgation of administrative regulations**.

(8) A veterinarian who is contracted or otherwise employed by an animal shelter shall not store drugs obtained under the veterinarian's DEA controlled substance registration in the same locked storage unit where the drugs obtained under another DEA controlled substance registration are stored.

(a) Separate and secure storage arrangements, drug logs, drug order forms,

and secure, limited access shall be required for each separate DEA controlled substance registration.

(b) A veterinarian shall not store drugs ordered under the veterinarian's DEA controlled substance registration at an animal shelter unless the DEA controlled substance registration under which the drugs are ordered lists the animal shelter address as the registrant address.

➔ Section 18. KRS 321.211 is amended to read as follows:

- (1) Each person licensed as a veterinarian shall biennially submit a completed renewal application and~~[, on or before September 30 of each even-numbered year,]~~ pay to the board a renewal fee~~[to be promulgated by administrative regulation of the board]~~ for the renewal of the person's~~[his]~~ license~~[. All licenses not renewed by September 30 of each even-numbered year shall expire based on the failure of the individual to renew in a timely manner].~~
- (2) A sixty (60) day grace period shall be allowed after the renewal deadline~~[September 30]~~, as required for renewal in subsection (1) of this section, during which time individuals may renew their licenses upon submission of a completed renewal application and payment of the renewal fee plus a late renewal fee~~[as promulgated by administrative regulation of the board]~~. All licenses not renewed by the grace period deadline~~[November 30]~~ shall expire~~[terminate]~~ based on the failure of the individual to renew in a timely manner. Upon expiration~~[termination]~~, the licensee is no longer eligible to engage in the practice of veterinary medicine in the Commonwealth.
- (3) After the sixty (60) day grace period, individuals with an expired~~[a terminated]~~ license may have their licenses reinstated upon submission of a completed reinstatement application and payment of~~[the renewal fee plus]~~ a reinstatement fee~~[as promulgated by administrative regulation of the board]~~. No person who applies for reinstatement after expiration~~[termination]~~ of the person's

veterinarian~~[his]~~ license shall be required to submit to an~~[any]~~ examination as a condition for reinstatement, if the reinstatement application is made within five (5) years from the date of expiration~~[termination]~~.

- (4) A suspended veterinarian license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal or reinstatement shall not entitle the licensee to engage in the practice of veterinary medicine until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.
- (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee~~[as set forth in subsection (3) of this section and the renewal fee as set forth in subsection (1) of this section]~~.
- (6) A person who fails to reinstate the person's veterinarian~~[his]~~ license within five (5) years after its expiration or termination shall~~[may]~~ not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the~~[current]~~ requirements of this chapter.
- (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as promulgated~~[prescribed]~~ by the board in~~[by]~~ administrative regulation.
- (8) The board may grant retired or inactive licensure status and may establish conditions under which retired or inactive licenses may be renewed and reinstated as set forth by the board in administrative regulation~~[regulations promulgated by the board]~~.

➔Section 19. KRS 321.221 is amended to read as follows:

- (1) The board may issue a credential~~[license]~~ by endorsement to any applicant who, upon submitting a completed application~~[applying]~~ to the board and remitting a fee established in administrative regulation~~[set by the board]~~, demonstrates to the board that the applicant~~[he]~~ has met the following requirements:

- (a) The applicant is a graduate of *an approved*~~[a]~~ veterinary *medical program, approved veterinary technology program, or other educational program*~~[college]~~ approved by the board *as appropriate to the board credential*;
- (b) The applicant is of good moral character. *As one (1) element of good moral character, the board shall require each applicant to submit a full set of fingerprints for the purpose of obtaining criminal records checks, pursuant to applicable law. All good moral character information, including the information obtained through the criminal background checks, shall be relevant to credential eligibility determinations to the extent permitted by law*;
- (c) The applicant holds a valid *credential*~~[license]~~ to practice veterinary medicine, *veterinary technology, animal euthanasia, or an allied profession* and has *engaged in the practice*~~[practiced veterinary medicine]~~ in another state~~[of the United States]~~, the District of Columbia,~~[or]~~ a territory of the United States, *or a province of Canada* for at least one (1) year immediately preceding application, if the requirements for *credentialing*~~[licensure]~~ in the issuing state *or province* are equal to or higher than the standards required for the issuance of a new *credential*~~[license]~~ under the provisions of this chapter;~~;~~
and
- (d) The applicant has passed an examination given by the board on the laws and administrative regulations of the Commonwealth *as required in administrative regulations promulgated by the board under the provisions of this chapter; and*
- The applicant has been approved for licensure by the board*~~[of Kentucky governing the practice of veterinary medicine].~~
- (2) The board shall not issue a *credential*~~[license]~~ by endorsement to any applicant who

is under investigation in another state, territory, ~~or~~ the District of Columbia, a Canadian province, or any jurisdiction for an act which could result in disciplinary action in that jurisdiction until the investigation and disciplinary proceedings have been completed.

➔Section 20. KRS 321.230 is amended to read as follows:

There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners."

(1) The board shall consist of **ten (10) members:**

(a) Nine (9) members **shall be** appointed by the Governor, **as follows:**~~and the Commissioner of Agriculture or the Commissioner's designee.~~

1. Seven (7) members shall be citizens of the Commonwealth ~~of Kentucky~~ and shall **be veterinarians,** each ~~have been~~ lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least two (2) years **immediately**~~next~~ preceding the date of the member's appointment; ~~and~~

2. One (1) member shall be a **citizen of the Commonwealth and shall be a** citizen at large who is not associated with or financially interested in the **practices or businesses**~~practice or business~~ regulated; **and** ~~and~~

3. One (1) member shall be a citizen of the Commonwealth and a licensed veterinary technician who has been employed in the veterinary field in the Commonwealth for at least two (2) years preceding the date of **the member's**~~his or her~~ appointment; **and**

(b) One (1) member shall be the Commissioner of Agriculture or designee.

(2) Whenever possible, the Governor shall ensure that appointments to the board maintain a composition that includes diverse representation from each of the following areas:

(a) Species of animals served, including food animals, equines, small animals,

and other species; and

(b) All regional areas of the Commonwealth, including eastern Kentucky, western Kentucky, central Kentucky, and northern Kentucky.

(3) All appointed members shall be appointed for a term of four (4) years and shall serve until the member is reappointed or a **qualified** successor is appointed. **The terms shall be evenly staggered, so that no more than three (3) members are appointed to full terms in any given calendar year.**

(4) Any vacancy in the appointed membership of the board shall be filled for the unexpired term by appointment by the Governor.

(5) Each member of the board shall receive one hundred dollars (\$100) per day for each day **or substantial part of a day** of service actually given in carrying out **the member's**^[his] duties under this chapter, in addition to **the member's**^[his] necessary traveling, hotel, and contingent expenses incurred in attending the meetings of the board and in the performance of **the member's**^[his] duties.

(6) A board member may be removed by the Governor, or removed by a three-fourths (3/4) majority vote of the board upon one (1) or more of the following grounds:

(a) A poor attendance record, neglect of duty, or malfeasance in office;

(b) The refusal or inability for any reason of a board member to perform the duties as a member of the board in an efficient, responsible, and professional manner;

(c) The misuse of office by a member of the board to obtain financial or material gain or advantage personally or for another through the office;

(d) A final adjudication by a recognized body including the courts that the board member is in violation of the laws governing the practice of veterinary medicine or the practice of veterinary technology; or

(e) Other just and reasonable causes as determined solely by the board pursuant to applicable law. In these cases, removal of a member of the

board shall be in accordance with KRS Chapters 13A and 13B, or other applicable laws.

➔SECTION 21. KRS 321.235 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The board shall:

- (a) Administer and enforce this chapter and set and evaluate the qualifications of applicants for licensure, certification, permitting, and registration;
- (b) Promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of this chapter;
- (c) Promulgate administrative regulations to establish the fee amounts for all fees required by this chapter and the fees for services provided by the board. Fees may not exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of this chapter, including costs related to administration, overhead, staffing, information technology, investigations, inspections, administrative procedures, court costs, supplies, equipment, travel, educational awards, and education and outreach efforts;
- (d) Promulgate a code of conduct governing the practice of veterinary medicine that shall be based upon generally recognized principles of professional conduct; and
- (e) Maintain jurisdiction over persons and premises, regardless of their licensure, certificate, permit, or registration status relative to acts, omissions, complaints, and investigations which occurred during the licensure, certification, permit, or registration period. The board shall also maintain jurisdiction over registered facilities, irrespective of their registration status, relative to acts, omissions, complaints, and investigations which occurred during the registration period. This jurisdiction shall be for purposes of enforcement of this chapter and any

administrative regulations promulgated under this chapter, including the assessment and collection of fines, costs, and attorneys' fees. Jurisdiction of the board shall also extend to persons engaging in the unauthorized practice of veterinary medicine, unauthorized practice of veterinary technology, unauthorized practice of animal euthanasia, or unauthorized practice of an allied professional on animals. Licensees, certificate holders, permittees, and registrants shall not divest the board of jurisdiction by changing or relinquishing licensure, certificate, permit, or registration status.

(2) The board may:

- (a) Issue subpoenas, compel the attendance of witnesses and the production of accounts, books, and records, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating this chapter;
- (b) Establish in administrative regulation and enforce standards or criteria of programs or other mechanisms to ensure the continuing competence of licensees, certificate holders, permittees, and registrants;
- (c) Establish in administrative regulation and enforce minimum standards and codes of conduct for its licensees, certificate holders, permittees, and registrants;
- (d) Establish in administrative regulation and enforce minimum standards for the registration of veterinary facilities and mobile facilities;
- (e) Promulgate administrative regulations regarding allied professional practices or procedures on animals and the permitting thereof, including minimum requirements, board oversight, and conditions for application, permitting, renewal, and reinstatement;
- (f) Promulgate administrative regulations consistent with this chapter to

establish:

1. Specific duties and responsibilities of the board;
 2. Administration of licensure, certification, permitting, or registration;
and
 3. Standards in veterinary medicine, medical records, and other matters pertaining to veterinarians, veterinary technicians, animal control agencies, animal euthanasia specialists, designated on-site managers, allied professionals, veterinary facilities, veterinarian managers, registered responsible parties, or unlicensed persons;
- (g) Conduct investigations, inspections, and hearings, and keep records and minutes necessary to carry out the function of this chapter;
- (h) Enter and inspect any property or premises for the purpose of investigating either actual or suspected veterinary practices, including practice vehicles and mobile facilities, at any time for the purpose of ascertaining compliance or noncompliance with this chapter, or any administrative regulation that may be promulgated under this chapter, in accordance with protocols established in this chapter and by the board in an administrative regulation;
- (i) Evaluate the qualifications for and authorize the issuance of licenses, certificates, permits, and registrations to qualified candidates and premises;
- (j) Renew or deny licenses, certificates, permits, and registrations, require continuing education as a condition for renewal, and promulgate administrative regulations regarding the issuance and renewal of retired and inactive licenses, certificates, permits, and registrations;
- (k) Limit, reprimand, suspend, or revoke licenses, certificates, permits, and registrations, or impose supervisory or probationary conditions upon licensees, certificate holders, permittees, or registrants, or impose administrative disciplinary fines, issue written reprimands, or any

combination thereof;

(l) Issue a notice to comply or a notice of violation to any person for violations of any provision of this chapter or administrative regulations promulgated pursuant to this chapter. A "notice to comply" or "NC" may be issued during the inspection process to request additional information needed to determine compliance or as a notice to correct a minor violation found during the inspection. Failure to take corrective action may lead to the issuance of a "notice of violation" or "NOV." A "notice of violation" means that a business or person is operating in violation of the law and subject to penalty pursuant to this chapter. Each day or part of a day that the violation continues is a separate violation subject to daily penalties. A notice of violation shall contain:

1. A citation to the statutory or regulatory requirement that has been or is being violated;
2. A description of the circumstances surrounding the violation, set forth in common and concise language;
3. Measures required to correct the violation;
4. A reasonable time for correction, if the respondent cannot take measures to correct the violation immediately; and
5. Notice of rights of appeal.

(m) Advise, consult, and cooperate with other agencies of the Commonwealth, other states, the federal government, interstate and interlocal agencies, and affected persons, groups, and industries;

(n) Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary medicine or practice of veterinary technology by unlicensed persons, or against any person for the enforcement of this chapter or any administrative regulations promulgated pursuant to this

chapter;

(o) Appoint from its own membership or staff one (1) or more members or personnel to act as representatives of the board at any meeting within or outside the Commonwealth; and

(p) Implement an educational award program to award scholarships or educational awards as determined by the board, to a person in the act of advancing toward, or having completed a degree in, veterinary medicine or veterinary technology from an approved veterinary medical program or approved veterinary technology program, and may take any other appropriate action to effectuate the Veterinary Medicine Practice Act.

1. The selected awardee or awardees shall agree to sign an award contract guaranteeing to provide food animal or rural veterinary services or to protect public health in a veterinary resource shortage area identified by the board. Failure of an awardee to comply with the terms of the award contract shall be cause for the board to seek reimbursement of the award.

2. The board may contract with other state agencies and nonprofit organizations for the endowment, management, and administration of the educational award program. The requirements for the educational awards program, including application requirements, criteria for selecting applicants, criteria for identifying veterinary resource shortage areas, and criteria for prioritizing underserved areas, shall be determined by the board in administrative regulation. However, nothing contained in this section shall be construed as requiring the board to endow or award any scholarship or educational award.

(3) As a part of any board investigation under this section or Section 25 of this Act, the board may require an applicant, credential holder, or any other person

engaging in a veterinary practice or activity regulated by the board under this chapter to submit to a criminal background investigation conducted in accordance with Section 5 of this Act.

(4) Members of the board, its agents, and employees shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed by them in good faith.

➔ Section 22. KRS 321.237 is amended to read as follows:

(1) The board ~~may~~~~shall have the authority to~~ establish a veterinary wellness committee to undertake the functions and responsibilities of a veterinary wellness program. The functions and responsibilities may include any of the following:

(a) Receiving and evaluating reports of suspected impairment or incapacitation from any source;

(b) Issuing an order directing an applicant, certificate holder, licensee, designated on-site manager, permittee, registrant, or veterinarian manager to undergo a mental or physical examination or chemical dependency evaluation, when probable cause exists that the credential holder has engaged in conduct prohibited by this chapter or a statute or administrative regulation enforced by the board. For the purpose of this section, every credential holder is considered to have consented to undergo a mental or physical examination or chemical dependency evaluation when ordered to do so, in writing, by the board and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication;

(c) Intervening in cases of verified or suspected impairment or incapacitation; or

~~(d)~~~~(e)~~ Referring impaired or incapacitated credential holders, registrants, designated on-site managers, veterinarian managers, or

applicants~~[veterinarians]~~ to treatment programs **as a requirement of initial or continued licensure, certification, registration, or permitting.**

- (2) Other provisions of law notwithstanding, all board and committee records pertaining to the veterinary wellness program shall be kept confidential. No person in attendance at any meeting of the committee shall be required to testify as to any committee discussions or proceedings.
- (3) Other provisions of law notwithstanding, no member of the board or the veterinary wellness committee shall be liable for damages to any person for any acts, omissions, or recommendations made by the member in good faith while acting within the scope of the member's responsibilities in accordance with this section.

➔Section 23. KRS 321.240 is amended to read as follows:

- (1) The board shall annually elect a chair and a vice chair from the appointed members of the board. **Officers of the board shall serve for terms of one (1) year and until a successor is elected, as long as the officer holds a current appointment to the board.**
- (2) The board shall hold at least two (2) **regular** meetings annually and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the chair or upon written request of three (3) members of the board.
- (3) Five (5) members of the board shall constitute a quorum to conduct business.
- ~~(4)~~~~(3)~~ The board may employ **its own executive director and staff, or employ** or contract with any other persons it deems necessary to carry on the work of the board and shall define their duties and fix their compensation. **Should the board prefer not to directly employ or contract with persons to serve as its executive director or staff, the board may enter into a contract with another state agency in which the board shall pay to the agency a sum sufficient to offset that agency's costs in the salary and benefits of one (1) or more employees who will be assigned to serve the board as its executive director and staff.**

- ~~[(4) Upon recommendation of the board, the Governor may remove any member of the board for a poor attendance record, neglect of duty, or malfeasance in office.~~
- ~~(5) The board shall promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of this chapter, including regulations to establish authorized fees. Fees may not exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of this chapter.~~
- ~~(6) The board shall promulgate a code of conduct governing the practice of veterinary medicine which shall be based upon generally recognized principles of professional ethical conduct.]~~

➔ Section 24. KRS 321.320 is amended to read as follows:

- (1)** All fees and other moneys received by the board pursuant to the provisions of this chapter shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board.
- (2)** No part of this revolving fund shall revert to the general funds of this Commonwealth.
- (3) All expenses incurred by the board shall be paid from this revolving fund, including:**
- (a)** The compensation of members of the board;
- (b) Salaries, wages, and benefits**~~[and all]~~ of the employees of the board;
- (c) Payment of contractors hired by the board;**
- (d) Administrative services provided to the board;**
- (e) Investigative and legal services;**
- (f) Technology expenses related to administration of this chapter;** and
- (g)** All **other** expenses incurred by the board~~[shall be paid from this revolving fund]~~.
- (4) Scholarships and other educational awards approved by the board for the**

purpose of promoting persons entering into the fields of veterinary medicine shall be paid from this revolving fund.

(5) The board may receive and expend funds, in addition to fees collected from parties other than applicants and credential holders, provided that these funds shall be used in the pursuit of a specific objective that the board may accomplish by this chapter or which the board is qualified to accomplish by reason of its jurisdiction or professional expertise.

➔Section 25. KRS 321.351 is amended to read as follows:

- (1) The board may refuse to issue a *credential*~~[license]~~, or may suspend, revoke, impose probationary or supervisory conditions upon, impose an administrative fine not to exceed five thousand dollars (\$5,000) per violation, issue a written reprimand, issue a private admonishment, or any combination of actions regarding any *credential holder*~~[licensee]~~ upon proof that the *credential holder*~~[licensee]~~ has:
- (a) Committed any act of dishonesty or corruption, if in accordance with KRS Chapter 335B. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the *credential holder*~~[licensee]~~ or applicant. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;
 - (b) Misrepresented or concealed a material fact in obtaining a *board credential*~~[license]~~, or in reinstatement of a *board credential*~~[license]~~;
 - (c) Committed any unfair, false, misleading, or deceptive act or practice;
 - (d) Been incompetent or negligent in the practice of veterinary medicine, *the practice of veterinary technology, animal euthanasia, allied professional activities, or any associated professional activities;*

- (e) Violated any~~[-state]~~ statute or administrative regulation governing the practice of veterinary medicine, ***veterinary technology, animal euthanasia, allied professional activities, or any associated professional activities***~~[- or any activities undertaken by a veterinarian];~~
 - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
 - (g) Violated the code of~~[-ethical]~~ conduct as set forth by the board by administrative regulation;~~[-or]~~
 - (h) ***Become impaired or incapacitated and unable to perform that person's duties with reasonable skill and safety; or***
 - (i) Violated any applicable provision of any federal or state law or regulation regarding the dispensing of controlled ***substances, veterinary drugs, veterinary prescription drugs,*** or legend drugs, if in accordance with KRS Chapter 335B.
- (2) Five (5) years from the date of a revocation, any person whose ***board credential***~~[license]~~ has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the ***board credential***~~[license]~~ upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in~~[-the]~~ practice~~[-of veterinary medicine]~~.
- (3) When in the judgment of the board, an alleged violation is not of a serious nature, and the evidence presented to the board after the investigation and appropriate opportunity for the ***credential holder***~~[licensee]~~ to respond, provides a clear indication that the alleged violation did in fact occur, the board may issue a written reprimand to the ***credential holder***~~[licensee]~~. A copy of the reprimand shall be placed in the permanent file of the ***credential holder***~~[licensee]~~. The ***credential holder***~~[licensee]~~ shall have the right to file a response to the reprimand within thirty

- (30) days of its receipt and to have the response placed in the permanent licensure file. The **credential holder**~~[licensee]~~ may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request the board shall set aside the written reprimand and set the matter for hearing.
- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order, **settlement agreement**, or accept an assurance of voluntary compliance with the **credential holder**~~[licensee]~~ which effectively deals with the complaint.
- (5) The board may reconsider, modify, or reverse its probation, **reprimand**, suspensions, or other disciplinary action.
- (6) Private admonishment shall not be subject to disclosure to the public under KRS 61.878 and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in a subsequent disciplinary action against the **credential holder**~~[licensee]~~ or applicant.
- (7) As a part of any board investigation under this section or Section 21 of this Act, the board may require an applicant, credential holder, or any other person engaging in a veterinary practice or activity regulated by the board under this chapter to submit to a criminal background investigation conducted in accordance with Section 5 of this Act.**
- (8) For the purposes of this section:**
- (a) "Credential" means:**
- 1. Any license, certificate, permit, registration, or other credential issued or approved by the board; or**
 - 2. The authorization to serve as the veterinarian manager or registered responsible party designated on a veterinary facility registration or as the designated on-site manager designated for a certified animal control agency; and**

(b) "Credential holder" means a person who:

- 1. Holds any license, certificate, permit, registration, or other credential issued or approved by the board; or**
- 2. Serves as the veterinarian manager or registered responsible party designated on a veterinary facility registration or serves as the designated on-site manager designated for a certified animal control agency.**

➔Section 26. KRS 321.353 is amended to read as follows:

- (1) The board may, by a majority vote, issue an emergency order for the immediate, temporary suspension of a license, **certificate, permit, or registration** against which disciplinary action, an investigation, or initiating complaint is pending if the order is necessary to protect the public.
- (2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of the **credential holder's**~~[licensee's]~~ clients,~~[or]~~ animals, or the general public.
- (3) A licensee, **certificate holder, permittee, or registrant** may appeal the emergency order by filing a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.
- (4) The appeal of an emergency order shall address only the necessity for the action and shall not constitute an appeal of the merits of the underlying complaint or charge.
- (5) The emergency order shall remain in effect until modified or vacated by the board or hearing officer or superseded by final disciplinary action of the board or hearing officer on the underlying complaint or charge.
- (6) The board shall expedite disciplinary hearings in which a licensee, **certificate holder, permittee, or registrant** has been suspended under subsection (1) of this

section.

- (7) Any party aggrieved by a final order of the board may appeal to the Franklin Circuit Court after a written decision is issued by the board in accordance with KRS Chapter 13B.

➔Section 27. KRS 321.360 is amended to read as follows:

- (1) Except as provided in KRS 321.353, the board, before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, or any combination of actions regarding any license, *certificate, permit, or registration, or regarding any veterinarian manager, registered responsible party, or designated on-site manager* under the provisions of this chapter, shall set the matter for hearing in accordance with KRS Chapter 13B. After denying an application under the provisions of this chapter, or issuing a written reprimand, the board shall grant a hearing in accordance with KRS Chapter 13B to the denied applicant only upon written request of the applicant made within thirty (30) days of the date of the letter advising of the denial or the reprimand.
- (2) Any party aggrieved by a final order of the board may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

➔Section 28. KRS 321.441 is amended to read as follows:

- (1) The board shall issue a license as a veterinary technician to an applicant who:
- (a) Is a graduate of an *approved*~~accredited program of~~ veterinary technology *program*~~or its equivalent as approved by the board~~, with an associate or bachelor's degree related to veterinary technology;
 - (b) Obtains a passing score on an examination as determined by the board to assess the qualifications and fitness of an applicant to engage in the practice;~~;~~
~~and~~
 - (c) *Is a person of good moral character. As one (1) element of good moral character, the board shall require each applicant for licensure to submit a*

full set of the applicant's fingerprints for the purpose of obtaining criminal records checks, pursuant to applicable law. All good moral character information, including the information obtained through the criminal background checks, shall be relevant to licensure eligibility determinations to the extent permitted by law;

(d) Has met all the requirements of the board as established by administrative regulation of the board; and

(e) Has been approved for licensure by the board.

(2) For the purpose of this chapter, "veterinary technician," "veterinary technologist," "veterinary nurse," or any other category of veterinary technician defined by the board in administrative regulation shall have the same meaning as "veterinary technician" under this chapter.

(3) The board shall promulgate administrative regulations for one (1) or more categories of veterinary technicians defining the:

(a) Minimum qualifications required;

(b) Specific tasks that the licensee may perform under a veterinarian's supervision; and

(c) Specific tasks that the licensee shall not perform.

(4) The practice of veterinary technology by telehealth or other means shall constitute the practice of veterinary technology subject to licensure and enforcement by the board.

(5) A veterinary technician who performs veterinary technology contrary to this chapter shall be subject to disciplinary actions in a manner consistent with this chapter applicable to licensed veterinarians~~[defining the scope of practice of the veterinary technician as well as the delegable duties from a licensed veterinarian].~~

~~(6)~~⁽³⁾ Each veterinary technician licensed by the board shall pay an annual fee as prescribed by the board.

- (7) Each veterinary technician licensed by the board shall complete~~[attend]~~ annual continuing education hours to renew the license as required by the board in administrative regulation~~[to renew the license]~~.
- (8) Failure to renew shall result in the expiration~~[termination]~~ of the license~~[. If a hearing is requested upon the rejection of an application, or upon the termination of a license, a hearing shall be conducted in accordance with the KRS 321.360.~~
- ~~(4) The services of a licensed veterinary technician shall be limited to the performance of duties under the direct supervision of a licensed veterinarian, except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists. A licensed veterinary technician shall receive no fee or compensation for services other than salary or compensation paid by the establishment by which the licensed veterinary technician is employed. A licensed veterinary technician shall not participate in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is on the premises. A licensed veterinary technician shall not diagnose, prescribe medication or treatment, or perform surgical procedures other than castrating and dehorning of food animals. A licensed veterinary technician may assist a veterinarian in all duties of veterinary medicine and surgery].~~
- (9)~~(5)~~ A veterinarian shall utilize the services of a licensed veterinary technician in accordance with the terms and provisions of this chapter. Unauthorized utilization of licensed veterinary technicians by veterinarians shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine as described in KRS 321.351.
- (10)~~(6)~~ Nothing in this section shall prohibit volunteer health practitioners from providing services under KRS 39A.350 to 39A.366.

(11) Except as authorized by Section 14 of this Act, no person shall practice as a veterinary technician or perform any of the duties usually performed by a veterinary technician unless the person holds a license to practice as a veterinary technician issued and validly existing under the laws of this Commonwealth, as provided in the Kentucky Veterinary Medicine Practice Act.

➔Section 29. KRS 321.443 is amended to read as follows:

(1) A veterinary assistant **shall only work in the Commonwealth in the following circumstances:**

(a) Under the supervision of a board-licensed veterinarian where a VCPR exists; or

(b) Under the direct supervision of a board-licensed veterinary technician who is under the supervision of a licensed veterinarian where a VCPR exists~~[may work only under the direct supervision of a veterinarian except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists].~~

(2) Duties of a veterinary assistant shall exclude diagnosing, prescribing medication or treatment, and performance of surgical procedures other than castrating and dehorning of food animals.

(3) **A veterinary assistant and the veterinary assistant's employer shall not represent the veterinary assistant as a veterinary technician.**

(4) A veterinary assistant who performs the duties of a veterinary assistant contrary to this chapter or outside the scope defined by the board shall be subject to disciplinary actions in a manner consistent with this chapter applicable to licensed veterinarians.

(5) A veterinarian shall utilize the service of a veterinary assistant in accordance with

the terms and provisions of this chapter. Unauthorized utilization of veterinary assistants shall be considered as aiding and abetting an unlicensed person to practice veterinary medicine as described in KRS 321.351.

➔SECTION 30. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

(1) The board shall establish the amounts, limits, or ranges for any fines imposed under this chapter through the promulgation of administrative regulations. The board shall fine any person who:

(a) Violates or aids in the violation of Section 6, 12, 15, 17, 28, or 29 of this Act for practicing or for performing services without a credential required by the board;

(b) Is issued a notice of violation by the board for failure to comply with this chapter or administrative regulations promulgated under this chapter;

(c) Exercises or attempts to exercise control over, interferes with, or attempts to influence the professional judgment of a credential holder in any manner, including through coercion, collusion, extortion, inducement, or intimidation;

(d) 1. Violates any ruling of the board or hinders any agent of the board in carrying out the duties assigned to them;

2. Is an officer who refuses to enforce the provisions of this chapter when called upon by the board to do so; or

3. Attempts in any way to hinder or obstruct the board in carrying out the provisions of this chapter; or

(e) Resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with an agent of the board or who willfully refuses to obey their lawful orders.

(2) The board may impose additional fines on a person who is convicted under

Section 31 of this Act.

(3) Each day or part of a day that a violation continues is a separate violation and subject to daily penalties.

(4) For any violation of the Kentucky Veterinary Medicine Practice Act, in addition to any other fines designated in this section, the board may impose on any person fines in an amount equal to the cost of investigative and legal fees incurred by the board in processing the case.

➔Section 31. KRS 321.990 is amended to read as follows:

(1) Any person who violates or aids in the violation of Section 6, 12, 15, 17, 28, or 29 of this Act for practicing or for performing services without a credential required by the board shall be guilty of a misdemeanor upon conviction in court, and shall be sentenced to jail for not less than ten (10) days nor more than ninety (90) days per violation.

(2) Any person exercising or attempting to exercise control over, interfering with, or attempting to influence the professional judgment of a credential holder in any manner, including through coercion, collusion, extortion, inducement, or intimidation, shall be guilty of a misdemeanor upon conviction in court, and shall be sentenced to jail for not less than ten (10) days nor more than ninety (90) days per violation.

(3) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with an agent of the board or who willfully refuses to obey their lawful orders shall be guilty of a misdemeanor upon conviction in court, and shall be sentenced to jail for not more than thirty (30) days for each offense.

(4) Each day or part of a day that a violation continues is a separate violation and subject to daily penalties.

(5) Nothing in this section shall limit, preclude, or supersede the board's power to:

- (a) Impose fines for a violation of this chapter or any administrative regulations promulgated under this chapter;
- (b) Deny, restrict, or revoke a license issued under this chapter or administrative regulations promulgated under this chapter; and
- (c) Impose any other form of discipline based on a conviction under this section or as otherwise authorized by this chapter or administrative regulations promulgated under this chapter~~[Any person who shall violate or aid in the violation of KRS 321.190 shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both so fined and imprisoned in the discretion of the jury].~~

➔SECTION 32. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

This chapter shall be known as the Kentucky Veterinary Medicine Practice Act.

➔Section 33. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.