

# LAWS AND REGULATIONS RELATING TO THE KENTUCKY BOARD OF VETERINARY EXAMINERS



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## **DISCLAIMER**

The statutes and regulations provided in this booklet are an unofficial version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this profession, please visit <https://legislature.ky.gov>.

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## KRS CHAPTER 321

### **KRS 321.175 - Purpose of chapter.**

It is hereby declared that the practice of veterinary medicine is a privilege which is granted by legislative authority in the interest of public health, safety, and welfare. 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, this chapter is enacted in the interest of the health, safety, and welfare of the animal population and the citizens of Kentucky.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 1, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 282, effective July 15, 1996. -- Created 1992 Ky. Acts ch. 299, sec. 1, effective July 14, 1992.

**Legislative Research Commission Note (7/14/92).** This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 1, has been changed pursuant to KRS 7.136(1).

### **KRS 321.181 - Definitions for chapter.**

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Veterinary Examiners;
- (2) "Animal" means any animal, except human beings;
- (3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;
- (4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky;
- (5) "Practice of veterinary medicine" means:
  - (a) To diagnose, treat, correct, change, relieve, or prevent: animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above;
  - (b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry, acupuncture, laser therapy, manipulation, and all other branches or specialties of veterinary medicine and the

prescribing, administering, or dispensing of drugs and medications for veterinary purposes, in accordance with the applicable federal statutes and regulations governing controlled prescription and legend drugs; and

- (c) To use the words "veterinarian," or "veterinary," 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 do any act described in paragraphs (a) and (b) of this subsection;
- (6) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the embryo into any animal, including food and companion animals;
- (7) "Chemical restraint" means the use of any prescription or legend drug that restrains or tranquilizes the animal;
- (8) "Direct supervision" means the veterinarian is on the premises, and is quickly and easily available, and the animal has been examined by a veterinarian at the times acceptable veterinary medical practice requires, consistent with the particular delegated animal health care tasks;
- (9) "Indirect supervision" means the veterinarian does not have to be on the premises as long as a valid veterinary/client/patient relationship has been established and the veterinary technician or veterinary assistant has been instructed on the applicable animal health care tasks in accordance with KRS 321.441 and 321.443;
- (10) "Emergency" means the animal has been placed in a life threatening condition and immediate treatment is necessary to sustain life;
- (11) "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;
- (12) "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;
- (13) "Veterinary technician" means a person who has completed an associate or bachelor's degree level accredited program of veterinary technology approved by the board, and who is licensed in accordance with KRS 321.441;
- (14) "Veterinary assistant" means a lay person employed by a licensed veterinarian in accordance with KRS 321.443;
- (15) "Certified animal control agency" means a county or municipal animal shelter or animal control agency; private humane society; state, county, or municipal law enforcement agency; or any combination of those entities that temporarily houses stray, unwanted, or injured animals and that is certified under the provisions of KRS 321.207;

- (16) "Certified animal euthanasia specialist" means a person employed by a certified animal control agency who is authorized by the board, under KRS 321.207, to humanely euthanize animals by administering drugs designated by the board for euthanasia; and
- (17) "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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 2, effective July 15, 2016. -- Amended 2004 Ky. Acts ch. 189, sec. 28, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 126, sec. 1, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 299, sec. 2, effective July 14, 1992.

### **KRS 321.185 - Veterinarian-client-patient relationship**

- (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. "Veterinarian-client-patient relationship" means that:
- (a) The veterinarian has assumed the responsibility for making 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 the veterinarian 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 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.
- (3) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.
- (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.
- (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.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 117, sec. 2, effective July 15, 2020. – Amended 2016 Ky. Acts ch. 116, sec. 3, effective July 15, 2016. -- Amended 2009 Ky. Acts ch. 39, sec. 1, effective June 25, 2009. -- Created 1992 Ky. Acts ch. 299, sec. 3, effective July 14, 1992.

### **KRS 321.188 - Reporting of animal abuse.**

If a veterinarian finds that an animal with which he or she has a 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.

**Effective:** July 15, 2020

**History:** Created 2020 Ky. Acts ch. 117, sec. 1, effective July 15, 2020.



**KRS 321.190 - License required to practice veterinary medicine**

Except as provided in KRS 321.200, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless the person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth, as provided in this chapter.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 4, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 299, sec. 15, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 15.

**KRS 321.193 - Veterinarian's license -- Requirements**

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

- (1) Has paid the application fee and the appropriate examination fee;
- (2) Is a person of good moral character;
- (3) Has received a degree from a veterinary college approved by the board;
- (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
- (5) Has complied with any other requirement of the board by administrative regulation.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 5, effective July 15, 2016. -- Amended 2000 Ky. Acts ch. 240, sec. 1, effective July 14, 2000. -- Created 1992 Ky. Acts ch. 299, sec. 11, effective July 14, 1992

**KRS 321.200 - Exemptions from application of chapter**

- (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," 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 practice veterinary medicine 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 to, any animals belonging to the owner. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;
  - (c) Any person from castrating food animals and dehorning cattle, as long as any drugs or medications are obtained and used in accordance with applicable federal statutes and regulations governing controlled and legend drugs;

- (d) Any student as defined in KRS 321.181 from working under the direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth;
  - (e) Nonlicensed graduate veterinarians in the United States Armed Services or employees of the Animal and Plant Health Inspection Service 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) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-licensed veterinarian, provided there is a veterinary-client/patient relationship, as defined in KRS 321.185;
  - (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 federal statutes and regulations governing controlled and legend drugs;
  - (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;
  - (i) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366; or
  - (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.
- (2) (a) A nonresident of the United States may be employed in this state to practice veterinary medicine for not more than thirty (30) days of each year, provided he or she:
1. Holds a valid, current license as a veterinarian in 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 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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 6, effective July 15, 2016. --  
Amended 2007 Ky. Acts ch. 96, sec. 19, effective June 26, 2007. -- Amended 1992

Ky. Acts ch. 299, sec. 16, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 16.

### **KRS 321.201 - Special permits -- Duration**

- (1) The board may issue a special permit to practice veterinary medicine to a nonlicensed veterinarian who is a qualified applicant to become a licensed veterinarian by examination, and who is employed by and under the direct supervision of a Kentucky licensed veterinarian. The special permit shall be issued after the application has been made to take the next examination given by the board and the required fees paid. A letter of recommendation from the supervising licensed veterinarian shall be submitted with the application. The special permit shall expire the day after the notice of results of the first examination given after the permit was issued.
- (2) A special permit may be subject to the disciplinary procedures as set forth in KRS 321.351.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 7, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 5, effective July 14, 1992.

**Legislative Research Commission Note (7/14/92).** This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 5, has been changed pursuant to KRS 7.136(1).

### **KRS 321.205 - Mobile facilities -- Authorized incidental activities**

A veterinarian may:

- (1) Make farm or house calls in a motor vehicle or utilize a motor vehicle equipped with special medical or surgical equipment 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.
- (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 health; and
- (3) Engage in the collection of hazardous biological specimens and the use of vaccine which may be injurious to humans, in accordance with applicable federal statutes and regulations.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 299, sec. 9, effective July 14, 1992

**KRS 321.207 - Certification of animal control agencies and animal euthanasia specialists**

- (1) The Board of Veterinary Examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any animal control agency that it determines to be qualified, authorization to apply to the federal Drug Enforcement Agency, including any successor entity, for a restricted controlled substance registration certificate for the purchase, possession, and use of sodium pentobarbital or other drugs as authorized by the board for administration by a certified animal euthanasia specialist to euthanize injured, sick, or abandoned animals.
- (2) 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 authorized for 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) 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 Board of Veterinary Examiners shall issue to any person whom it determines to be qualified, a certificate for the person to function as a certified animal euthanasia specialist.
- (4) Euthanasia of animals in a certified animal control agency shall be performed by a licensed veterinarian, including a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia specialist as provided for in subsection (3) of this section. A certified animal control agency that employs a certified animal euthanasia specialist may purchase, possess, and administer sodium pentobarbital or other drugs that the board approves for the euthanasia of animals. Sodium pentobarbital and other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency.
- (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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 8, effective July 15, 2016. -- Created 1998 Ky. Acts ch. 126, sec. 2, effective July 15, 1998.

**KRS 321.211 - Renewal of license -- Fees -- Expiration and termination of license -- Reinstatement -- Continuing education -- Retired or inactive licensure status**

- (1) Each person licensed as a veterinarian shall, 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 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 September 30, as required for renewal in subsection (1) of this section, during which time individuals may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. All

licenses not renewed by November 30 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.

- (3) After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board. No person who applies for reinstatement after termination of his license shall be required to submit to any examination as a condition for reinstatement, if reinstatement application is made within five (5) years from the date of termination.
- (4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal 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 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 his license within five (5) years after its termination 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 prescribed by the board 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 as set forth by administrative regulations promulgated by the board.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 9, effective July 15, 2016. -- Amended 2004 Ky. Acts ch. 189, sec. 33, effective July 13, 2004; and ch. 96, sec. 1, effective July 13, 2004. -- Created 1992 Ky. Acts ch. 299, sec. 12, effective July 14, 1992.

### **KRS 321.221 - Licensure by endorsement for veterinarians licensed in other jurisdictions**

- (1) The board may issue a license by endorsement to any applicant who, upon applying to the board and remitting a fee set by the board, demonstrates to the board that he has met the following requirements:
  - (a) The applicant is a graduate of a veterinary college approved by the board;
  - (b) The applicant is of good moral character;
  - (c) The applicant holds a valid license to practice veterinary medicine and has practiced veterinary medicine in another state of the United States, the District of Columbia, or a territory of the

United States for at least one (1) year immediately preceding application, if the requirements for licensure in the issuing state are equal to or higher than the standards required for the issuance of a new 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 of Kentucky governing the practice of veterinary medicine.
- (2) The board shall not issue a license by endorsement to any applicant who is under investigation in another state, territory, or the District of Columbia for an act which could result in disciplinary action in that jurisdiction until the investigation and disciplinary proceedings have been completed.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 299, sec. 4, effective July 14, 1992.

### **KRS 321.230 - Board of Veterinary Examiners -- Membership -- Qualifications - Appointment -- Terms -- Vacancies -- Compensation**

There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners." The board shall consist of nine (9) members appointed by the Governor, and the Commissioner of Agriculture or the Commissioner's designee. Seven (7) members shall be citizens of the Commonwealth of Kentucky and shall each have been lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least two (2) years next preceding the date of the member's appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. 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 his or her appointment. All appointed members shall be appointed for a term of four (4) years and shall serve until the member is reappointed or a successor is appointed. Any vacancy in the appointed membership of the board shall be filled for the unexpired term by appointment by the Governor. Each member of the board shall receive one hundred dollars (\$100) per day for each day of service actually given in carrying out his duties under this chapter, in addition to his necessary traveling, hotel, and contingent expenses incurred in attending the meetings of the board and in the performance of his duties.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 10, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 299, sec. 17, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 206, sec. 15. -- Created 1948 Ky. Acts ch. 181, sec. 2.

### **KRS 321.235 - Powers and duties of board -- Personal immunity.**

- (1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility of evaluating the qualifications of applicants for licensure and certification.
- (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter.

- (3) The board may promulgate administrative regulations in accordance with KRS Chapter 13A and this chapter to carry out the provisions of this chapter.
- (4) The board may conduct hearings and keep records and minutes necessary to carry out the function of this chapter.
- (5) The board may evaluate the qualifications and authorize the issuance of licenses, registration, or certification to qualified candidates.
- (6) The board may renew licenses, registrations, and certifications, require continuing education as a condition for renewal, and promulgate administrative regulations regarding the issuance and renewal of retired and inactive licenses.
- (7) The board may suspend, or revoke licenses or certifications, or impose supervisory or probationary conditions upon licensees or certificate holders, or impose administrative disciplinary fines, issue written reprimands, or any combination thereof.
- (8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary medicine by unlicensed persons.
- (9) 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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 11, effective July 15, 2016. -- Amended 1998 Ky. Acts ch. 126, sec. 3, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 299, sec. 14, effective July 14, 1992.

### **KRS 321.237 - Veterinary wellness committee**

- (1) The board 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 from any source;
  - (b) Intervening in cases of verified impairment; or
  - (c) Referring impaired veterinarians to treatment programs.
- (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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 13, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 10, effective July 14, 1992.

### **KRS 321.240 - Board officers -- Meetings -- Notice of examinations -- Seal -- Administrative regulations**

- (1) The board shall annually elect a chair and a vice chair from the appointed members of the board.
- (2) The board shall hold at least two (2) 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. Five (5) members of the board shall constitute a quorum to conduct business.
- (3) The board may 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.
- (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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 14, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 299, sec. 18, effective July 14, 1992. -- Amended 1962 Ky. Acts ch. 279, sec. 1. -- Created 1948 Ky. Acts ch. 181, sec. 3.

### **KRS 321.320 - Revolving fund for administration**

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. No part of this revolving fund shall revert to the general funds of this Commonwealth. The compensation of members of the board and all of the employees of the board and all expenses incurred by the board shall be paid from this revolving fund.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 299, sec. 19, effective July 14, 1992. -- Amended 1966 Ky. Acts ch. 255, sec. 251. -- Created 1948 Ky. Acts ch. 181, sec. 13.



**KRS 321.351 - Disciplinary action -- Offenses subject to disciplinary action -- Private admonishment.**

- (1) The board may refuse to issue a 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 licensee upon proof that the 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 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 license, or in reinstatement of a license;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the practice of veterinary medicine;
  - (e) Violated any state statute or administrative regulation governing the practice of veterinary medicine 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) Violated any applicable provision of any federal or state law or regulation regarding the dispensing of controlled or legend drugs, if in accordance with KRS Chapter 335B.
- (2) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the 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 licensee to respond, provides a clear indication that the alleged violation did in fact occur, the board may issue a written reprimand to the licensee. A copy of the reprimand shall be placed in the permanent file of the licensee. The 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 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 or accept an assurance of voluntary compliance with the licensee which effectively deals with the complaint.

- (5) The board may reconsider, modify, or reverse its probation, 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 licensee or applicant.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 158, sec. 69, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 116, sec. 15, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 13, effective July 14, 1992.

**KRS 321.353 - Emergency order for immediate, temporary suspension of license when disciplinary action, investigation, or initiating complaint is pending if the order is necessary to protect the public**

- (1) The board may, by a majority vote, issue an emergency order for the immediate, temporary suspension of a license 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 licensee's clients or animals, or the general public.
- (3) A licensee 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 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.

**Effective:** July 15, 2016

**History:** Created 2016 Ky. Acts ch. 116, sec. 12, effective July 15, 2016.

**KRS 321.360 - Hearings by board – Appeal**

- (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 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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 16, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 284, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 299, sec. 20, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 114, sec. 78, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 315, sec. 57. -- Created 1948 Ky. Acts ch. 181, sec. 19.

### **KRS 321.441 - Veterinary technician's license -- Qualifications -- Scope of practice -- Annual fee -- Exception**

- (1) The board shall issue a license as a veterinary technician to an applicant who:
- (a) Is a graduate of an accredited program of veterinary technology 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) Has met all the requirements of the board as established by administrative regulation of the board.
- (2) The board shall promulgate administrative regulations defining the scope of practice of the veterinary technician as well as the delegable duties from a licensed veterinarian.
- (3) Each veterinary technician licensed by the board shall pay an annual fee as prescribed by the board. Each veterinary technician licensed by the board shall attend annual continuing education hours as required by the board to renew the license. Failure to renew shall result in the 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.

- (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. (6) Nothing in this section shall prohibit volunteer health practitioners from providing services under KRS 39A.350 to 39A.366.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 17, effective July 15, 2016. -- Amended 2007 Ky. Acts ch. 96, sec. 20, effective June 26, 2007. -- Created 1992 Ky. Acts ch. 299, sec. 7, effective July 14, 1992.

**Legislative Research Commission Note (7/14/92).** This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section references within Acts ch. 299, sec. 7, have been changed pursuant to KRS 7.136(1).

### **KRS 321.443 - Veterinary assistants**

- (1) A veterinary assistant 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 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.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 299, sec. 8, effective July 14, 1992.

**Legislative Research Commission Note (7/14/92).** This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House

Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 8, has been changed pursuant to KRS 7.136(1).

### **KRS 321.990 – Penalty for violation of KRS 321.190**

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.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 116, sec. 18, effective July 15, 2016. -- Amended 1998 Ky. Acts ch. 126, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 283, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 299, sec. 22, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 26.

**History for former KRS 321.990:** Repealed 1948 Ky. Acts ch. 181, sec. 28. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 63b-11, 63b-13.

**Legislative Research Commission Note (7/14/92).** This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 22, has been changed pursuant to KRS 7.136(1).

## 201 KAR CHAPTER 16

### 201 KAR 16:500 - Code of ethical conduct for veterinarians

RELATES TO: KRS 257.080, 321.185, 321.351(1)(g)

STATUTORY AUTHORITY: KRS 321.235(3), 321.240(5), (6), 321.351(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.240(6) requires the Kentucky Board of Veterinary Examiners to establish a code of ethical conduct governing the practice of veterinary medicine. KRS 321.351(1)(g) provides for the suspension or revocation of a license, imposition of probationary conditions or an administrative fine, or the issuance of a written reprimand for any violation of the code of ethical conduct promulgated by the board. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes a code of ethical conduct for veterinarians.

Section 1. A veterinarian shall not engage in fraud, deceit, or misrepresentation in the practice of veterinary medicine.

Section 2. A veterinarian shall bill accurately and truthfully for services rendered.

Section 3. A veterinarian shall not engage in false, misleading, or deceptive advertising.

Section 4. A veterinarian shall not issue a certificate of veterinary inspection (CVI) unless the veterinarian has personal knowledge through appropriate examination. A veterinarian shall not issue a CVI unless he or she has complied with all entry requirements of the jurisdiction of destination.

Section 5. A veterinarian shall not represent to the public that he or she is a board certified specialist in any specialty of veterinary medicine unless that veterinarian has been certified by an entity approved by the American Veterinary Medical Association (AVMA) and has submitted the certification for filing with the board.

Section 6. A veterinarian's conduct shall conform to the currently accepted standards in the practice of veterinary medicine.

Section 7. A veterinarian shall maintain adequate equipment to treat patients that he or she is called upon to treat in the practice of veterinary medicine.

Section 8. A veterinarian shall maintain his or her service premises and equipment in a clean and sanitary condition.

Section 9. A veterinarian shall take sufficient time to perform a complete physical exam and recommend the appropriate tests as needed to diagnose the condition of the patient.

Section 10. A veterinarian shall not neglect a patient under his or her care.

Section 11. A veterinarian shall not physically abuse a patient under his or her care.

Section 12. Except as provided by Section 41 of this administrative regulation, a veterinarian shall have the right to refuse any patient.

Section 13. A veterinarian shall not practice veterinary medicine in a manner that endangers the health of a patient or endangers the health, safety, or welfare of the public.

Section 14. A veterinarian shall not practice veterinary medicine if his or her ability to practice with reasonable skill and safety is adversely affected by the use of alcohol, drugs, narcotics, chemicals, or other substances.

Section 15. A veterinarian shall not over utilize his or her practice. A practice shall be deemed to be over utilized if it exceeds the needs of the patient, considering the patient's history and subjective symptoms; the veterinarian's objective findings, the veterinarian's reasonable clinical judgment, and other information relevant to the practice of veterinary medicine.

Section 16. A veterinarian shall not aid or abet any person in the unlawful practice of veterinary medicine.

Section 17. A veterinarian shall ascertain, before hiring, whether a person who may be hired as a veterinarian has a license to practice veterinary medicine in the Commonwealth of Kentucky and shall be responsible for ensuring that the employee's license remains current.

Section 18. A veterinarian shall not permit a veterinary technician or veterinary assistant to diagnose, prescribe medical treatment, or perform surgical procedures other than the castrating and dehorning of food animals.

Section 19. A veterinarian shall create adequate records to document the veterinarian's examination and treatment of his or her patients in accordance with KRS 321.185(2).

Section 20. A veterinarian shall retain records of his or her examination and treatment of each patient for a period of at least five (5) years from the most recent examination of the patient.

Section 21. (1) A veterinarian shall provide copies of the veterinarian's medical records of the examination and treatment of a patient upon the request of the client.

(2) Copies of records may be released to the client's designee or another veterinarian engaged by the client to examine or treat the patient upon submission of a signed Authorization for the Release of Medical Records form pursuant to KRS 321.185(3).

(c) A veterinarian shall provide copies of the veterinarian's medical records to the board upon request by the board or the board's designee for inspection or investigation pursuant to KRS 321.185(3)(e)1.

Section 22. A veterinarian shall not sell, or offer for sale, prescription medications, including controlled substances, at any place other than in his or her office, clinic, hospital, or mobile unit; or in another place where he or she is treating patients.

Section 23. (1) Except as provided by subsection (2) of this section, a veterinarian shall prescribe, dispense, sell, or offer for sale, prescription medications only for his or her own patients.

(2) A veterinarian may dispense a non-controlled substance medication for a client that was prescribed by another veterinarian who has established a veterinarian-client-patient relationship (VCPR).

Section 24. A veterinarian shall comply with the requirements of 201 KAR 16:600.

Section 25. A veterinarian shall not write testimonials as to the virtue of medications, remedies, or foods except to report the results of properly controlled, unbiased experiments, or clinical studies.

Section 26. A veterinarian shall post at his or her facility, and make available over the telephone or online, the veterinarian's policy regarding the hours, emergency coverage, and other similar provisions for the operation of the facility.

Section 27. A veterinarian shall maintain a confidential relationship with his or her clients in accordance with KRS 321.185(3) and in accordance with KRS 257.080, or exceptions otherwise provided by law, or required by considerations related to public health or animal health.

Section 28. A veterinarian shall obtain the consent of the patient's owner (or the owner's agent) before administering general anesthesia or performing any surgical procedure unless circumstances qualifying as an emergency do not permit obtaining the consent.

Section 29. A veterinarian shall attempt to obtain the consent of a patient's owner (or the owner's agent) in writing, if feasible, before euthanizing a patient or transporting a patient to another facility. If it is not feasible to obtain consent in writing, the veterinarian shall obtain oral consent from the patient's owner (or the owner's agent) and document the consent in the medical record.

Section 30. A veterinarian shall make reasonable efforts to obtain the consent of the owner (or the owner's agent) before disposing of any patient that dies while in the veterinarian's care. Any patient disposal shall be done according to all applicable health and safety laws and regulations.

Section 31. A veterinarian shall, where possible, preserve the body of any patient that dies while in the veterinarian's care while its owner (or the owner's agent) is away, except as otherwise provided by law.

Section 32. A veterinarian shall not abuse or take advantage of the confidence of the client.

Section 33. A veterinarian shall not enter into a business transaction with a client in which the veterinarian and his or her client have differing interests:

- (1) If the client reasonably expects the veterinarian to exercise his or her professional judgment for the protection of the client;
- (2) If the veterinarian has not fully disclosed his or her interest in the transaction; or
- (3) If the client has not given his or her informed consent to the transaction.

Section 34.(1) If a veterinarian performed an inspection of an animal on behalf of a person that the veterinarian knew (or reasonably should have known) planned to sell that animal within sixty (60) days from



the date of inspection, then the veterinarian shall not perform an inspection of that animal on behalf of any person that the veterinarian knows (or reasonably should know) is a potential buyer of the animal without first disclosing to the potential buyer the fact and circumstances of the veterinarian's previous inspection of the animal.

(2) The creation, review, or analysis of a radiograph shall constitute an "inspection" for the purposes of this section.

Section 35. An applicant for a license shall be truthful in his or her representations to the board.

Section 36. A veterinarian shall comply with the board's request to appear before the board, to provide information to the board, or to make his or her premises available for inspection by the board.

Section 37. A veterinarian shall comply with restrictions on his or her practice of veterinary medicine imposed by the board.

Section 38. A veterinarian shall notify the board within thirty (30) days of a change to his or her legal name.

Section 39. A veterinarian shall notify the board within thirty (30) days of a change to his or her permanent address or mailing address.

Section 40. A veterinarian shall notify the board within thirty (30) days of the occurrence of the following events:

(1) Disciplinary action, revocation, suspension, or the voluntary surrender of his or her license to practice veterinary medicine in another jurisdiction;

(2) The suspension, revocation, or voluntary surrender of his or her United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Accreditation;

(3) The suspension, revocation, or voluntary surrender of his or her federal Drug Enforcement Administration (DEA) registration;

(4) The suspension, revocation, or voluntary surrender of his or her state controlled substances license in any jurisdiction; or

(5) The conviction, in any jurisdiction, of any felony or misdemeanor other than a minor traffic violation.

Section 41. A veterinarian shall not refuse treatment of a patient on the basis of the client's race, color, sex, gender identity, age, religion, national origin, veteran status, or disability.

Section 42. A veterinarian shall conduct professional activities in conformity with all federal, state, and municipal laws, ordinances, or regulations.

Section 43. A veterinarian shall not verbally abuse or harass, nor physically threaten or assault a client, an employee, a board member, or any agent of the board.

Section 44. Incorporation by Reference. (1) "Authorization for the Release of Medical Records", 2/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1720, 2602; eff. 6-30-2020.)

## **201 KAR 16:510 - Fees for Veterinarians**

RELATES TO: KRS 321.193, 321.211, 321.240

STATUTORY AUTHORITY: KRS 321.193(1), (5), 321.211, 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.240(5) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including regulations to establish authorized fees. This administrative regulation establishes those fees for veterinarians.

Section 1. Payment and Submission of Fees. (1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

Section 2. Application Fees for Veterinarians. (1) The application fee for a veterinarian shall be \$100.

(2) The fee shall be attached to the completed Application for Licensure as a Veterinarian form as found in 201 KAR 16:540 or online equivalent form, including all required attachments.

Section 3. Examination Fees for Veterinarians. (1) The fee for the North American Veterinary Licensing Examination (NAVLE) shall be paid directly to the International Council for Veterinary Assessment (ICVA), its designee, or current test administrator.

(2) The fee for the Kentucky State Board Examination shall be \$100 paid directly to the board.

(3) The fee for an applicant to obtain board approval to retake the NAVLE shall be fifty (50) dollars paid directly to the board and attached to the Application for Retake of the NAVLE form as found in 201 KAR 16:530 or online equivalent form.

Section 4. Renewal Fees for Veterinarians. The following fees shall be paid in connection with licensure renewals:

(1)(a) Except as provided by paragraphs (b) and (c) of this subsection, the biennial renewal fee for licensure as a veterinarian in active status shall be \$200 if:

1. The Renewal Application for Veterinarians form as found in 201 KAR 16:570 or online equivalent form is complete, including all required attachments, continuing education credits, and fee payment; and

2. The complete package is submitted to the board for review and approval not later than September 30 of the second year of the renewal biennium.

(b) For veterinarians who are initially licensed in the second year of the biennium between 365 days and 182 days prior to the end of the renewal biennium, the licensure renewal fee shall be reduced to \$100 during a licensee's first licensure cycle. The late fee for renewal, if applicable, shall not be reduced or waived without board authorization.

(c) For veterinarians who are initially licensed in the second year of the biennium between 181 days and the last day of the renewal biennium, the licensure renewal fee shall be waived during a licensee's first licensure cycle.

(2)(a) During the grace period established by KRS 321.211, a licensed veterinarian who failed to meet the September 30 renewal deadline may continue to function as though licensed until a late renewal application is submitted to the board.

(b) The late fee for biennial renewal shall be \$100 in addition to the renewal fee as described in Section 4(1) or Section 6 of this administrative regulation.

(c) The veterinarian shall submit the complete Renewal Application for Veterinarians form as found in 201 KAR 16:570 or online equivalent form, including all required attachments, continuing education hours, and fee payment, to the board between October 1 and November 30 during the last year of the biennium.

(3) A veterinarian's license shall expire if no renewal application package and all attachments, and late fee if applicable, is paid to the board by November 30.

Section 5. Reinstatement Fees for Veterinarians. (1)(a) Except as provided by Section 6 of this administrative regulation, if not more than five (5) years have elapsed since the last date of license expiration pursuant to KRS 321.211(3), a veterinarian may pay a reinstatement fee of \$400 and submit a complete Reinstatement Application for Veterinarians form as found in 201 KAR 16:540 or online equivalent form, including all required attachments, to the board for reinstatement of his or her license.

(b) A veterinarian shall not apply for a new license during this five (5) year window; a reinstatement application shall be required.

(2) If more than five (5) years have elapsed since the last date of license expiration, a veterinarian shall apply as a new applicant to obtain a license in the Commonwealth of Kentucky.

Section 6. Inactive Status of License. (1)(a) A veterinarian may request inactive licensure status in accordance with 201 KAR 16:580.

(b) If using the Request for Licensure Status Change form, there shall not be a fee.

(c) If using the Renewal Application for Veterinarians form, the fee shall be as established in subsection (2) of this section.

(2) Renewal of an inactive veterinary license.

(a) The biennial renewal fee for inactive veterinarian licensure status shall be \$100 per renewal biennium.

(b) The late fees established in Section 4(2) of this administrative regulation shall apply to a license in an inactive status that was not renewed by September 30 of the biennium.

(c) A license in an inactive status that is not renewed by November 30 shall be deemed to be expired.

(3) Reinstatement of inactive veterinarian license status to active status.

(a) A veterinarian licensee in inactive status may reinstate his or her license to active status in accordance with 201 KAR 16:580.

(b) There shall be a reinstatement fee of \$200.

Section 7. Retirement of a Veterinary License. (1)(a) A veterinarian may request to retire his or her license at any time.

(b) The one-time fee for this service shall be twenty-five (25) dollars, which shall be attached to a Request for Licensure Status Change form as found in 201 KAR 16:580 or the Renewal Application for Veterinarians form as found in 201 KAR 16:570 or online equivalent forms.

(2) Once a license is retired it shall not be reactivated. If a veterinarian holds a retired license and wishes to practice again, he or she shall apply to the board for a new license to practice veterinary medicine in the Commonwealth of Kentucky.

Section 8. Fee Reduction for Military Personnel. If a veterinarian applicant submits a copy of his or her DD-214 (or other documentation acceptable to the board) with their application or renewal paperwork, the board shall waive or reduce fees as indicated in this section.

(1) For active duty military, active reserves, and National Guard service persons, an individual's initial application fees, the Kentucky State Exam fee, and the biennial renewal fees shall be waived.

(2) For retired military personnel with twenty (20) or more years of service, an individual's initial application fees shall be waived, and the biennial renewal fees shall be reduced by half, rounded to the nearest whole dollar.

(3) For any other military veteran, the initial application fees shall be waived.

(4) All other requirements of licensure, including renewal deadlines and continuing education requirements established in 201 KAR 16:590, shall still be met. (46 Ky.R. 1723, 2460, 2604; eff. 6-30-2020.)

## **201 KAR 16:512 - Fees for veterinary technicians**

RELATES TO: KRS 321.240, 321.441

STATUTORY AUTHORITY: KRS 321.235(3), 321.240(5), 321.441(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.240(5) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including regulations to establish authorized fees. This administrative regulation establishes those fees for veterinary technicians.

Section 1. Payment and Submission of Fees. (1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

Section 2. Application Fees for Veterinary Technicians. (1) The application fee for a veterinary technician shall be twenty-five (25) dollars.

(2) The fee shall be attached to the completed Application for Licensure as a Veterinary Technician form as found in 201 KAR 16:540 or online equivalent form, including all required attachments.

Section 3. Examination Fees for Veterinary Technicians. The fee for the Veterinary Technician National Exam (VTNE) shall be paid directly to the American Association of Veterinary State Boards (AAVSB), its designee, or current test administrator.

Section 4. Renewal Fees for Veterinary Technicians. The following fees shall be paid in connection with licensure renewals for veterinary technicians:

(1)(a) Except as provided by paragraph (b) of this subsection, the annual renewal fee for licensure as a veterinary technician in active status shall be thirty (30) dollars if:

1. The Renewal Application for Veterinary Technicians form as found in 201 KAR 16:570 or online equivalent form is complete, including all required attachments, continuing education credits, and fee payment; and

2. The complete package is submitted to the board for review and approval not later than September 30.

(b) For a veterinary technician who is initially licensed 120 days prior to the end of the renewal period, the licensure renewal fee shall be waived during a licensee's first licensure cycle.

(2)(a) A sixty (60) day grace period shall be allowed after September 30, during which time the licensed veterinary technician who failed to meet the September 30 renewal deadline may continue to function as though licensed until a late renewal application is submitted to the board.

(b) The late fee for annual renewal shall be fifteen (15) dollars in addition to the renewal fee as described in Section 4(1) of this administrative regulation.

(c) The veterinary technician shall submit the complete Renewal Application for Veterinary Technicians form as found in 201 KAR 16:570, including all required attachments, continuing education credits, and fee payment, to the board between October 1 and November 30.

(3) A veterinary technician's license shall expire if no renewal application package and all attachments, and late fee if applicable, is paid to the board by November 30.

Section 5. Reinstatement Fees for Veterinary Technicians. (1)(a) Except as provided by Section 6(3) of this administrative regulation, if not more than five (5) years have elapsed since the last date of license expiration, a veterinary technician may pay a reinstatement fee of fifty (50) dollars and submit a complete Reinstatement Application for Veterinary Technicians form as found in 201 KAR 16:540 or online equivalent form, including all required attachments, to the board for reinstatement of his or her license.

(b) A veterinary technician shall not apply for a new license during this five (5) year window; a reinstatement application shall be required.

(2) If more than five (5) years have elapsed since the last date of license expiration, a veterinary technician shall apply as a new applicant to obtain a license in the Commonwealth of Kentucky.

Section 6. Inactive Status of a License. (1)(a) A veterinary technician may request inactive licensure status in accordance with 201 KAR 16:580.

(b) If using the Request for Licensure Status Change form, there shall not be a fee.

(c) If using the Renewal Application for Veterinary Technicians form, the fee shall be as established in subsection (2) of this section.

(2) Renewal of an inactive veterinary technician license.

(a) The annual renewal fee for inactive veterinary technician licensure status shall be ten (10) dollars per renewal period.

(b) The late fees established in Section 4(2) of this administrative regulation shall apply to licenses not renewed annually by September 30.

(c) A license in an inactive status that is not renewed by November 30 shall be deemed to be expired.

(3) Reinstatement of inactive veterinary technician license status to active status.

(a) A licensed veterinary technician in inactive status may reinstate his or her license to active status in accordance with 201 KAR 16:580.

(b) There shall be a reinstatement fee of twenty-five (25) dollars.

Section 7. Retirement of License. (1)(a) A veterinary technician may request to retire his or her license at any time.

(b) The one-time fee for this service shall be ten (10) dollars, which shall be attached to a Request for Licensure Status Change form as found in 201 KAR 16:580, Renewal Application for Veterinary Technicians form as found in 201 KAR 16:570, or online equivalent forms.

(2) Once a license is retired, it shall not be reactivated. If a veterinary technician holds a retired license and wishes to practice again, he or she shall apply to the board for a new license to practice the profession of a veterinary technician in the Commonwealth of Kentucky.

Section 8. Fee Reduction for Military Personnel. If a veterinary technician applicant submits a copy of his or her DD-214 (or other documentation acceptable to the board) with their application or renewal paperwork, the board shall waive or reduce fees as indicated in this section.

(1) For active duty military, active reserves, and National Guard service persons, an individual's initial application fees and annual renewal fees shall be waived.

(2) For retired career military, an individual's initial application fees shall be waived, and the annual renewal fees shall be reduced by half, rounded to the nearest whole dollar.

(3) For any other military veteran, the initial application fees shall be waived.

(4) All other requirements of licensure, including renewal deadlines and continuing education requirements established in 201 KAR 16:590, shall still be met. (46 Ky.R. 1725, 2461, 2605; eff. 6-30-2020.)

## **201 KAR 16:514 - Fees for animal control agencies and animal euthanasia specialists**

RELATES TO: KRS 321.207

STATUTORY AUTHORITY: KRS 321.207, 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) authorizes the Kentucky Board of Veterinary Examiners to permit qualified animal control agencies in the Commonwealth of Kentucky to apply for a registration certificate from the United States Drug Enforcement Administration (DEA) to euthanize animals. KRS 321.207(3) authorizes the board to issue certificates to those persons who are deemed to be qualified to work as animal euthanasia specialists. KRS 321.240(5) authorizes the board to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including regulations to establish authorized fees. This administrative regulation establishes fees for animal control agencies and animal euthanasia specialists.

Section 1. Payment and Submission of Fees. (1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

Section 2. Application Fees. (1) The application fee for issuance of a board certificate authorizing an animal control agency to apply for a restricted controlled substance registration with the United States Drug Enforcement Administration (DEA) shall be fifty (50) dollars. The fee shall be attached to the completed Application for Certification as an Animal Control Agency form as found in 201 KAR 16:550 or online equivalent form, including all required attachments. The animal control agency shall undergo inspection by an authorized representative of the board in accordance with 201 KAR 16:550, Section 1(3) prior to the issuance of a certificate.

(2) The application fee for a certified animal euthanasia specialist shall be fifty (50) dollars. The fee shall be attached to the completed Application for Certification as an Animal Euthanasia Specialist form as found in 201 KAR 16:560 or online equivalent form, including all required attachments.

Section 3. Renewal Fees for Animal Control Agencies. (1)(a) Except as provided by paragraph (b) of this subsection, a certified animal control agency shall annually, on or before March 1, pay to the board a renewal fee of fifty (50) dollars for the renewal of the certificate. The animal control agency shall submit the complete Renewal Application for Animal Control Agencies form as found in 201 KAR 16:572 or online equivalent form, including all required attachments, and fee payment to the board.

(b) The renewal fee for the first renewal shall be waived for a certificate issued 120 days prior to the end of the renewal period.

(2) A sixty (60) day grace period shall be allowed after March 1, during which time the animal control agency may continue to function as though certified until a late renewal application is submitted to the board. The late fee for renewal shall be ten (10) dollars in addition to the renewal fee as described in Section 3(1) of this administrative regulation. The animal control agency shall submit the complete Renewal Application for Animal Control Agencies form as found in 201 KAR 16:572 or online equivalent form, including all required attachments, and fee payment, to the board between March 2 and April 30 of the annual renewal period. The late fee for renewal, if applicable, shall not be reduced or waived without board authorization.

(3) An animal control agency restricted controlled substance registration certificate shall expire if no renewal package, and late fee if applicable, is paid to the board annually by April 30.

(4) If not more than five (5) years have elapsed since the last date of certificate expiration, an animal control agency that has an expired restricted controlled substance registration certificate may be reinstated upon the submission of a completed Reinstatement Application for Animal Control Agencies form as found in 201 KAR 16:550 or online equivalent form, including all attachments, and the payment of a reinstatement fee of seventy-five (75) dollars. The animal control agency shall undergo inspection by an authorized representative of the board in accordance with 201 KAR 16:550, Section 1(3) prior to the reinstatement of a certificate. An animal control agency shall not apply for a new certificate during this five (5) year window; a reinstatement application shall be required.

(5) If more than five (5) years have elapsed since the last date of certificate expiration, an animal control agency shall reapply to obtain a board certificate authorizing restricted controlled substance registration with the DEA.

Section 4. Renewal Fees for Animal Euthanasia Specialists. (1)(a) Except as provided by paragraph (b) of this subsection, a certified animal euthanasia specialist shall annually, on or before March 1, pay to the board a renewal fee of fifty (50) dollars for the renewal of the certificate. The animal euthanasia specialist shall submit the complete Renewal Application for Animal Euthanasia Specialists form as found in 201 KAR 16:572 or online equivalent form, including all required attachments, and fee payment to the board.

(b) The renewal fee for the first renewal shall be waived for a certificate issued 120 days prior to the end of the renewal period.

(2) A sixty (60) day grace period shall be allowed after March 1, during which time the certified animal euthanasia specialist may continue to function as though certified until a late renewal application is submitted to the board. The late fee for renewal shall be ten (10) dollars in addition to the renewal fee as described in Section 4(1) of this administrative regulation. The animal euthanasia specialist shall submit the complete Renewal Application for Animal Euthanasia Specialists form as found in 201 KAR 16:572 or online equivalent form, including all required attachments and fee payments, to the board between March 2 and April 30 of the renewal period. The late fee for renewal, if applicable, shall not be reduced without board authorization.

(3) An animal euthanasia specialist certificate shall expire if no renewal package, and late fee if applicable, is paid to the board annually by April 30.

(4) If not more than five (5) years have elapsed since the last date of certificate expiration, an animal euthanasia certificate that has expired may be reinstated upon the submission of a completed Reinstatement Application for Animal Euthanasia Specialists form as found in 201 KAR 16:560 or online equivalent form, including all attachments, and the payment of a reinstatement fee of seventy-five (75) dollars. An animal euthanasia specialist shall not apply for a new certificate during this five (5) year window; a reinstatement application shall be required.

(5) If more than five (5) years have elapsed since the last date of certificate expiration, an individual shall reapply to obtain a certificate as an animal euthanasia specialist in the Commonwealth of Kentucky.

Section 5. Inactive Status for Animal Euthanasia Specialists. (1)(a) A certified animal euthanasia specialist may request or be moved to inactive licensure status in accordance with 201 KAR 16:580. There shall not be a fee.

(b) There shall not be a renewal fee for a certified animal euthanasia specialist with inactive licensure status.

(2)(a) A certified animal euthanasia specialist may reinstate his or her certificate to active status in accordance with 201 KAR 16:580.

(b) There shall be a reinstatement fee of fifty (50) dollars only if the certificate was placed in inactive status as a result of:

1. The certificate holder's request; or

2. By severing employment with the affiliated animal control agency on record with the board. (46 Ky.R. 1726, 2463, 2606; eff. 6-30-2020.)

## **201 KAR 16:516 - Fees - other fees**

RELATES TO: KRS 321.240, 321.201



STATUTORY AUTHORITY: KRS 321.201(1), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.240(5) authorizes the Kentucky Board of Veterinary Examiners to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including regulations to establish authorized fees. KRS 321.201(1) authorizes the board to issue a special permit for the practice of veterinary medicine and to require a fee for the permit. This administrative regulation establishes fees for various services provided by the board and the fee for a special permit.

Section 1. Payment and Submission of Fees. (1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

Section 2. Fees for Special Permits. (1) The fee for a special permit issued by the board pursuant to KRS 321.201 shall be fifty (50) dollars.

(2) The fee shall be attached to either the Application for Licensure as a Veterinarian form as found in 201 KAR 16:540 or the Application for Retake of the NAVLE form as found in 201 KAR 16:530 or online equivalent forms.

Section 3. Fees for License Verification Letters and Letters of Good Standing. (1) The fee for a license verification letter or a letter of good standing shall be ten (10) dollars. The fee shall be attached to a Request for Licensure Verification form or online equivalent form.

(2) Upon receipt of the request and payment, the board shall issue the requested letter and complete any forms required by regulatory bodies in other jurisdictions.

Section 4. Fees for Mailing Lists. (1) The fee for a request to obtain a copy of the mailing list of the board's licensees shall be fifteen (15) dollars. The fee shall be attached to a Request for Mailing List form or online equivalent form.

(2) Upon the receipt of the request and payment, the board shall send a current licensee mailing list to the requesting party.

Section 5. Fees for Duplicate Wall Certificates and laminated credentials. (1) The fee for a duplicate wall certificate, including the board's seal, or a new laminated wallet-sized card, shall be ten (10) dollars.

(2) The fee shall be attached to a Request for Printed Credentials form or online equivalent form.

Section 6. Fees for Processing Payments. (1) The board may require a reasonable service charge for processing payments submitted online or in paper form. The fees shall be calculated as a percentage of the underlying fee and shall not be higher than the board's current contracted rate for payment processing services.

(2) Service charge fees shall be non-refundable.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Request for Licensure Verification", 2/2020;

(b) "Request for Mailing List", 2/2020; and

(c) "Request for Printed Credentials", 3/2020.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1728, 2465, 2608; eff. 6-30-2020.)

## **201 KAR 16:520 - Approved veterinary colleges; approved programs for veterinary technicians**

RELATES TO: KRS 321.193, 321.441

STATUTORY AUTHORITY: KRS 321.193(3), (5), 321.235(3), 321.240(5), 321.441(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193(3) requires a veterinarian applicant to have received a degree from a veterinary college approved by the Kentucky Board of Veterinary Examiners. KRS 321.441(1)(a) requires a veterinary technician applicant to be a graduate of an accredited program of veterinary technology or its equivalent as approved by the board. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the veterinary colleges and veterinary technician programs approved by the board.

Section 1. Approved Veterinary Colleges. A veterinary college shall be approved if it held full accreditation, limited accreditation, or approval by the American Veterinary Medical Association (AVMA) Council on Education on the date when the applicant received a degree from the veterinary college.

Section 2. Licensure of Veterinarians who Graduated from Non-approved Schools. If an applicant for a veterinarian license does not possess a degree from a veterinary college within the scope established in Section 1 of this administrative regulation, the applicant shall be eligible for licensure after successfully completing and receiving certification from one of the following programs:

(1) The Educational Commission for Foreign Veterinary Graduates (ECFVG) of the American Veterinary Medical Association (AVMA); or

(2) The Program for the Assessment of Veterinary Education Equivalence (PAVE) of the American Association of Veterinary State Boards (AAVSB).

Section 3. Approved Veterinary Technician Programs. A veterinary technician program, or veterinary technologist program, or veterinary nurse program, shall be approved if it held full accreditation, limited accreditation, or approval by the American Veterinary Medical Association (AVMA) Committee on Veterinary Technician Education and Activities on the date when the applicant received a degree from the institution.

Section 4. Licensure of Veterinary Technicians who Graduated from Non-approved Schools or Programs. If an applicant for a veterinary technician license does not possess a degree from a veterinary technician program within the scope established in Section 3 of this administrative regulation, the candidate shall be eligible to qualify for licensure and board approval by:

(1)(a) Following graduation, submitting an official copy of final transcripts from the college of study, and any other requested documentation, showing successful completion of the program for the board's review and determination of approval; or

(b) Successfully completing the program and receiving certification from the Program for the Assessment of Veterinary Education Equivalence (PAVE) or its equivalent program of the American Association of Veterinary State Boards (AAVSB) for veterinary technicians; and (2) Successfully completing all other application requirements for licensure. (46 Ky.R. 1730, 2608; eff. 6-30-2020.)

## **201 KAR 16:530 - Examination requirements for veterinarians and veterinary technicians**

RELATES TO: KRS 321.193, 321.441

STATUTORY AUTHORITY: KRS 321.193(4), 321.235(3), 321.240(5), 321.441(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193(4) requires the Kentucky Board of Veterinary Examiners to establish required examinations and passing scores for veterinarian applicants. KRS 321.441(1)(b) requires the board to establish required examinations and passing scores for veterinary technician applicants. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes examination requirements for veterinarians and veterinary technicians for licensure by the board.

Section 1. (1) The examination required for licensure by the board as a veterinarian shall be the successful completion of the North American Veterinary Licensing Examination (NAVLE).

(2) Candidates shall apply to the board for verification of eligibility to take the NAVLE.

(3) Candidates seeking to take the NAVLE shall apply directly to the International Council for Veterinary Assessment (ICVA), its designee, or current administrator of the NAVLE for admission to the examination.

(4) Applicants for veterinarian licensure to the board shall request and pay a fee directly to the ICVA, its designee, the American Association of Veterinary State Boards (AAVSB), or current official records custodian, to have test scores sent directly to the board. Unofficial copies of scores from applicants or other sources shall not be accepted.

(5) Candidates for the NAVLE who do not receive a passing score shall apply to the board to retake the NAVLE on the Application for Retake of the NAVLE form or online equivalent form.

(6) In addition to achieving a passing score on the NAVLE, applicants for licensure shall be required to achieve a score of eighty (80) percent or higher on the Commonwealth of Kentucky State Board Examination, which shall cover the specific requirements of KRS Chapter 321 and 201 KAR Chapter 16.

(7) The board shall recognize passing scores on the National Board Examination (NBE) and the Clinical Competency Test (CCT) in lieu of a NAVLE test score if the applicant for licensure completed both examinations prior to May, 2000.

(8) Graduates of veterinary schools or programs not approved by the American Veterinary Medical Association (AVMA) shall also submit proof of successful completion of one (1) of the following programs:

(a) The Educational Commission for Foreign Veterinary Graduates (ECFVG) program offered by the AVMA; or

(b) The Program for the Assessment of Veterinary Education Equivalence (PAVE) program offered by the American Association of Veterinary State Boards (AAVSB).

Section 2. (1)(a) Except as provided by paragraph (b) of this subsection, the examination required for licensure by the board as a veterinary technician shall be the successful completion of the Veterinary Technician National Exam (VTNE).

(b) If the veterinary technician graduated from an approved program prior to 1990, and successfully completed one of the following tests prior to 1990:

1. The board shall also accept official results showing a passing score from the Animal Technician National Exam (ATNE) if taken during the years 1986 – 1989; or

2. The board shall also accept official results showing a passing score from a jurisdictional level competency exam if taken prior to 1986.

(2) Candidates seeking to take the VTNE shall apply directly to the AAVSB, its designee, or current administrator of the VTNE for verification of eligibility and admission to the examination.

(3) Applicants for veterinary technician licensure to the board shall request and pay a fee directly to the AAVSB, PSI Services, one of their designees, or to the current official records custodian to have test scores sent directly to the board. Copies of scores from applicants or other sources shall not be accepted.

Section 3. Incorporation by Reference. (1) "Application for Retake of the NAVLE", 3/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1731, 2609; eff. 6-30-2020.)

## **201 KAR 16:540 - Application requirements for veterinarians and veterinary technicians**

RELATES TO: KRS 321.193, 321.235, 321.221, 321.441

STATUTORY AUTHORITY: KRS 321.193, 321.221(1), 321.235(3), 321.240(5), 321.441(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193, 321.235(3), and 321.221(1)

authorize the Kentucky Board of Veterinary Examiners to establish application requirements for veterinarians. KRS 321.441(1) authorizes the board to establish the requirements for licensure as a veterinary technician. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes application requirements for veterinarians and veterinary technicians applying for licensure in the Commonwealth of Kentucky from the board.

Section 1. (1) A new application to the board for licensure as a veterinarian shall include the following components:

(a) A completed application on an Application for Licensure as a Veterinarian form or online equivalent form, including all required attachments;

(b) A current color photograph of the applicant not smaller than 2 in. x 2 in., or a color copy of the applicant's current valid driver's license or passport with photo;

(c) An official copy of final transcripts, or a copy of the applicant's diploma from the issuing school;

(d) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;

(e) An official copy of an applicant's testing score report. The score report shall be sent directly to the board from the International Council for Veterinary Assessment (ICVA), the American Association of Veterinary State Boards (AAVSB), other board recognized testing body, their designee, or official records custodian. The report shall include results for either:

1. The North American Veterinary Licensing Exam (NAVLE); or

2. The National Board Examination (NBE) and the Clinical Competency Test (CCT), if completed prior to May 31, 2000;

(f) The completed State Exam Answer Sheet; and

(g) Payment for the application fee required by 201 KAR 16:510.

(2) In addition to the requirements listed in subsection (1)(a), (b), (d), (f), and (g) of this section, requirements for veterinary license endorsement applications shall include:

(a) Licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinarian; and

(b) A current Veterinary Application for Uniform Licensure Transfer (VAULT) credential report, which shall include an applicant's score report for the NAVLE or NBE and CCT, directly from the AAVSB, its designee, or official records custodian.

(3) In addition to the requirements listed in subsection (1)(a), (b), (d), (f), and (g) of this section, requirements for foreign graduate veterinary license applications shall include:

(a) Licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinarian;

(b) A current VAULT credential report, which shall include an applicant's score report for the NAVLE or NBE and CCT, directly from the AAVSB, its designee, or official records custodian; and

(c) An official report or letter showing completion of one (1) of the programs listed in subparagraphs 1 and 2 of this paragraph. The report or letter shall be sent directly to the board from the testing organization, its designee, or current official records custodian.

1. The Educational Commission for Foreign Veterinary Graduates (ECFVG) Program of the American Veterinary Medical Association (AVMA); or

2. The Program for the Assessment of Veterinary Education Equivalence (PAVE) of the AAVSB.

Section 2. A veterinarian may apply for reinstatement of an expired license if not more than five (5) years have elapsed since the last date of license expiration pursuant to KRS 321.211(3). Reinstatement applications to the board for licensure as a veterinarian shall include the following components:

(1) A completed application on a Reinstatement Application for Veterinarians form or online equivalent form, including all required attachments;

(2) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;

(3) Licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinarian;

(4) A current VAULT credential report directly from the AAVSB, its designee, or official records custodian;

(5) Proof of a minimum of thirty (30) continuing education credits (as approved pursuant to 201 KAR 16:590) during the twenty-four (24) months immediately prior to the date of application; and

(6) Payment for the reinstatement application fee pursuant to 201 KAR 16:510.

Section 3. A veterinary license holder of the board shall renew his or her license pursuant to 201 KAR 16:570.

Section 4. (1) New applications to the board for licensure as a veterinary technician shall include the following components:

(a) A completed application on an Application for Licensure as a Veterinary Technician form or online equivalent form, including all required attachments;

(b) A current color photograph of the applicant not smaller than 2 in. x 2 in., or color copy of the applicant's current valid driver's license or passport with photo;

(c) An official copy of final transcripts, or copy of the applicant's diploma from the issuing school;

(d) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;

(e) An official copy of an applicant's test scores pursuant to 201 KAR 16:530, Section 2(1), directly from PSI Services, the American Association of Veterinary State Boards (AAVSB), their designee, or official records custodian; and

(f) Payment for the application fee pursuant to 201 KAR 16:512.

(2) In addition to the requirements listed in subsection (1) of this section, requirements for endorsement veterinary technician applications shall include licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinary technician.

(3) In addition to the requirements listed in subsection (1) of this section, requirements for foreign graduate veterinary technician license applications shall include:

(a) Licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinary technician;

(b) A current Veterinary Application for Uniform Licensure Transfer (VAULT) credential report directly from the AAVSB, its designee, or official records custodian; and

(c) An official score report or letter showing results for the Program for the Assessment of Veterinary Education Equivalence (PAVE) or equivalent program of the AAVSB for veterinary technicians. The score report shall be sent directly to the board from the testing organization, its designee, or official records custodian.

Section 5. A veterinary technician may apply for reinstatement of an expired license if not more than five (5) years have elapsed since the last date of license expiration. Reinstatement applications to the board for licensure as a veterinary technician shall include the following components:

- (1) A completed application on a Reinstatement Application for Veterinary Technicians form or online equivalent form, including all required attachments;
- (2) A copy of any court documents, settlement agreements, or other documents requested by the board in support of the application;
- (3) Proof of a minimum of six (6) continuing education credits (as approved pursuant to 201 KAR 16:590) during the twelve (12) months immediately prior to the date of application;
- (4) Licensure verifications from all jurisdictions in which the applicant once held or currently holds a license as a veterinary technician;
- (5) If more than one (1) year since the date of license expiration, a current VAULT credential report from the AAVSB; and
- (6) Payment for the application fee pursuant to 201 KAR 16:512.

Section 6. A veterinary technician license holder of the board shall renew his or her license pursuant to 201 KAR 16:570.

Section 7. Change in Licensure Status. Veterinarian and veterinary technician license holders may apply to the board for a change in licensure status in accordance with 201 KAR 16:580.

Section 8. Background checks. The board may conduct a national or jurisdictional level background check on each applicant for licensure. The check shall be processed by a board approved background check provider, and may include a copy of the applicant's fingerprints captured at a board-approved location. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of licensure or deny licensure following the board's review of findings from a background check.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Licensure as a Veterinarian", 3/2020;
- (b) "Reinstatement Application for Veterinarians", 3/2020;
- (c) "Application for Licensure as a Veterinary Technician", 3/2020; and
- (d) "Reinstatement Application for Veterinary Technicians", 3/2020.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1732, 2466, 2610; eff. 6-30-2020.)

### **201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA**

RELATES TO: KRS 217.177(6), 321.207, 321.235(7), 321.351

STATUTORY AUTHORITY: KRS 321.207(1), (2), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) permits the Kentucky Board of Veterinary Examiners to authorize an animal control agency to apply for a registration certificate by the

United States Drug Enforcement Administration (DEA) to euthanize animals. KRS 321.207(2) requires the applicant agency to comply with administrative regulations that establish standards for the proper storage and handling of the drugs the board has authorized for use, and other provisions that may be necessary to ensure that the drugs are used safely and solely for the purpose of euthanizing animals. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the certification requirements, standards for proper drug storage, and drugs that may be used by certified animal control agencies and the certified animal euthanasia specialists they employ.

Section 1. General Requirements. (1) The applicant animal control agency shall apply to the board for authorization as established by KRS 321.207.

(2) A complete application to the board shall include the following components:

(a) A completed Application for Certification as an Animal Control Agency form or online equivalent form, including all required attachments;

(b) Identification of the agency designated onsite manager;

(c) A complete and current list of all individuals performing euthanasia activities at the animal control facility; and

(d) Payment of the fee in accordance with 201 KAR 16:514.

(3) Prior to the board's issuance of the certificate of authorization, the applicant shall undergo an inspection of the facility by the board inspector or other designee of the board.

(4) Following board application approval, the applicant shall apply to DEA for registration as a practitioner and designate "animal shelter" on the appropriate DEA form.

(5) A certified animal control agency shall submit to inspection by a board representative at any time, with or without advanced notice.

(6) A certified animal control agency shall designate an onsite manager of the shelter. The agency shall notify the board in writing within ten (10) days of any change in the onsite manager of the shelter.

(7) Background checks. The board may conduct a national or jurisdictional level background check on each designated shelter manager. The check shall be processed by a board approved background check provider, and may include a copy of the designated manager's fingerprints captured at a board approved location. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of certification for the animal control agency or deny certification following the board's review of findings from a background check.

(8) Animal control agency certificate renewal requirements.

(a) An animal control agency shall renew the board certification annually in accordance with 201 KAR 16:572.

(b) Failure to renew the certificate for an animal control agency shall result in the following actions by the board:

1. The animal control agency certificate shall be moved to expired status;

2. All certified animal euthanasia specialists under the employment of the formerly certified animal control agency shall be moved to inactive status; and



3. The DEA shall be notified of the lapse in certification.

(c)1. An animal control agency with an expired certificate shall have five (5) years to reinstate their certificate by submitting a completed Reinstatement Application for Animal Control Agencies form or online equivalent form, including all required attachments and payment of the application fee pursuant to 201 KAR 16:514.

2. The animal control agency shall undergo inspection by an authorized representative of the board in accordance with subsection (3) of this section prior to the reinstatement of a certificate.

3. After five (5) years, the agency shall apply for a new certificate in accordance with this administrative regulation and 201 KAR 16:572.

Section 2. Approved Drugs. A certified animal control agency shall be restricted to the purchase of sodium pentobarbital and other euthanasia drugs currently approved by the American Veterinary Medical Association (AVMA) for the purpose of euthanizing animals. DEA's Schedule II order forms (titled "DEA-222") shall be used for each purchase of sodium pentobarbital or other AVMA approved euthanasia drugs.

Section 3. Records. (1) A certified animal control agency shall maintain records of purchases and administration of sodium pentobarbital and other AVMA approved euthanasia drugs for a period of not less than two (2) years.

(2) Records of administration shall include, at a minimum, the following information:

(a) The date of use;

(b) Identification of the animal;

(c) The amount of the drug used;

(d) The signature of the person administering the drug;

(e) The signature of the onsite manager certifying the accuracy of the administration of sodium pentobarbital and other AVMA approved euthanasia drugs not less than once per month; and

(f) The signature of the onsite manager certifying to the accuracy of the records.

(3) Records of purchase and destruction of sodium pentobarbital and other AVMA approved euthanasia drugs shall be maintained in a separate file from the records of administration of those substances.

(4) The records of purchase, destruction, and administration may be audited by representatives of the DEA or authorized designees of the board to determine adequacy, accuracy, and validity of the recordkeeping. The board may impose restrictions and administrative penalties on certificate holders as a result of substandard controls or records of the drugs.

(5) The records of purchase, destruction, and administration shall be maintained at the location of the agency.

Section 4. Storage. (1) Sodium pentobarbital and other AVMA approved euthanasia drugs shall be stored in a securely locked cabinet within a locked storage room or other enclosure at the certified animal control agency.

(2) Schedule II order forms shall be stored in a securely locked cabinet, separate from the storage location of the drugs, within a locked storage room or other enclosure at the certified animal control agency.

Section 5. Disposal of Needles and Medical Waste. All needles generated in the process of euthanizing animals shall be disposed of pursuant to KRS 217.177(6).

Section 6. Disciplinary Action. An animal control agency and its employees shall be subject to disciplinary action pursuant to KRS 321.235(7) and KRS 321.351 for a violation of state or federal statutes or administrative regulations.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Certification as an Animal Control Agency", 3/2020; and
- (b) "Reinstatement Application for Animal Control Agencies", 3/2020.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1735, 2468, 2611; eff. 6-30-2020.)

## **201 KAR 16:560 - Certification as an animal euthanasia specialist**

RELATES TO: KRS 257.160, 321.207, 321.235(7), 321.351

STATUTORY AUTHORITY: KRS 321.207(3), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(3) requires the Kentucky Board of Veterinary Examiners to issue a certificate to a person who meets the qualifications of an animal euthanasia specialist and is approved by the board for a certificate. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the qualifications for certification as an animal euthanasia specialist and the duties of an animal euthanasia specialist.

Section 1. In order to be eligible for certification as a certified animal euthanasia specialist an applicant shall:

- (1) Be at least twenty-one (21) years of age;
- (2) Be of good moral character;
- (3) Not have been convicted of, or entered an "Alford" plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of the plea, one (1) or more of the following in the last ten (10) years, subject to the provisions of KRS Chapter 335B:
  - (a) A felony;
  - (b) An act involving moral turpitude or gross immorality; or
  - (c) A violation of any law, rule, or administrative regulation of this state, any other state, or the United States government that involves the use or trafficking of illegal substances;
- (4) Have a high school diploma or general equivalency degree (GED);
- (5) Pay the initial certification fee as specified in 201 KAR 16:514;
- (6) Be employed by a board certified animal control agency; and

(7) Have completed a board approved sixteen (16) hour euthanasia specialist training course as established in Section 2 of this administrative regulation within ten (10) years prior to application.

Section 2. Euthanasia Specialist Training Course Curriculum. (1) The curriculum for the sixteen (16) hour euthanasia specialist course shall provide information on the following subjects:

(a) Pharmacology, proper administration, and storage of euthanasia solutions that shall consist of a minimum of eight (8) hours;

(b) Federal and state laws regulating the storage and accountability for euthanasia solutions;

(c) Euthanasia specialist stress management;

(d) Proper animal handling with emphasis on easing the trauma and stress to the animal; and

(e) Disposal of euthanized animals.

(2) A training course for a euthanasia specialist shall be reviewed and approved by the board prior to presentation. A provider of a euthanasia specialist training shall submit the following information to the board:

(a) A published course or similar description;

(b) Names and qualifications of current instructors;

(c) A copy of the program agenda indicating hours of education, refreshment, and lunch breaks;

(d) A copy of the full program curriculum;

(e) A copy of an official certificate of completion from the sponsoring agency; and

(f) Upon completion of the instruction of a sixteen (16)-hour euthanasia course, a complete attendee list to the board, including the following:

1. The dates and locations of the course;

2. Each attendee's full name and address; and

3. Notation by an individual's name if the course was not completed.

Section 3. An application to the board for certification as an animal euthanasia specialist shall include the following components:

(1) A completed application on an Application for Certification as an Animal Euthanasia Specialist form or online equivalent form, including all required attachments;

(2) An official copy of final transcripts or a copy of the applicant's diploma from high school, or GED certificate, or highest level of education attained;

(3) A copy of a certificate of completion from a board approved sixteen (16)-hour euthanasia training course; and

(4) Payment for the application fee pursuant to 201 KAR 16:514.

Section 4. An individual with an expired animal euthanasia specialist certificate may reinstate their certificate if not more than five (5) years have elapsed since the last date of certificate expiration.

Reinstatement applications seeking board approval for certification as an animal euthanasia specialist shall include the following components:

(1) A completed application on a Reinstatement Application for Animal Euthanasia Specialists form or online equivalent form, including all required attachments; and

(2) Payment for the application fee pursuant to 201 KAR 16:514.

Section 5. An application to the board for approval for a change in licensure status shall be made in accordance with 201 KAR 16:580.

Section 6. Background Checks. The board may conduct a national or jurisdictional level background check on each applicant for certification. The check shall be processed by a board approved background check provider, and may include a copy of the applicant's fingerprints captured at a board approved location. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of certification or deny certification following the board's review of findings from a background check.

Section 7. Employment and Termination. (1) A person may function as a certified animal euthanasia specialist only while he or she remains employed by a certified animal control agency in the Commonwealth of Kentucky.

(2) Upon termination of employment with a certified animal control agency or upon expiration of the certified animal control agency's certificate, a certified animal euthanasia specialist's certificate status shall automatically be moved by the board from an active to inactive status. The inactive certified individual shall not perform animal euthanasia until he or she has obtained employment with a certified animal control agency with a certificate in active status, and applied to the board and been approved to move the animal euthanasia specialist certificate back into active status in accordance with 201 KAR 16:580.

Section 8. Duties of a Certified Animal Euthanasia Specialist. The duties of certified animal euthanasia specialist shall include the following:

(1) Preparing animals for euthanasia;

(2) Carefully and accurately recording dosages, administration, and drug waste;

(3) Ordering supplies and drugs;

(4) Maintaining the security of all controlled substances and drugs in accordance with 201 KAR 16:550 and other applicable federal, state, and local laws;

(5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;

(6) Humanely euthanizing animals;

(7) Disposing of the bodies in a manner consistent with KRS 257.160;

(8) Maintaining his or her certification;

(9) Reporting to the board any change of address within thirty (30) days; and

(10) Providing a written response to a grievance or inquiry from the board within thirty (30) days of receipt.

Section 9. Approved Methods of Euthanasia. (1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of sodium pentobarbital or other AVMA

approved euthanasia drug and AVMA approved administration methodology, in a manufactured dosage form, whose only indication is for euthanizing animals.

(2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference:

- (a) Intravenous injection by hypodermic needle;
- (b) Intraperitoneal injection by hypodermic needle;
- (c) Intracardial injection by hypodermic needle, but only on a sedated or unconscious animal; or
- (d) Solution or powder added to food.

Section 10. Disciplinary Action. A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235(7) and 321.351 for a violation of state or federal statutes or administrative regulations.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Certification as an Animal Euthanasia Specialist", 3/2020; and
- (b) "Reinstatement Application for Animal Euthanasia Specialists", 3/2020.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1736, 2470, 2612; eff. 6-30-2020.)

## **201 KAR 16:570 - License renewal for veterinarians and veterinary technicians; renewal notice**

RELATES TO: KRS 321.193, 321.211, 321.221, 321.441

STATUTORY AUTHORITY: KRS 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193, 321.221, and 321.441 require the Kentucky Board of Veterinary Examiners to issue a license to all persons successfully passing the examination and being qualified to engage in the practice of veterinary medicine or as a veterinary technician in the Commonwealth of Kentucky. KRS 321.211 and 321.441 provide for the renewal of the license. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation requires a renewal notice to all licensed veterinarians and veterinary technicians and requires all licensed veterinarians and veterinary technicians to complete the renewal application and return it, along with the renewal fee, to the board. It further requires all licensed veterinarians and veterinary technicians to keep the board apprised of the legal name and current address of the licensee.

Section 1. (1) The board shall, not later than August 31 of each even-numbered year, email or mail to each licensed veterinarian a biennial renewal notice.

(2) The board shall, not later than August 31 of each year, email or mail to each licensed veterinary technician an annual renewal notice.

(3) The renewal application shall be completed by the licensee and returned to the board, including all required attachments and, if required by the board, proof of course completion for the required continuing education.

(4) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 or earlier shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, between October 1 and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

(5)(a) The renewal fee shall be attached to the completed renewal form when it is returned to the board.

(b) The renewal fee shall be paid in accordance with 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

Section 2. (1) Every licensed veterinarian shall list his or her continuing education hours received pursuant to 201 KAR 16:590 on the Renewal Application for Veterinarians form or online equivalent form, including all required attachments, and if required, proof of attendance or completion of training to the board.

(2) Every licensed veterinary technician shall list his or her continuing education hours received pursuant to 201 KAR 16:590 on the Renewal Application for Veterinary Technicians form or online equivalent form, including all required attachments, and if required by the board, proof of course completion of the required continuing education.

(3)(a) The board shall not renew the license of any person who fails to appropriately document the required hours of continuing education.

(b) The veterinarian license shall expire and subsequently be terminated as prescribed by KRS 321.211.

(c) The veterinary technician license shall expire and subsequently be terminated as prescribed by KRS 321.441.

Section 3. The board shall not be held responsible or liable for lost renewal notices, or renewal notices not received, or not received on time. (1) Regardless of cause, the board shall not have to refund money to a licensee who fails to renew in a timely manner pursuant to Section 1(4) of this administrative regulation.

(2) If a licensee fails to renew by the grace period deadline, the license shall expire. The former licensee may apply for reinstatement of the license within five (5) years from the date of expiration in accordance with 201 KAR 16:540. A reinstatement application shall be required during this period; an application for a new license shall not be accepted until five (5) years after the last date of expiration.

Section 4. Every licensed veterinarian or veterinary technician shall:

(1) File his or her legal name and proper and current mailing address with the board at its principal office; and

(2) Within thirty (30) days, notify the board of any changes of his or her legal name or mailing address by submitting a completed Request for Name or Address Change form.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Renewal Application for Veterinarians", 3/2020;
- (b) "Renewal Application for Veterinary Technicians", 3/2020; and
- (c) "Request for Name or Address Change", 2/2020.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1738,2614; eff. 6-30-2020.)

## **201 KAR 16:572 - Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice**

RELATES TO: KRS 321.207

STATUTORY AUTHORITY: KRS 321.207, 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207 requires the Kentucky Board of Veterinary Examiners to issue a certificate to all animal control agencies being qualified to register with the United States Drug Enforcement Administration (DEA) to purchase, possess, and use board authorized controlled substances, and to all persons qualified to engage in the practice of animal euthanasia in the Commonwealth of Kentucky. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation requires a renewal notice to all certified animal control agencies and animal euthanasia specialists and requires all certified animal control agencies and animal euthanasia specialists to complete the renewal application and return it, along with the renewal fee to the board. It further requires all certified animal control agencies and animal euthanasia specialists to keep the board apprised of the legal name and current address of the licensee.

Section 1. (1) The board shall, not later than February 1 of each year, email or mail to each certified animal control agency and animal euthanasia specialist a renewal notice.

(2) The renewal application shall be completed by the certified entity and returned to the board, including all required attachments and fees.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of March 1 or earlier shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, between March 2 and April 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:514.

(4) The renewal fee shall be attached to the completed renewal form when it is returned to the board.

(a) For certified animal control agencies, the renewal form shall be the Renewal Application for Animal Control Agencies form or online equivalent form, including all required attachments.

(b) For certified animal euthanasia specialists, the renewal form shall be the Renewal Application for Animal Euthanasia Specialists form or online equivalent form, including all required attachments.

(5) The renewal fee shall be paid in accordance with 201 KAR 16:514.

Section 2. The board shall not be held responsible or liable for lost renewal notices, or renewal notices not received, or not received on time. (1) Regardless of cause, the board shall not have to refund money to a

certificate holder who fails to renew in a timely manner pursuant to Section 1(3) of this administrative regulation.

(2) If a certificate holder fails to renew by the grace period deadline, the certificate shall expire. The former certificate holder may apply for reinstatement of the license within five (5) years from the date of expiration in accordance with 201 KAR 16:550 and 201 KAR 16:560. A reinstatement application shall be required during this period; an application for a new license shall not be accepted until five (5) years after the last date of expiration.

Section 3. Current contact information shall be on file with the board. (1)(a) Every certified animal control agency shall:

1. File a proper and current mailing address with the board at its principal office; and
2. Within thirty (30) days, notify the board of any changes of the agency's mailing address by submitting a completed Request for Name or Address Change form.

(b)1. Every certified animal control agency shall file an update with the board to notify the board of any changes to the designated onsite manager tasked with management of controlled substances and the euthanasia program pursuant to 201 KAR 16:550, or of any changes of the onsite manger's legal name or personal address.

2. Updates may be filed on the annual Renewal Application for Animal Control Agencies form or online equivalent form, or on the Request to Designate a New Agency Onsite Manager form or online equivalent form, including all required attachments.

(c) Background checks. For new agency designated onsite managers, the board may conduct a national or jurisdictional level background check on each designated onsite manager. The check shall be processed by a board approved background check provider, and may include a copy of the designated manager's fingerprints captured at a board approved location. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of certification or deny certification following the board's review of findings from a background check. The results shall be submitted to the board within thirty (30) days of designating a new onsite manager.

(2)(a) Every certified animal euthanasia specialist shall:

1. File his or her legal name and proper and current mailing address with the board at its principal office; and
2. Within thirty (30) days, notify the board of any changes of his or her legal name or mailing address by submitting a completed Request for Name or Address Change form.

(b) Updates may be filed on the annual Renewal Application for Animal Euthanasia Specialists form or online equivalent form, or on the Request for Name or Address Change form or online equivalent form, including all required attachments.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Renewal Application for Animal Control Agencies", 3/2020;
- (b) "Renewal Application for Animal Euthanasia Specialists", 3/2020;
- (c) "Request to Designate a New Agency Onsite Manager", 3/2020; and
- (d) "Request for Name or Address Change", 2/2020.



(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1740, 2472, 2615; eff. 6-30-2020.)

## **201 KAR 16:580 - Board issued licenses and certificates, inactive and retired statuses**

RELATES TO: KRS 321.207, 321.211, 321.441

STATUTORY AUTHORITY: KRS 321.190, 321.211(8), 321.235(3), (6), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(3) and 321.240(5) authorize the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(6) authorizes the board to promulgate administrative regulations regarding the issuance and renewal of retired and inactive licenses. This administrative regulation establishes the procedures for the issuance and renewal of retired and inactive licenses and certificates.

Section 1. Inactive License Status for Veterinarians and Veterinary Technicians. (1) A veterinarian or veterinary technician licensee of the board with a license in active status may request inactive licensure status by:

(a) Submitting a completed application Request for Licensure Status Change form or online equivalent form, including all required attachments; or

(b) Designating his or her intent to convert to inactive status on the appropriate renewal form for that license type during a renewal period in accordance with 201 KAR 16:570.

(2) A licensee whose license is designated with an inactive status shall pay a renewal fee during each license cycle in accordance with 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

(3) Continuing education credits shall not be required for licensees while in inactive status.

(4) A licensee whose license is in an inactive status may request reinstatement to an active license status by:

(a)1. Completing and submitting the appropriate reinstatement application or online equivalent form, including all required attachments:

a. Reinstatement Application for Veterinarians; or

b. Reinstatement Application for Veterinary Technicians; or

2. Designating intent to reinstate to active status on the appropriate renewal form for that license type during a renewal period in accordance with 201 KAR 16:570;

(b) Completing and providing proof of continuing education in accordance with 201 KAR 16:590; and

(c) Paying the reinstatement fee pursuant to 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

(5) There shall be no time limit on the number of years a veterinarian's license or veterinary technician's license may remain in an inactive status.

(6) A licensee whose license is in an inactive status shall not practice his or her profession in any capacity within the Commonwealth of Kentucky as long as the license remains in inactive status.

Section 2. Inactive License Status for Animal Euthanasia Specialists. (1) A certified animal euthanasia specialist with a certificate in active status may request inactive licensure status by:

(a) Submitting a completed application Request for Licensure Status Change form or online equivalent form, including all required attachments; or

(b) Designating his or her intent to convert to inactive status on the Renewal Application for Animal Euthanasia Specialists form as found in 201 KAR 16:572 during a renewal period.

(2) A certified animal euthanasia specialist with a certificate in active status shall be moved to inactive licensure status by the board if:

(a) His or her employment is severed with the animal control agency of record in the certificate holder's file; or

(b) The animal control agency employing the animal euthanasia specialist fails to renew its certificate in a timely manner.

(3) A certified animal euthanasia specialist whose certificate is designated with a status of inactive shall not pay a renewal fee.

(4) A certified animal euthanasia specialist whose certificate is in an inactive status pursuant to subsection (1) of this section may request reinstatement to an active certificate status by:

(a)1. Submitting a completed Reinstatement Application for Animal Euthanasia Specialists form, including all required attachments; or

2. Designating his or her intent to reinstate to active status on the Renewal Application for Animal Euthanasia Specialists form as found in 201 KAR 16:572 during a renewal period; and

(b) Paying the reinstatement fee pursuant to 201 KAR 16:514.

(5)(a) A certified animal euthanasia specialist whose certificate is in an inactive status due to a board action may request reinstatement to active certificate status if:

1. The certificate of the animal control agency of record has been reinstated; or

2. The certified animal euthanasia specialist is employed by another certified animal control agency.

(b) The request shall be made by submitting a completed Reinstatement Application for Animal Euthanasia Specialists form and paying the reinstatement fee pursuant to 201 KAR 16:514.

(6) An animal euthanasia specialist certificate in inactive status shall expire after five (5) years.

(7) A certificate holder whose license is in an inactive status shall not practice his or her profession in any capacity within the Commonwealth of Kentucky as long as the certificate remains in inactive status.

Section 3. Background checks. The board may conduct a national or jurisdictional level background check on each applicant for reinstatement of licensure or certification. The check shall be processed by a board approved background check provider, and may include a copy of the applicant's fingerprints captured at a board approved location. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of licensure or certification or deny licensure or certification following the board's review of findings from a background check.

Section 4. Retired License Status. (1) A licensee of the board may request retired status by:

(a) Submitting a completed application Request for Licensure Status Change form or online equivalent form, including all required attachments; or

(b) Designating his or her intent to convert to retired status on the appropriate renewal form for that license type during a renewal period in accordance with 201 KAR 16:570.

(2) A licensee whose license is designated in a retired status shall pay a one-time fee in accordance with 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

(3) Once a license has been designated in a retired status, the license cannot be reinstated.

(a) The board shall not authorize a person whose license is in a retired status to reinstate his or her license.

(b) A person whose license is in a retired status who desires to practice again shall complete and submit a new application for licensure to the board in accordance with 201 KAR 16:540.

(4) A person whose license is a retired status shall not be able to practice his or her profession in any capacity within the Commonwealth of Kentucky unless he or she holds a new, separate license issued by the board.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) “Request for Licensure Status Change”, 2/ 2020;

(b) “Reinstatement Application for Veterinarians”, 3/2020;

(c) “Reinstatement Application for Veterinary Technicians”, 3/2020; and

(d) “Reinstatement Application for Animal Euthanasia Specialists”, 3/2020.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1741, 2474, 2616; eff. 6-30-2020.)

## **201 KAR 16:590 - Continuing education requirements, veterinarians and veterinary technicians**

RELATES TO: KRS 321.211, 321.221, 321.235, 321.441

STATUTORY AUTHORITY: KRS 321.211(7), 321.235(3), 321.240(5), 321.441(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.211(7) and 321.441(3) authorize the Kentucky Board of Veterinary Examiners to require a person applying for renewal or reinstatement to show evidence of completion of continuing education. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the requirements for continuing education hours relating to the practice of veterinary medicine and veterinary technicians.

Section 1. Continuing Education Requirements for License Renewal and Reinstatement.

(1) A veterinarian shall complete biennially thirty (30) hours of continuing education to be eligible for renewal of his or her license. At least twenty (20) of the thirty (30) hours shall be directly related to the practice of veterinary medicine. No more than ten (10) of the thirty (30) hours shall pertain to practice management or other topics that are not directly related to the practice of veterinary medicine.

(2) A veterinary technician shall annually complete six (6) hours of continuing education to be eligible for renewal of his or her license.

(3) In addition to attendance at a conference, lecture, or seminar, a veterinarian or veterinary technician may complete the hours of continuing education required for renewal by the completion of audio or video recordings or electronic, computer, or interactive material prepared or approved by any of the organizations established in Section 2(1) and (2) of this administrative regulation. There shall not be a limit to the number of online hours a licensee may apply to his or her renewal.

(4) Continuing education shall be earned from October 1 of each renewal period until September 30 at the end of the period, or until November 30 at the end of the grace period with the addition of a late fee in accordance with 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

(a) A licensee may apply continuing education hours to only one (1) renewal cycle. Continuing education hours earned for a given course shall not be applied to the total required hours again in the following renewal cycle.

(5) A veterinarian applying for renewal after completing his or her initial term of licensure after graduating from a veterinary college may complete a reduced number of hours of continuing education to be eligible for renewal as established in this subsection. This subsection shall not apply to applicants for licensure by endorsement under KRS 321.221 who graduated prior to the renewal biennium during which they were initially licensed.

(a) A veterinarian completing his or her initial term of licensure who graduated from a veterinary college during the first year of the preceding biennium shall complete fifteen (15) hours of continuing education to be eligible for renewal.

(b) Continuing education requirements shall be waived for a veterinarian completing his or her initial term of licensure who graduated during the second year of the preceding biennium.

(6) For a veterinary technician, continuing education requirements shall be waived for a new licensee completing his or her initial term of licensure who also graduated within 12-months of initial licensure. This paragraph shall not apply to applicants for licensure by endorsement who graduated prior to the renewal cycle during which they were initially licensed.

(7)(a) A veterinarian or veterinary technician may submit a written request to the board for approval of a fellowship, internship, or residency in lieu of the continuing education hours required for license renewal.

(b) The number of continuing education hours granted shall be determined by the board.

(c) The request shall:

1. Include a letter of verification from an authorized representative of the organization providing the fellowship, internship, or residency opportunity;

2. Be printed on the organization's letterhead; and

3. Provide a description of the position itself, a summary of assigned tasks, and the anticipated or completed beginning and ending dates of the position.

(8) Continuing education hours shall be required as follows for reinstatement applications:

(a) For veterinarians, thirty (30) hours in a twenty four (24) month period prior to the date of application; and

(b) For veterinary technicians, six (6) hours in a twelve (12) month period prior to the date of application.

Section 2. Approved Continuing Education Courses. (1) The board hereby approves the following continuing education courses:

(a) All scientific programs of the American Veterinary Medical Association (AVMA), its constituent organizations, and its recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine;

(b) Programs approved by the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);

(c) Accreditation modules offered by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS); and

(d) All programs approved by the board pursuant to subsection (2) of this section.

(2)(a) By a majority vote, the board may approve programs that are deemed to impart knowledge directly relating to the practice of veterinary medicine, including the utilization and application of new techniques, scientific and clinical advances, and the achievement of research to assure expansive and comprehensive care to the public.

(b) To request approval, a completed Request for Continuing Education Approval form shall be submitted to the board.

Section 3. Continuing Education Documentation Requirements. (1) A licensee shall:

(a) Secure documentation of completed attendance at a course, detailing the hours earned;

(b) Submit on the Renewal Application for Veterinarians form or Renewal Application for Veterinary Technicians form as found in 201 KAR 16:700 or online equivalent forms, as appropriate, the name, dates, and identifying information for each course he or she attended; and

(c) Retain copies of continuing education documentation for a period of four (4) years from the date of licensure renewal.

(2) The board may require an applicant or licensee to submit copies of documentation of his or her attendance at continuing education courses.

Section 4. Continuing Education Requirement Waivers. (1) The board may, in individual cases involving medical disability or illness, grant waivers of the continuing education requirements or extensions of time within which to fulfill the same or make the required reports.

(a) A written request for an extension or waiver of continuing education requirements for medical disability or illness reasons waiver or extension of time shall be submitted by the licensee. The board may require a signed document from a physician or other health care provider to verify the licensee's claimed disability or illness.

(b) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the requirements shall not be granted by the board for a period of time exceeding one (1) calendar year.

(c) If the medical disability or illness upon which a waiver or extension has been granted persists beyond the period of the waiver or extension, the licensee shall have the option to apply for another extension.

(2) The board shall grant a waiver to a licensee who is unable to meet the continuing education requirements of this administrative regulation because of obligations arising from military duty.

(a) A licensee engaged in active military duty and deployed outside the United States for more than eight (8) months shall not be required to complete the continuing education requirement for licensure periods during which that status exists.

(b) A licensee who is called to active duty in the armed forces shall not be required to complete the continuing education requirement for licensure periods during which that status exists.

(c) The licensee requesting an extension or waiver pursuant to this subsection shall submit with his or her renewal or reinstatement paperwork, the appropriate military assignment form, deployment orders, or a statement from the licensee's unit commander confirming the call-up or deployment.

Section 5. Incorporation by Reference. (1) "Request for Continuing Education Approval", 2/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1743, 2475, 2617; eff. 6-30-2020.)

## **201 KAR 16:600 - Prescription and dispensation of drugs for animal use**

RELATES TO: KRS 258.015, 321.181(5)(b)

STATUTORY AUTHORITY: KRS 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.181(5)(b) provides that the practice of veterinary medicine includes the prescribing, administering, or dispensing of drugs and medications for veterinary purposes. KRS 321.235(3) and 321.240(5) authorize the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 321. This administrative regulation establishes a procedure for the prescription and dispensation of drugs by licensed veterinarians for use in animals.

Section 1. Definitions. (1) "Legend drug" means a veterinary prescription drug.

(2) "Prescription" means an order from a veterinarian to a pharmacist or another veterinarian authorizing the dispensing of a veterinary prescription drug to a client for use on or in a patient.

(3) "Veterinary drug" means:

(a) A drug for animal use recognized in the official United States Pharmacopoeia or official National Formulary of the United States;

(b) A drug intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals;

(c) A drug, other than feed, medicated feed, or a growth promoting implant intended to affect the structure or function of the body of an animal; or

(d) A drug intended for use as a component of a drug in paragraph (a), (b), or (c) of this subsection.

(4) "Veterinary prescription drug" means:

(a) A drug that is not safe for animal use without a veterinarian using or ordering the use of the product, and that is required by federal law to bear the following statement: "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian";

(b) A drug that is required by state law to be dispensed only on order or prescription of a licensed veterinarian;

(c) The extra-label use of an over-the-counter animal drug or human drug; and

(d) A medicament compounded by mixing two (2) or more legally-obtained over-the-counter or prescription drugs.

Section 2. Prescribing and Dispensing. (1) A veterinary prescription shall include all of the following:

(a) The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian;

(b) The name and address of the client;

(c) The species and identity of the patient for which the prescription is issued;

(d) The name, strength, and quantity of the drug prescribed;

(e) The date on which the prescription is issued;

(f) The directions for administering the drug;

(g) If the patient is a food producing animal, the withdrawal time for the veterinary drug;

(h) If the prescription authorizes extra-label use, the manner in which the client may use the drug;

(i) Any cautionary statements required by law; and

(j) Number of refills allowed, not to exceed the limitations established in Section 6(2) of this administrative regulation.

(2) A veterinarian shall not prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without first personally examining the patient unless a veterinarian-client-patient relationship (VCPR) already exists between the prescribing veterinarian, client and patient, and the veterinarian determines that the client has sufficient knowledge to administer the drug properly.

(3) A veterinarian shall not prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records described in Section 4 of this administrative regulation, within seventy-two (72) hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed.

(4) A veterinarian shall not prescribe a drug to a client for extra-label use on a patient unless all of the following apply:

(a) The VCPR exists between the veterinarian, client and patient, and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that VCPR;

(b) The veterinarian determines that there is no drug that is marketed specifically to treat the patient's diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective;

(c) The veterinarian recommends procedures to ensure that the identity of the patient receiving the drug can be readily ascertained in the future; and

(d) If the patient is a food producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed.

(5) A veterinarian shall not transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.

(6) A veterinarian shall not refuse to write an otherwise appropriate prescription for a patient with a valid VCPR solely because the prescription may be filled at an establishment other than the veterinarian's own clinic or pharmacy.

Section 3. Labeling. (1) A veterinarian shall not dispense a drug that has been prepared, mixed, formulated, or packaged by the veterinarian unless the veterinarian affixes to the container in which the drug is dispensed a label containing all of the information specified in Section 2(1) of this administrative regulation, except the address of the client.

(2) A veterinarian shall not dispense a veterinary prescription drug that has been prepackaged by its manufacturer for dispensing unless the veterinarian affixes to the container in which the drug is dispensed a label containing all of the information specified in Section 2(1) of this administrative regulation, except the address of the client.

(3) A veterinarian may dispense a veterinary over-the-counter drug without affixing any information to the container in which the drug is dispensed if a label that has been affixed to the container by its manufacturer provides adequate information for its use.

Section 4. Prescription Records. (1) A veterinarian shall maintain complete records of each veterinary prescription drug that the veterinarian receives, prescribes, dispenses, or administers, and of each prescription issued by the veterinarian that authorizes extra-label use.

(2) Records of each veterinary prescription drug shall include:

- (a) The name of each veterinary prescription drug that is received;
- (b) The name and address of the person from whom the drug is received;
- (c) The date and quantity received;
- (d) The name and address of the person to whom the drug is dispensed;
- (e) The date and quantity dispensed; and

(f) If the veterinarian prescribes or administers the drug, the information specified in Section 2(1) of this administrative regulation.

(3) Records of each prescription authorizing extra-label use shall include the information specified in Section 2(1) of this administrative regulation.

(4) A veterinarian shall maintain records of each veterinary prescription drug for at least five (5) years after the date on which the veterinarian prescribes, dispenses, or administers the drug or extra-label use.

Section 5. (1) A veterinarian may refuse to write a prescription for controlled substances or a prescription for any medication that, in the veterinarian's medical judgment, is not appropriate for the patient's medical care.

(2) A veterinarian may refuse to write a prescription if it is not directly requested by a client with whom there is, in the veterinarian's opinion, a current and existing VCPR.

(3) A prescription shall be construed to include any manner of authorization for filling a prescription, including verbal or electronic communication.

(4) The veterinarian may delegate to an office employee the authority to communicate a refill of a legend drug to the pharmacy on behalf of the veterinarian pursuant to written protocol established prior to the delegation of that authority.



Section 6. (1) A veterinarian shall ensure that federal legend drugs and veterinary prescription drugs are maintained, logged, administered, prescribed, dispensed, and destroyed in compliance with state and federal laws.

(2) A veterinarian shall not prescribe or dispense a quantity of drug that is greater than that the amount required for one (1) year of treatment for an animal, herd, or flock.

(3) To prescribe, sell, distribute, or dispense any drug requiring a prescription for use in the context of an animal, herd, or flock, a veterinarian shall first do all of the following:

(a) Perform an appropriate history and physical examination;

(b) Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;

(c) Formulate a therapeutic plan, and discuss it with the animal's owner (or the owner's agent), along with the basis for it and the risks and benefits of various treatments options, a part of which might be a prescription drug; and

(d) Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.

Section 7. Rabies Vaccine Administration. The administration of a rabies vaccine shall be in accordance with the provisions of KRS 258.015 and 902 KAR 2:070.

Section 8. (1) A veterinarian may dispense a prescription drug only if the prescribing veterinarian has established a VCPR.

(2) If the dispensing veterinarian does not have a VCPR, a licensed veterinary technician or a veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug only while he or she is under the direct supervision of a licensed veterinarian.

(3) If the dispensing veterinarian does have a VCPR, a licensed veterinary technician or veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug while he or she is under the indirect supervision of a licensed veterinarian.

(4) If a licensed veterinary technician or a veterinary assistant acts under the provisions of this section, the licensed veterinarian shall ensure that the requirements of this administrative regulation are met.

Section 9. Enforcement. If the board has reason to believe that a veterinarian or person claiming to be a veterinarian is violating or has violated this administrative regulation, the board may:

(1) Inspect the premises on which the veterinarian or person claiming to be a veterinarian possesses, prescribes, dispenses, labels or administers veterinary drugs;

(2) Inspect relevant records, equipment, materials, containers, or facilities;

(3) Collect samples of veterinary drugs found on the premises; and

(4) Conduct any other investigative activities necessary to open a case and issue a determination and, if necessary, hold hearings and enact discipline on the individual. (46 Ky.R. 1745, 2477, 2618; eff. 6-30-2020.)

## **201 KAR 16:610 - Procedures for grievances, investigations, and administrative charge**

RELATES TO: KRS Chapter 13B, 61.870 - 61.884, 321.190, 321.235(2), 321.351, 321.353, 321.360

STATUTORY AUTHORITY: KRS 321.235(2), (3), 321.240(5), 321.351, 321.353, 321.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2) authorizes the Kentucky Board of Veterinary Examiners to investigate an allegation of a practice that violates the provisions of KRS Chapter 321. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the procedures for handling grievances, investigations, and administrative charges.

Section 1. Definition. "Grievance" means a complaint, grievance, or other allegation of misconduct that might constitute a violation of KRS Chapter 321 or 201 KAR Chapter 16.

Section 2. Intake of Grievances. (1)(a) A grievance may be submitted by any individual, organization, or entity.

(b) The board may submit a grievance on its own initiative based on information in its possession that the board believes is sufficiently credible to justify a request for a response from the licensee (or other individual named in the grievance).

(2) The grievance shall be in writing on a Grievance Form or online equivalent form provided by the board, and shall include the complaining party's name, address, telephone number, and signature. Electronic signatures shall be accepted.

(3) The board's chair, or the chair's designee, shall perform an initial screen of any grievance that was submitted without identifying the complaining party. The chair, or the chair's designee, shall determine whether the grievance contains sufficient details or other indicators of credibility to justify a request for a response from the licensee (or other individual named in the grievance). If sufficient details or other indicators of credibility are lacking, then the grievance shall be discarded without further action or notice to the licensee or other named individual.

(4) The board shall send a copy of the grievance to the licensee (or other individual named in the grievance) along with a request for a response. The response shall be required within thirty (30) days from the date of when the board sent a copy of the written grievance. Failure to respond in writing within thirty (30) days may constitute a violation of the Code of Ethical Conduct pursuant to 201 KAR 16:500.

Section 3. Initial Review of Grievances. (1) After the time period for the licensee's (or named individual's) response has elapsed, at the next scheduled board meeting the Complaints Screening Committee shall consider the grievance, the response if one was received, and other relevant information that is available to the Committee.

(2) The Complaints Screening Committee shall determine if an investigation is warranted after reviewing the information that is available. An investigation shall be warranted if the committee determines, based on upon a totality of the circumstances, that a reasonable probability exists that the grievance has merit.

(3) If, in the opinion of the Complaints Screening Committee, a grievance does not warrant an investigation, then the board shall notify the complaining party and the respondent that the grievance is being dismissed without investigation.

(4) The dismissal of a grievance without an investigation shall constitute a final action of the board. Following the dismissal, the grievance, the response from the individual named in the grievance, and correspondence that is intended to give notice of the dismissal shall be subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.870 through 61.884.

(5) If, in the opinion of the board, a grievance warrants an investigation, then the board shall open an investigation into the matter.

Section 4. Investigations. (1) The Complaints Screening Committee shall have the authority to direct an investigation and shall exercise those powers possessed by the board in regard to investigations as provided by KRS 321.235.

(2) The Complaints Screening Committee shall have the authority to request the participation of any person in an investigation. The refusal or failure of any board licensee or certificate holder to participate when requested, or to provide information and documents requested by the committee within the requested timeframe, shall be considered a violation of 201 KAR 16:500.

(3) Investigative reports shall be reviewed at a meeting of the committee.

Section 5. Reports and Recommendations Following Investigation. (1) If the board determines that the results of an investigation do not warrant the issuance of an administrative charge against the individual named in the grievance, then the board shall notify the complaining party and the individual that the grievance is being dismissed without further action.

(2) The dismissal of a grievance following an investigation shall constitute a final action of the board. Following the dismissal, the grievance, the response from the individual named in the grievance, correspondence that is intended to give notice of the dismissal, and any other documents obtained or generated during the investigation (other than those documents that are subject to a legitimate claim of privilege or otherwise exempt from disclosure by law) shall be subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.870 through 61.884.

(3) If the board determines that the results of an investigation warrant the issuance of an administrative charge against a licensee, then the board shall cause an administrative charge to be prepared.

(4) If the board determines that the results of an investigation warrant proceedings against a person who is not a licensee, then the board shall cause a civil action to be prepared for filing in the Franklin Circuit Court or other court of competent jurisdiction.

Section 6. Administrative Charges. (1) The administrative charge shall:

(a) Be signed and dated by a member of the board or the board's authorized representative;

(b) Be designated with an administrative charge number; and

(c) State:

1. The board's jurisdiction in regard to the subject matter of the administrative charge; and

2. In numerical paragraphs, sufficient information to apprise the named licensee or individual of the general nature of the charges.

(2) A licensee's written response shall be due within thirty (30) days after the issuance of the administrative charge. Failure to respond within that time period may be taken by the board as an admission of the charges.

(3) Each notice shall be issued in accordance with KRS 13B.050.

Section 7. Proceedings Following the Issuance of an Administrative Charge. (1) The board shall arrange for the appointment of a hearing officer in accordance with KRS 13B.030 and 13B.040.

(2) The board's legal counsel shall act as the prosecuting attorney in regard to any disciplinary proceeding unless the board appoints a special prosecuting attorney.

(3) The board may appoint a representative of the Attorney General's office or another attorney to act as advisory counsel to the board in regard to any deliberations of the board following the issuance of an administrative charge.

(4) The provisions of KRS Chapter 13B shall govern the conduct of the proceeding.

Section 8. Incorporation by Reference. (1) "Grievance Form", 2/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be obtained at [www.kybve.com](http://www.kybve.com). (46 Ky.R. 1747, 2620; eff. 6-30-2020.)