



KENTUCKY BOARD OF VETERINARY EXAMINERS

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Meeting Minutes

July 27, 2023

Meeting Location: Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601
Including Public Zoom Meeting Option

BOARD MEMBERS PRESENT

(V) = video (A) = audio only (I) = In person

All Board Members, Staff, and Others present in person unless otherwise noted.

- Steven J. Wills, DVM – Chairman (V)
- Gene Smith, DVM – Vice Chair
- Dianne Dawes, DVM
- Tom Dorman, Citizen-at-Large
- Dale Eckert, DVM
- Tim Gardner, DVM
- Stephanie Kennedy, DVM
- John Park, DVM
- Steve Velasco, DVM, Kentucky State Veterinarian -- Proxy for the Commissioner of Agriculture

BOARD MEMBERS ABSENT

- Amy J. Staton, EdD, LVT

DEPARTMENT OF AGRICULTURE STAFF PRESENT

- Michelle Shane, KBVE Executive Director
- Amanda Briggs, KBVE Administrative Assistant

OTHERS PRESENT

- Mark Brengelman, JD, MA, Attorney at Law, KBVE Legal Counsel
- Coy St. Clair, DVM, KBVE Investigator
- L. Dena Fitzpatrick, DVM, KBVE Investigator
- Debra Hamelback, Executive Director, Kentucky Veterinary Medical Association (KVMA)
- Doris Hamilton, KDA Hemp Program Manager
- Samantha Chessie (V)
- Micaela Hyams (V)
- Harlan Richter (V)(A)
- Beth Venit, DVM, AAVSB CVO (V)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Board Vice Chairman Gene Smith, DVM, called the meeting to order at 12:58 PM EDT. Vice Chairman Dr. Smith welcomed everyone to the meeting.

Ms. Michelle Shane read the roll call. Per [KRS 321.240\(3\)](#), a quorum of the Board was achieved.

Dr. Steve Velasco, new Kentucky State Veterinarian, introduced himself. Dr. Velasco was designated proxy for the Commissioner of Agriculture.

CONFIRMATION OF PUBLIC NOTICE

Ms. Shane confirmed the public notice for this meeting was sent on Tuesday, July 25, 2023, to the Kentucky Department of Agriculture (KDA) media contact list, and also posted on the KBVE website Meetings page.

READING OF MISSION STATEMENT

Dr. John Park read aloud the KBVE mission statement.

CONSENT AGENDA

- Meeting Agenda for July 27, 2023
- Board Meeting Minutes from May 25 and June 21-22, 2023
- Budget Summary Report
- Licensure Status Report
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Approval of Board Per Diem and Mileage

A MOTION was made by Dr. Park to approve the consent agenda. The motion, seconded by Dr. Gardner, passed unanimously.

Budget

The budget expenditures and revenue approved are summarized for the F.Y. 2023 closeout and F.Y. 2024 July 1, 2023, through July 21, 2023, as follows:

- F.Y. 2023 –
 - Receipts = \$608,352
 - Expenditures = \$459,965
 - Carry Forward Balance = \$1,005,443
- F.Y. 2024 –
 - Receipts = \$10
 - Expenditures = \$9,683
 - Current Balance = \$995,770

Licensure Status Report			
Date of Database Report	7/21/2023	Number Credentials on Date of Report	
License Type / Status	7/21/2023	5/19/2023	7/28/2022
Active Veterinarians	2,571	2,522	2,628
Inactive Veterinarians	82	82	43
Special Permits	10	10	3
Active Veterinary Technicians	550	539	516
Inactive Veterinary Technicians	26	25	14
Active Certified Animal Control Agencies	49	48	48
Active Certified Animal Euthanasia Specialists	155	155	159
Inactive Animal Euthanasia Specialists	64	58	35

Applications Committee Reports

- Report on New Applications
- Report on New CE Requests

The Applications Committee Reports are as follows in Table 1: Approved Applicants for Licensure and Certification, and Table 2: Approved CE Requests. The Board approved 44 veterinarian, seven (7) special permits, 15 veterinary technicians, and six (6) animal euthanasia specialist applications. The Board approved CE requests for 65.5 hours of CE for veterinarians and 36 hours of CE for veterinary technicians.

Table 1: Approved Applicants for Licensure and Certification				
Row #	First Name	Last Name	License Type	App. Type
1	Alyssa N.	Becker	Veterinarian	New
2	Heather L.	Beveridge	Veterinarian	Endorsement
3	Rachel A.	Bixler	Veterinarian	New
4	Anna E.	Brewer	Veterinarian	Endorsement
5	Helen C.	Brown	Veterinarian	New
6	Laurel M.	Caldwell	Veterinarian	New
7	Francine C.	Calvaruso	Veterinarian	Endorsement
8	Cathaleen S.	Canfield	Veterinarian	Endorsement
9	Louis R.	Carusillo	Veterinarian	Endorsement
10	Kaylee A.	Casey	Veterinarian	New
11	Jamie E.	Clanin	Veterinarian	Endorsement
12	Luisa M.	Dalton	Veterinarian	New
13	James C.	Dobies	Veterinarian	Endorsement
14	Karina N.	Dowd	Veterinarian	New

Row #	First Name	Last Name	License Type	App. Type
15	Cosette M.	Faivre	Veterinarian	Endorsement
16	Caroline	Faria Barbosa	Veterinarian	Foreign Grad.
17	Cora A.	Farley	Veterinarian	New
18	Tyler Y.	Goldberg	Veterinarian	New
19	Abigail L.	Haffner	Veterinarian	Endorsement
20	Nadine G.	Hanlet-Galbraith	Veterinarian	Endorsement
21	Kate A.	Hodson	Veterinarian	Foreign Grad.
22	Julianna S.	Martin	Veterinarian	New
23	Julia J.	Martini	Veterinarian	Endorsement
24	Laurence D.	McEntee	Veterinarian	Endorsement
25	Morgan F.	McManaway	Veterinarian	New
26	Jonathan S.	Melton	Veterinarian	New
27	Hisato D.	Mizuno	Veterinarian	Endorsement
28	Megan D.	Moschgat	Veterinarian	Endorsement
29	Vaiva M.	Palunas	Veterinarian	New
30	Hannah E.	Patterson	Veterinarian	New
31	Mariah M.	Pearson	Veterinarian	Reinstatement
32	Micaela M.	Preston	Veterinarian	New
33	Alyssa D.	Queen	Veterinarian	New
34	Billie J.	Rogers	Veterinarian	Endorsement
35	Justin W.	Roscoe	Veterinarian	Endorsement
36	Alessandro S.	Sano	Veterinarian	New
37	Justin R.	Schwarzlose	Veterinarian	Endorsement
38	Emily N.	Spengler	Veterinarian	New
39	Cameron P.	Steffen	Veterinarian	Endorsement
40	Hannah E.	Taylor	Veterinarian	Endorsement
41	Luke A.	Trapp	Veterinarian	Endorsement
42	Megan I.	Van Geffen	Veterinarian	Endorsement
43	Emily L.	Wampler	Veterinarian	New
44	Ian D.	Woodall	Veterinarian	New
45	Alyssa B.	Baumler	Special Permit	New
46	Jennifer S.	Campbell	Special Permit	New
47	Emery O.	Clark	Special Permit	New
48	Clayton G.	Deible	Special Permit	New
49	Abigail J.	Hammond	Special Permit	New
50	Amanda F.	Mattox	Special Permit	New
51	Cheyenne D.	McGuire	Special Permit	New
52	Kimberly A.	Baldwin	Veterinary Technician	Reinstatement
53	Michaela Q.	Behr	Veterinary Technician	Endorsement

Row #	First Name	Last Name	License Type	App. Type
54	Brianna J.	Boulware	Veterinary Technician	New
55	Anna C.	Craft	Veterinary Technician	Endorsement
56	Faith A.	Dunn	Veterinary Technician	New
57	Krista G.	Dunn	Veterinary Technician	New
58	Morgan V.	Hess	Veterinary Technician	New
59	Cassidy M.	Kerr	Veterinary Technician	New
60	Jenae N.	Michaud	Veterinary Technician	Endorsement
61	Chasity C.	Morris	Veterinary Technician	New
62	Nycole D.	Phillips	Veterinary Technician	Endorsement
63	Rachel D.	Steele	Veterinary Technician	Endorsement
64	Stesha L.	Stidham	Veterinary Technician	New
65	MaKayla A.	Urness	Veterinary Technician	New
66	Keara N.	Williams	Veterinary Technician	New
68	Richard T.	Bales	Euthanasia Specialist	New
69	Troy A.	Cover	Euthanasia Specialist	New
70	Lexie D.	Manning	Euthanasia Specialist	New
71	Shelby L.	Mattingly	Euthanasia Specialist	New
72	Hailey E.	Mueller	Euthanasia Specialist	New
74	Hunter G.	Stubblefield	Euthanasia Specialist	New

Table 2: Approved CE Requests

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
		Vet	Vet Techs	
2023 Classes on the Cumberland	Elanco	17	17	7/21-23/2023
E-lasmo Conference 2023	Newport Aquarium	6	6	6/5-8/2023
James Steele Conference on Diseases in Nature Transmissible to Humans	Texas Department of State Health Services Zoonosis Control Branch	16.5	-	5/31-6/2/2023
Drs. Ernest Bailey, Jessica Petersen, and Ted Kalbfleisch: Genomic Investigation of Diversity and Inbreeding in Thoroughbred Horses	UK Gluck Equine Research Center	1	1	7/20/2023
2023 Summer Food Animal Conference	UK Veterinary Diagnostic Laboratory (UKVDL)	8	8	8/3/2023
Advanced Sport Horse Medicine Lameness and Diagnostic Wetlab	Zoetis	9	-	7/21/2023 8/2/2023 8/4/2023

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
Bovine Necropsy Demonstration	Zoetis	2	-	8/23/2023
Dermatology Update: Managing Itchy Dogs	Zoetis	2	2	7/18/2023
Diagnostic Sample Submission	Zoetis	1	-	8/23/2023
Tough Dermatology Cases Made Easy	Zoetis	2	2	6/1/2023
Update and Review of Internal Parasites in Cattle	Zoetis	1	-	8/23/2023

BUSINESS AGENDA

GUEST SPEAKERS

- Discussion on [23 RS SB 47](#), new Kentucky Medicinal Cannabis Act
 - Guest Speaker – Doris Hamilton, KDA Hemp Program Manager

An individual writing a piece for the VIN sent in a question about Kentucky 23 RS SB 47, seeking to learn its impact on veterinary medicine in the Commonwealth. KBVE invited Doris Hamilton, Kentucky Department of Agriculture Hemp Program Manager, to speak and provide an update on cannabis in Kentucky, with a focus on information about cannabis use in animals.

SB 47 will be administered through the Cabinet for Health and Family Services (CHFS). Given the definitions within the Act, there is no apparent impact to veterinary medicine in Kentucky because SB 47 focuses on human prescribers and human patients. The only place this Act talks about cannabis administration to animals is in the definition for “Ultimate User”, where an owner can administer cannabis to their own animals. This does not involve veterinarians or veterinarian prescribers. However, Members of the Board noted that impacts may be observed where Kentucky veterinarians have to deal with adverse reaction situations due to owner administration.

Ms. Hamilton shared that Kentucky has been regulating hemp since 2014. Hemp is cannabis. Cannabis use in animals is very much a gray area, and cannabis law in general is complicated. She shared some reference resources with the board.

- Veterinary Cannabis Society - veterinarycannabissociety.org
- Published studies:
 - “Cannabis, Cannabidiol Oils and, Tetrahydrocannabinol-What Do Veterinarians Need to Know?” by Briyne, Holmes, Sandler, et al. (March 2021)
 - “Use of cannabis in the treatment of animals: a systematic review of randomized clinical trials” by Lima, Santiago, Alves et al. (June 2022)
- Cannabis Regulators Association (CANNRA) (www.cann-ra.org), regulators of cannabis in U.S., report that none of their medical marijuana regulators focus on use in animals.

There are over 2,000 records showing trials of cannabis in animal medicine. Most studies focus on epilepsy, osteoarthritis, and behavioral issues.

Ms. Hamilton reviewed a University of Kentucky (UK) Division of Regulatory Services Current Policy on Use of Hemp Products in Animal Feed (Dec 2022).

Hemp seed cake/meal and hemp seed oil have been approved for use in poultry and equine feeds. This is the only approved use of hemp in animals, though there are many other unapproved products on the market. Members of the Board asked if any studies had been done to determine if the feeding of hemp seed cake or oil to performance horses could result in a positive test for illicit substances. Ms. Hamilton explained that there is no THC or psychoactive cannabinoids in the grain portion of cannabis, so test results should not show a positive for cannabis.

- **Request Letter regarding California registered veterinary technician (RVT) eligibility for licensure in Kentucky**
 - Guest Speaker – Joanne Hughes, DVM

Dr. Hughes addressed the board to request consideration for her veterinary assistants, who have been licensed in California since 2009, to be considered for licensure as an LVT in Kentucky. Both assistants achieved licensure in California through an alternate route that did not require a veterinary technology degree or the passing of the VTNE. Both individuals have passed California's jurisdictional exam.

Members of the Board discussed this request. [201 KAR 16:520](#), Section 4 does allow for the Board to consider licensure for individuals who graduated from non-AVMA CVTEA accredited schools. However, [201 KAR 16:530](#), Section 2 requires the passage of the VTNE to qualify for licensure. Members of the Board determined that they would like to wait until Ms. Staton was available to discuss this topic in more depth before offering a decision on this inquiry.

BUDGET MATTERS

- **Contract for Administrative Services Update**

Following additional discussions with KDA Chief of Staff Keith Rogers, outreach to Personnel Cabinet and other agencies (COT, PPC, Finance, etc.) is tabled until after discussions with the incoming KDA administration in January.
- **Budget items for vote**
 - **KVMA Mid-America Conference**

September 22 – 24, 2023 – KBVE is the tote bag sponsor.

A MOTION was made by Dr. Dianne Dawes to approve expenses for an exhibit booth and for two (2) staff to attend KVMA Conference, including meals and two nights at the hotel. The motion, seconded by Dr. Gardner, passed unanimously.

- **AAVSB Travel for KBVE Board Members and Staff**

Dr. Dawes, Ms. Shane, and Ms. Briggs shall attend the 2023 AAVSB Annual Meeting in Kansas City, MO. Most travel expenses, including hotel, meals during the conference, and transportation, shall be covered by AAVSB under the travel policies for Committee Members and the Board of Directors.

A MOTION was made by Dr. Park to cover any travel costs not covered by AAVSB for the 2023 AAVSB Annual Meeting. The motion, seconded by Dr. Kennedy, passed unanimously.

UNFINISHED BUSINESS AND UPDATES

- **AAVSB Updates**

- **2023 Annual Meeting & Conference**

A MOTION was made by Mr. Tom Dorman to designate Dr. Dianne Dawes as the Kentucky Delegate to AAVSB. The motion, seconded by Dr. Park, passed unanimously.

- **Committee Reports**

Keeping in line with the limitations of non-disclosures signed by AAVSB Volunteers, a brief update was shared about KBVE participation in the following:

- **AAVSB Board of Directors (BOD) – Ms. Shane**

The June BOD retreat was excellent for team building, but had an overly ambitious agenda and the BOD did not tackle the Mega Issue as planned. Instead, the Board focused on the CEO review and began overall programmatic reviews of the services offered by AAVSB. Also, the BOD reviewed proposed changes to the PAM.

In July, the meeting focused on the VTNE, including pass rates and testing eligibility requirements. AAVSB leadership attendees to the AVMA reported some concerning statements made by Dr. Lori Teller to the AVMA House of Delegates.

- **AAVSB Regulatory Policy Task Force – Dr. Dawes**

The Task Force has been divided into three subcommittees to address certain topics. Dr. Dawes is participating on two subcommittees – Medical Records and Standards of Medicine.

- **AAVSB Program and Services Think Tank – Ms. Briggs**

This committee has not met since the last regular Kentucky Board meeting.

- **Proposed Amendments to the AAVSB Bylaws**
Members of the Board reviewed the proposed AAVSB Bylaws Amendments and regarded them favorably.
- **Proposed Amendments to the AAVSB Practice Act Model (PAM)**
A hard copy was provided to each Board Member for take home review. The revisions to the PAM shall be discussed at the September Board Meeting in preparation for discussion and voting at the Annual Meeting.
- **Elections**
AAVSB has not yet distributed the Nominations booklet or schedule for BOD candidate interviews. KBVE will need to make a recommendation on who to vote for to Dr. Dawes as the Kentucky Delegate to AAVSB.
- **AVMA Updates**
Members of the Board briefly discussed a statement from Dr. Lori Teller, Past President of the AVMA. The discussion touched on workforce shortages, the nationally proposed mid-level practitioner, and telemedicine. www.avma.org/news/straight-talk-about-veterinary-workforce-issues

APPLICATIONS COMMITTEE REPORT

- **Updated KBVE Reports**
 - **New Graduate Licensure Report**
 - **Licensee Demographics**

Ms. Shane presented the New Graduate Licensure Report, showing 2023 graduate applicants and their graduating schools. Members of the Board and KVMA both requested that data be gathered to provide more historical application information.

Ms. Shane also presented an updated Licensee Demographics Report. Adjustments to this report may be recommended for ease of interpretation by the Board's general constituency.

- **NAVLE Registration Numbers for the Nov/Dec 2023 window**

Ms. Briggs provided an update on NAVLE candidate applicants.

- 39 candidates to date were approved through the Kentucky Board for the November-December 2023 testing window.
- 12 additional candidates have applied for testing approval

- **FBI Approval and Channeler background checks**

Ms. Shane has been periodically reaching out to LRC for an update regarding FBI approval of the new background check statute [KRS 321.189](http://krs321.189). To date, the statute is still with the Kentucky State Police and FBI for review, pending approval.

Ms. Shane provided an overview of the current background check process for new and reinstatement applications to the Board. Members discussed the process and determined to

maintain the current prohibition on FBI Channeler background check results in order to ensure consistency with applications and to be able to authenticate the results.

- **Special Permittee Monitoring Reports**

Members of the Board reviewed the supplementary binder of Special Permittee Monitoring Reports located in the Board materials. Members reviewed the report form template for data collection items and made recommendations for additional data points. Members also recommended some items for inclusion in a future special permit administrative regulation.

Dr. Fitzpatrick discussed one special permittee who appeared to be working unsupervised. On the advice of Mr. Brengelman, this case was referred to the KBVE Grievance Committee for investigation.

- **Kentucky State Exam**

A call for volunteers from the Board was put forth to develop a revised and updated jurisprudence exam for veterinarian applicants. Dr Smith, Dr. Kennedy, and Ms. Staton were assigned to an ad hoc committee for exam review and development.

- **Letter to AAVSB re VTNE testing eligibility (FYI)**

Kentucky was part of a multi-jurisdictional request to AAVSB regarding the VTNE eligibility review policy.

- May 2023 - Executive Director / Registrar round table
 - Multiple jurisdictions indicated that they have requested AAVSB to allow candidates to test prior to graduation.
 - Several states, including Kentucky, have been told that this is not an option.
 - However, other jurisdictions on the call, at least two, indicated that they have enjoyed an exception to this policy for some time and that AAVSB allows their students to test prior to graduation with the State Board's approval.
 - Staff indicated interested parties should write a letter to AAVSB to request changes.
- Some jurisdictions already allow students to test repeatedly in advance of graduation.
- Some jurisdictions don't require candidates to enroll in an approved program, and still candidates are approved to test.
- The BOD regularly approves candidates to retest beyond the five time limit.
- Outstanding questions to be answered:
 1. How many jurisdictions currently have an exception to the VTNE policy to allow individuals to take the test prior to graduation?
 2. What about jurisdictions that don't require graduation from a CVTEA accredited school? How are these candidates screened?
 3. For those jurisdictions that approve candidates to test prior to graduation, has a board ever denied a candidate to test?
 4. How many exam candidates test under the exception:
 - Prior to graduation?
 - Without the need to attend an AVMA CVTEA accredited school?

- Past five (5) attempts?
- 5. How can AAVSB ensure that the VTNE is a tool to assess qualifications for licensure and not a bottleneck or even a roadblock to licensure and professional employment?
- 6. Without a consistent policy, does this open AAVSB to potential legal challenges from students who are denied the right to test prior to graduation because the policy is not consistent for all jurisdictions?

The AAVSB President and counsel required Ms. Shane to recuse from the discussion of this letter. The Board of Directors ultimately directed staff, in conjunction with the VTNE Committee, to research the policy including the impact of any potential changes and bring a recommendation back to the national board for discussion at its November in-person meeting. As part of the research, the topic of VTNE candidate requirements is supposed to be included on the agenda of the Executive Director and Registrar session at the AAVSB Annual Meeting & Conference in September.

WELLNESS COMMITTEE REPORT

Mr. Tom Dorman presented the report from the Wellness Committee.

EDUCATION AND OUTREACH COMMITTEE

- **Stakeholder Outreach Updates**

- **Kentucky Board of Pharmacy (KBOP) – 6/15/2023 meeting**

Dr. Park, Dr. Dawes, Mr. Brengelman, and Ms. Shane met with KBOP executive director and key staff. Ms. Shane provided an overview of new FDA guidance around antimicrobials and compounding.

- Review of [FDA GFI #256](#) – Compounding for Animal Use

- Veterinarians need to compound to treat a wide variety of species, body sizes, conditions, diseases, and specific needs
- 1994 – Animal Medicinal Drugs Use Clarification Act (AMDUCA) – only applies to approved drugs, but does allow compounding of approved drugs
- AMDUCA **does not** cover bulk drugs – compounding of bulk drugs is illegal because of no evaluation by FDA, and no post-market monitoring
 - There are human and animal safety concerns (Specifically, reported deaths, or concerns with food animals which can allow drugs to go over into humans)
- Compounding – **Pharmacist required to keep medical rational on file**

- Anyone doing compounding needs to check the lists for legal compounding of substances of Office Stock or for food animals (inclu. wildlife)
 - Checklist for Pharmacists - <https://www.fda.gov/media/157331/download>
 - Checklist for Veterinarians - <https://www.fda.gov/media/157333/download>
- FDA indicates Pharmacy Boards may need to update their regulations to ensure compliance with Federal GFI – KBOP does not feel any reg updates needed on their end
- FDA focus will be at the pharmacy level for inspection and enforcement
- **FDA GFI # 263 – Antimicrobials**
 - Focus is on antimicrobials stewardship – only “medically important” antimicrobials
 - OTC products will remain on the shelf, if appropriately labeled, until stock runs out
 - After which, all prescriptions must go through a veterinarian with a VCPR and then through a pharmacist
 - Extra-label use requires the VCPR and a prescription
 - FDA does not believe that there are any concerns for Pharmacy Boards on this GFI
- Other thoughts:
 - Pharmacies providing antimicrobials to KY production farms under GFI #263 are mostly out of state shipping into KY
 - There are compounding pharmacies that would be impacted by GFI #256 both in state and out of state that are servicing KY residents

Dr. Smith provided board members with a list of affected products / medications.

Constituents and Members of the General Assembly are asking about “this new veterinary bill” and its impact. Both KBVE and KVMA need to underscore that both GFIs are federal, and **not** Kentucky law and **not** a part of the Practice Act modernization.

- Veterinarians may nominate to the FDA Bulk Substances Office Stock List:
 - Docket No. FDA-2018-N-4626 at www.regulations.gov
 - Mail to:
 - Dockets Management Staff (HFA-305)
 - Food and Drug Administration
 - 5630 Fishers Lane, Rm. 1061
 - Rockville, MD 20852
 - (be sure to include the docket #!)
 - Questions? CVMCompounding@fda.hhs.gov

○ **Keeneland – 7/11/2023 meeting**

Dr. Wills, Dr. Park, Dr. St. Clair, and Ms. Shane met with Keeneland to discuss requirements for viewing radiographs at equine sales. Dr. Park provided an overview of their concerns. Keeneland has requested guidance to ensure compliance with veterinarians viewing radiographs, including regular visits from a KBVE Investigator during the sales to act as a point of contact for the Board. One of Keeneland's top concerns is related to remote viewing of radiographs: is this considered telemedicine (requires a license in Kentucky) or teleconsultation (does not require a Kentucky license)?

Members of the Board and counsel discussed this question. They determined that viewing the animal or their medical records is making a diagnosis and a recommendation for prognosis on behalf a buyer or seller. Ms. Shane was directed to inform Keeneland that a Kentucky license is required to view radiographs, even remotely. Dr. St. Clair was instructed to gather additional information from Keeneland. Members also directed that efforts be made to connect with Fasig-Tipton on these requirements.

○ **Upcoming Meetings**

- Kentucky Horse Racing Commission (KHRC) – August 30
- Kentucky Cattlemen's Association – pending
- KY Board Licensure for Massage Therapy – pending

● **KDA Veterinary Shortage Working Group (VSWG)**

Dr. Gardner presented an update regarding his involvement with the Veterinary Shortage Working Group. His subcommittee is currently working on organizing a mentorship program for high school juniors and seniors. The VSWG in general has had a high level of interest and involvement. Ms. Hamelback also discussed her subcommittee's work.

● **KVMA E&O contract**

Ms. Hamelback hopes to have more details following the next KVMA Board meeting on August 10. Ms. Shane presented a preliminary schedule for the planned education and outreach contract meetings. Ideally at least one (1) Board Member would be present at each meeting. Each meeting will offer dinner and two (2) hours of CE credit.

Attendees took a respite break from 2:42 PM – 2:55 PM.

INVESTIGATOR REPORTS

Dr. St. Clair and Dr. Fitzpatrick provided a summary of their investigative reports.

ACA Periodic Inspections:

- Bell County Animal Shelter (Certificate # 149520)
- Breckenridge County Animal Shelter (Certificate # 147150)
- Campbell County Animal Shelter (Certificate # 149496)
- City of Newport – Inspection report for application as an ACA

- Danville-Boyle County Humane Society (Certificate # 148731)
- Daviess County Animal Shelter (Certificate # 147147)
- Franklin County Humane Society (Certificate # 147172)
- Gallatin County Animal Shelter (Certificate # 147175)
- Hardin County Animal Shelter (Certificate # 149651)
- Harlan County Animal Shelter (Certificate # 149524) – Reinstatement Inspection
- Hart County Animal Shelter (Certificate # 276220)
- Humane Society of Henderson County (Certificate # 147229)
- Hopkins County Humane Society (Certificate # 149515)
- Kentucky Humane Society (Certificate # 146869)
- Leitchfield Animal Shelter (Certificate # 147145)
- Louisville Metro Animal Services (Certificate # 149464)
- Meade County Animal Shelter (Certificate # 146867)
- Muhlenberg County Humane Society (Certificate # 149649)
- Oldham County Animal Control (Certificate # 147203)

Members of the Board discussed some areas of concerns from the investigator’s operations.

- Animal Control Agencies (ACAs) are pre-mixing Xylazine and Ketamine and leaving on the shelf for use (small amounts or daily use only).
- As long as the solution is appropriately tracked, logged, and locked up, Members of the Board did not find any issues with pre-mixing.
- One shelter was using portable safe, which is against regulations. Members instructed investigative staff to follow up with this ACA and provide additional information on the requirements for locked, secure storage bolted to the floor or wall, in conformity with [201 KAR 16:552](#), Section 4(1) and the requirements of the U.S. DEA.
- Chairman Dr. Wills recommended that the board create a “Best Practices” manual for ACAs.
- Harlan Co. – need to hold this application until they resolve the issues with drug storage and euthanasia room.
- The Applications Committee provided an overview of ACA application from the City of Newport (ACA Application and one AES Application). This entity does not meet the definition of an “animal shelter” in [KRS 321.181](#)(7), as they do not house or care for homeless, stray, unwanted, or injured animals. The Board denied this application.

GRIEVANCE COMMITTEE REPORT

The Complaints Screening Committee has undergone a name change in [201 KAR 16:610](#) to the Grievance Committee.

Dr. Eckert, Committee Chair, indicated that the Committee has seeing a great increase in the number of cases this calendar year. The Committee held an additional meeting on July 24, 2023 by Zoom to begin work on the influx. Dr. Eckert provided the Grievance Committee Report.

Case Status Recommendations	Case Numbers		
Ordered Appearance (Before Committee Only)	• n/a		
Ordered Appearance (Before the Full Board)	• 2021-47	• 2020-36	
Dismissed, no violations of the Practice Act identified	• 2022-59 • 2023-02 • 2023-05 • 2023-09 (new)	• 2023-10 (new) • 2023-13 (new) • 2023-15 (new) • 2023-18 (new)	• 2023-21 (new) • 2023-24 (new) • 2023-25 (new) • 2023-29 (new)
Assigned to Investigator	• 2023-04 • 2023-11 (new) • 2023-12 (new)	• 2023-14 (new) • 2023-17 (new) • 2023-20 (new)	• 2023-26 (new)
Assigned to Legal Counsel for Settlement Negotiations	• n/a		
Settlement Agreement Reached (for signature today)	• 2020-29 • 2020-08 • 2121-47	• 2022-10 • 2022-14 • 2022-41	• 2022-45 • 2022-55
Assigned to Legal Counsel for Administrative Hearing	• 2021-55	•	•
Direction to Issue Private Admonishment	• n/a		
Closed following KBVE action and fulfillment of terms	• 2021-54	• 2022-20	• 2022-41
New – Waiting on Responses	• 2023-16 • 2023-19 • 2023-22 • 2023-23 • 2023-27 • 2023-28	• 2023-30 • 2023-31 • 2023-32 • 2023-33 • 2023-34 • 2023-35	• 2023-36 • 2023-37 • 2023-38 • 2023-39

Ms. Shane indicated that since 2018, the Committee handles around 40-50 cases total per calendar year. We are in July, and already there are 45 cases for 2023. Nationally, there has been an increase in grievance cases. Ms. Hamelback suggests that communication is a key factor in the increase.

A MOTION was made by Dr. Velasco to approve the recommendations of the Grievance Committee. The motion, seconded by Dr. Kennedy, passed unanimously.

APPEARANCES BEFORE THE BOARD

Mr. Brengelman led the Board in a discussion.

Regarding Agency Grievance #2021-47, the Board has a proposed Settlement Agreement on the table, as well as a scheduled administrative hearing which has been assigned to an OAG Hearing Officer. This issue needs resolved.

Dr. N. Christopher Newton appeared in person before the board with his attorney, Mr. Mike Casey to discuss the circumstances of Grievance #2021-47. Mr. Casey and Dr. Newton addressed the board and answered questions. Dr. Newton made a statement about the allegations and admitted wrongdoing related to the horse, both verbally and physically. He denies sexually harassing the assistant during the horse's exam, stating that he was playing a mentor role. Further, Dr. Newton stated he reached out to a professional psychiatrist for advice on his behavior to make corrections following notification of this grievance.

Negotiations occurred between legal counsels and the Board to firm up the terms of a settlement agreement and cancel the administrative hearing.

Dr. Park and Chairman Dr. Wills expressed frustration with the lengthy delay (15 months) between when the Settlement Agreement was offered and the conclusion of this case, nearly two years later. Further, Chairman Dr. Wills reminded meeting attendees mission of the Board, as mandated by the General Assembly, is to protect the public. Such lengthy delays in this case and others are a disservice to the public.

Mr. Brengelman asked Dr. Newton and Mr. Casey if there were any other issues that the board should be made aware of in relation to Dr. Newton. Both Dr. Newton and Mr. Casey assured the Board that there were no other outstanding issues.

Regarding Agency Grievance #2020-36, against Dr. Rachel Arnold, Members the board agreed to go into executive session.

EXECUTIVE SESSION

A MOTION was made by Dr. Park, to enter into executive session pursuant to [KRS 61.810\(1\)\(c\)](#) and [\(j\)](#) to discuss matters related to potential . The motion was seconded by Dr. Gardner, and passed unanimously.

Let the record show that the following people left the room, and that only Board Members, legal counsel, Board investigators, and Board staff remained for the executive session.

- Dr. Beth Venit
- Micaela Hyams
- Harlan Richter

The Board entered into executive session at 3:35 PM.

The Board returned to session at 4:05 PM. Mr. Dorman exited the meeting during the session. Members of the public were readmitted to the public meeting.

A MOTION was made by Dr. Dawes to Order entry into a final settlement agreement with Dr. Newton under the terms already established, with the added provision of a 2-year probationary period whereby an active suspension would be triggered upon receipt of a new grievance and determination of violation regarding similar activities cited in the 2021-47 grievance. Any future grievance filing under this probationary period would be limited to activities from the date of the settlement agreement forward. The motion, seconded by Dr. Park, passed unanimously.

A MOTION was made by Dr. Park to Order entry into a settlement agreement with the board and a 5-year KYPRN monitoring agreement with Dr. Arnold in the case of 2020-36, and that once all application materials are received and reviewed by the Board, that Dr. Arnold's Kentucky license be reinstated. The motion, seconded by Dr. Kennedy, passed unanimously.

Board took a respite break at 4:14 pm – 4:20 PM. Dr. Gardener left the meeting as the board returned to business.

GOVERNMENT AFFAIRS COMMITTEE

- **Practice Act Update**

Ms. Shane provided a review of recent work by the board regarding budgetary projections, both by the KBVE Budget Committee and the full Board at the June Board Retreat. The Board must update its fee structure to remain operational and out of the red in coming years.

Ms. Shane then reviewed and led the Board in a discussion about the updated versions of the following regulations.

- 201 KAR 16:510 - Fees for veterinarians
- 201 KAR 16:512 - Fees for veterinary technicians
- 201 KAR 16:514 - Fees for animal control agencies and animal euthanasia specialists
- 201 KAR 16:516 - Fees – other fees

A MOTION was made to Dr. Park to file the above list of administrative regulations with the Kentucky Legislative Research Commission (LRC), and to make amendments as required by LRC staff to conform with filing requirements. The motion, seconded by Dr. Eckert, passed unanimously.

In July, Ms. Shane filed with LRC at the direction of the Board the following regulations, which have an open public comment period until September 30, 2023.

- 201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA
- 201 KAR 16:552 - Responsibilities for certified animal control agencies; limitations on drugs
- 201 KAR 16:560 - Certification as an animal euthanasia specialist
- 201 KAR 16:701 - Standards for Medical Records
- 201 KAR 16:702 - Standards for Veterinary Surgery
- 201 KAR 16:750 - Scope of Practice and Supervisory Requirements for Licensed Veterinary Technicians

- **Tabled until future meeting – all need more work and review:**
 - 201 KAR 16:530 – Examination requirements for vets and LVTs
 - 201 KAR 16:540 – Application requirements for vets and LVTs
 - 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians
 - 201 KAR 16:612 - Penalties
 - 201 KAR 16:615 - Open Records Requests
 - 201 KAR 16:513 - Fees for AAHP Permits
 - 201 KAR 16:515 - Fees for veterinary facilities
 - 201 KAR 16:517 - Fees for AAHP Facility Registrations and Inspections
 - Pending Agency Specific Open Records regulation

- **Administrative Regulations Filed with LRC on 7/12/2023**

All comments are due to KBVE no later than September 30, 2023

 - [201 KAR 16:550](#) Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA
 - [201 KAR 16:552](#) Responsibilities for certified animal control agencies; limitations on drugs
 - [201 KAR 16:560](#) Certification as an animal euthanasia specialist
 - [201 KAR 16:701](#) Standards for Medical Records
 - [201 KAR 16:702](#) Standards for Veterinary Surgery
 - [201 KAR 16:750](#) Scope of Practice and Supervisory Requirements for Licensed Veterinary Technicians

- **Open Records (OR) Appeal – OAG Decision**

Mr. Brengelman discussed a recent OR Appeal and ruling by the OAG, 23-ORD-143. KBVE has also received notice of a second OR Appeal by the same requesting individual, and that OAG determination is still pending.

One complicating factor that has delayed response times on all KBVE matters is that the offices of Board staff have been in a temporary location since July 13, and will remain so until the new office space is cleared by building inspectors. Ms. Shane anticipates this may not happen until sometime in August. Many of KBVE’s supplies and files are boxed up at this time.

- **Discussion about possible 2025 legislation**
 - Equine Dental Providers (see commentary and news submitted from Dr. James Casey).
 - L&O Committee Meeting on July 31 where Senator Robin Webb (D – District 18) and individuals from the [International Association of Equine Dentistry](#) (IAED) are scheduled to present possible legislation indicating that equine dental work falls under “animal husbandry” and would be allowed to be done by anyone.
 - KVMA is aware of this issue.
 - KBVE already has a framework for equine dental providers to fall under the allied animal health professional (AAHP) permit, if the KVMA and the board can convince legislators to use it.

OPEN DISCUSSION / NEW BUSINESS

- Questions pending from the Board's Office
 - **Microchips – Veterinarian responsibilities regarding owner contact**
Ms. Shane introduced a plea from a constituent who requests that the Board promulgate an administrative regulation detailing how veterinarians should handle the discovery of an established owner when doing a microchip scan. The Board directed that Ms. Shane conduct research into what are other states doing on this issue, as she indicated that some states already have laws on the books governing how to handle microchips.
 - **OTC Pregnancy check kit**
A private company has asked the board about the legality of selling over-the-counter (OTC) products to farmers to conduct pregnancy checks on their cattle. The request was specifically about needle type, as these kits have already been developed and are planned for sale. Members of the Board discussed concerns related to individuals who purchase these kits and use them on other people's animals, determining that such use would be in violation of the Kentucky Veterinary Medicine Practice Act. Owners who use the kits on their own animals would be allowable, but not for those individuals using the kits on animal's not owned by them.
- Other Items for Discussion
 - No other topics were brought up for discussion.

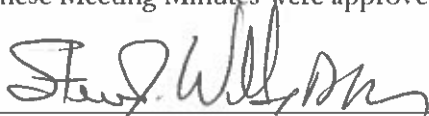
FUTURE MEETING DATES

- **Regular Board Meeting**
Thursday, July 27, 2023 @ 1:00 PM EDT
Office of the State Veterinarian, Frankfort, KY
- **Proposed Additional Meeting**
A MOTION was made by Dr. Dawes to hold a special board meeting on Thursday, Sept 7, 2023, at 9 am. The motion, seconded by Dr. Kennedy, passed unanimously.

ADJOURNMENT

Vice Chair Smith adjourned the meeting at 5:03 pm.

These Meeting Minutes were approved by the Board on September 21, 2023.



Steven J. Wills, DVM, Chairman of the Board

PRESIDING OFFICER: Gene Smith, DVM, Board Vice Chairman
Minutes Recorded by: Michelle M. Shane, Executive Director



KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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

kybve.com • vet@ky.gov

Meeting Agenda

July 27, 2023

Meeting Location: Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601
Including Public Zoom Meeting Option

COMMITTEE MEETINGS – CLOSED TO THE PUBLIC

- 8:00 AM • Complaints Screening Committee
- 11:00 AM • Applications Committee

1:00 PM BOARD MEETING – PUBLIC MEETING

CALL TO ORDER

ROLL CALL / ESTABLISHMENT OF QUORUM

CONFIRMATION OF PUBLIC NOTICE

READING OF MISSION STATEMENT

CONSENT AGENDA

- Meeting Agenda for July 27, 2023
- Board Meeting Minutes from May 25 and June 21-22, 2023
- Budget Summary Report
- Licensure Status Report
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Approval of Board Per Diem and Mileage

BUSINESS AGENDA

GUEST SPEAKERS

- Discussion on [23 RS SB 47](#), new Kentucky Medicinal Cannabis Act
 - Guest Speaker – Doris Hamilton, KDA Hemp Program Manager
- Request Letter regarding California registered veterinary technician (RVT) eligibility for licensure in Kentucky
 - Guest Speaker – Joanne Hughes, DVM

BUDGET MATTERS

- Budget items for vote
 - KVMA Mid-America Conference

UNFINISHED BUSINESS AND UPDATES

- AAVSB Updates
- AVMA Updates

APPLICATIONS COMMITTEE REPORT

- Updated KBVE Reports:
 - New Graduates
 - Licensee Demographics
- NAVLE Registration Numbers for the Nov/Dec 2023 window
- FBI Approval and Channeler background checks
- Special Permittee Monitoring Reports
- Kentucky State Exam – Discussion
- Letter to AAVSB regarding VTNE testing eligibility (FYI)

WELLNESS COMMITTEE REPORT

EDUCATION AND OUTREACH COMMITTEE

- Stakeholder Outreach Updates
- KVMA E&O contract

INVESTIGATOR REPORTS

GRIEVANCE COMMITTEE REPORT

EXECUTIVE SESSION

GOVERNMENT AFFAIRS COMMITTEE

- **OR Appeal – OAG Decision**
- **Practice Act Update –**
 - New regulations for review prior to filing
 - Other regulations for discussion
- **Discussion about possible 2025 legislation**

- **Administrative Regulations Filed with LRC on 7/12/2023**
 - [201 KAR 16:550](#) Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA
 - [201 KAR 16:552](#) Responsibilities for certified animal control agencies; limitations on drugs
 - [201 KAR 16:560](#) Certification as an animal euthanasia specialist
 - 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians
 - [201 KAR 16:701](#) Standards for Medical Records
 - [201 KAR 16:702](#) Standards for Veterinary Surgery
 - [201 KAR 16:750](#) Scope of Practice and Supervisory Requirements for Licensed Veterinary Technicians

OPEN DISCUSSION / NEW BUSINESS

- Questions pending from the Board's Office
- Other Items for Discussion

FUTURE MEETING DATES

- **Regular Board Meeting**
Thursday, July 27, 2023 @ 1:00 PM EDT
Office of the State Veterinarian, Frankfort, KY
- **Proposed Additional Meeting**
Thursday, August 31, 2023

ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/87105748041?pwd=MEoybWJWR0JKdWlJZ09HcUM1ZVFwZdz09>

Meeting ID: 871 0574 8041

Passcode: 913032

One tap mobile

+13126266799,,87105748041# US (Chicago)

+16469313860,,87105748041# US

Dial by your location (any number will work); then enter Meeting ID: 871 0574 8041

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- +1 719 359 4580 US
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