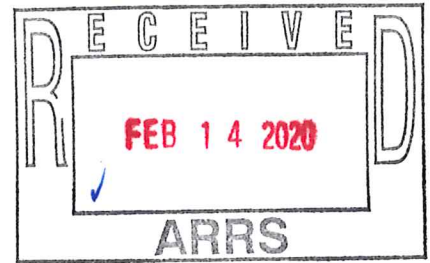




**Kentucky Council on
Postsecondary Education**



Andy Beshear
Governor

100 Airport Road, 2nd Floor
Frankfort, Kentucky 40601
Phone: 502-573-1555
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Aaron Thompson, Ph.D.
President

February 12, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 13 KAR 4:010. State Authorization Reciprocity Agreement

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 13 KAR 4:010, the Council on Postsecondary Education proposes the attached amendment to 13 KAR 4:010.

Sincerely,

Travis Powell
Vice President and General Counsel

Staff-suggested Amendment

**Final Version 2/12/2020 8:01 a.m.
COUNCIL ON POSTSECONDARY EDUCATION
(Amended After Comments)**

13 KAR 4:010. State Authorization Reciprocity Agreement.

Page 1

Section 1(1)

Line 19

After "Definitions. (1)", delete the following:

"Accredited" means holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education. (2)

Renumber subsequent subsections accordingly.

Page 5

Section 6

Line 1

After "on all enrolled", insert "full-time".

Delete "full time".

Page 5

Sections 6(1), (2), and (3)

Lines 6, 7, 8

After "Under 2,500", insert "full-time equivalent students".

After "2,500 – 9,999", insert "full-time equivalent students".

After "10,000 or more", insert "full-time equivalent students".

Andy Beshear
Governor

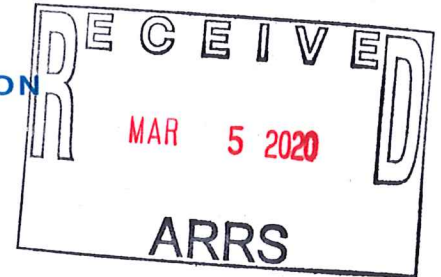


Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

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March 3, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 16 KAR 9:060. The District Training Program for Preparation of Candidates for Initial Teacher Certification

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 9:060, the Education Professional Standards Board proposes the attached amendment to 16 KAR 9:060.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cassie L. Trueblood".

Cassie L. Trueblood, Policy Advisor and Counsel
Education Professional Standards Board

Subcommittee Substitute

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(Amendment)**

16 KAR 9:060. The district[alternative] training program for preparation of candidates for initial teacher certification.

RELATES TO: KRS 161.028, 161.030, 161.048, 161.049

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048, 161.049

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 and KRS 161.049 **requires** [**directs**] the Education Professional Standards Board (EPSB) to **promulgate** [**adopt**] administrative regulations establishing standards and procedures for local district training programs and the approval [and evaluation process] for these programs. This administrative regulation establishes the required elements of a local district training program, outlines the training and responsibilities required of the professional support team, and establishes the training **that** [**which**] a candidate for alternative certification shall be provided. In addition, **this** [**the**] administrative regulation establishes the process for evaluation of the candidate and evaluation of the district training program.

Section 1. The district[alternative] training program, as defined in KRS 161.048 and 161.049, is an alternative certification program to prepare a candidate for initial teacher certification at any grade level. **Except for the preparation of teachers of exceptional children**, a local district or a group of districts may seek approval to offer the district training program in all instructional fields [for middle grade teachers as identified in 704 KAR 20:080 and TEC 35.0 of the Kentucky Standards for the Preparation-Certification of Professional School Personnel incorporated by reference in 16 KAR 5:013 and for secondary classroom teachers as identified in 704 KAR 20:070 and TEC 40.2] including interdisciplinary early childhood education [**except for the preparation of teachers of exceptional children**].

Section 2. District Plan. (1) The local school district or group of districts[consortium] shall submit a plan for the alternative training program for approval by the [~~(1)EPSB~~][~~Education Professional Standards Board~~], to include the following:

(a) Written evidence that the district has sought joint sponsorship of the program with an accredited college or university.

(b) The names of a four (4) member professional support team for each candidate, as described in Section 4 of this administrative regulation.

(c) The names and qualifications of personnel in addition to[~~other than~~] the four (4) member professional support team, if any, who will provide formal instruction as described in Section 5 of this administrative regulation.

(d) The training program for the support team, as described in Section 6 of this administrative regulation.

(e) The professional development plan[~~training program~~] for each candidate, as described in

Section 5 of this administrative regulation.

~~[(f) A tentative budget to include expected personnel costs, for the period of time for which the district is requesting approval of the proposal, which may not exceed five (5) years.]~~

~~(f) [(h)] [(g)]~~ **The** name, title, address, and telephone number of **the** program director.

~~(g) [(h)]~~ Appeal process.

1. The sponsoring district or consortium shall establish an appeals process for candidates in the alternative training program and shall notify the Education Professional Standards Board of this process at the time of application for approval of the program.

2. Complaints relative to failure of the sponsoring district or consortium or the professional support team to comply with and follow all prescribed statutory and regulatory requirements and procedures of an approved alternative training program shall be directed to and assessed by the superintendent or designee of the sponsoring district or consortium.

3. The district shall notify the Education Professional Standards Board of all appeals and actions taken as a result of appeals.

~~(i)~~ **The** roles and expectations for the professional support team during the eight (8) week training and the two (2) subsequent eighteen (18) week training sessions.

(2) The proposed district training program plan ~~[for an alternative training program]~~ shall be **submitted to** ~~[reviewed by staff of]~~ the EPSB ~~[Kentucky Department of Education]~~ for review by staff.

~~(a)~~ Staff shall review the district training program plan in terms of the following criteria:

1. [(a)] Compliance of the proposed program with **the** requirements and standards set forth in KRS 161.048 ~~[161.08]~~, KRS 161.049, ~~[16 KAR 9:050]~~ and this administrative regulation; **and** ~~[-]~~

2. [(b)] ~~[Evidence that sufficient financial and staff resources are available to the program for its effective implementation.]~~

~~(e)~~ Qualifications of program staff in the areas of instruction and supervision for which they have responsibility, including **the** qualifications described in Section 6 of this administrative regulation.

(b) The district training program plan ~~[for the proposed alternative certification program]~~ shall provide evidence to the satisfaction of the EPSB ~~[Education Professional Standards Board]~~ in support of the ~~[three (3)]~~ criteria listed above **and** ~~[-]~~ staff shall recommend acceptance or denial of the plan to the EPSB, which shall include supporting ~~[the]~~ rationale for the recommendation.

(c) The EPSB shall review the staff recommendations, shall approve or deny each plan, and shall transmit the decision and rationale for the decision to the district.

(d) The district may revise and resubmit a plan that has been denied. Any approval granted by the EPSB ~~[Education Professional Standards Board]~~ shall specify the period of approval of the district training program, which shall not exceed seven (7) years ~~[five (5) years]~~. Districts may apply for an extension of approval as outlined in Section 11 of this administrative regulation.

(3) The district shall offer employment, pursuant to KRS 161.048(3)(d), to a candidate seeking certification only after the district plan for an alternative training program has been approved by the EPSB ~~[Education Professional Standards Board]~~.

(4) For each candidate seeking certification through an approved district ~~[alternative]~~ training program, the district shall maintain a file, either in hardcopy format or electronic format, which shall be made available to the EPSB upon request and shall contain ~~[contains]~~ ~~[submit]~~ **[the following and shall be made available to EPSB upon request]**:

(a) Evidence of a criminal background ~~[records]~~ check and clear C/AN check in compliance with KRS 160.380(4); ~~[-]~~

- (b) [Transcripts of all college work undertaken by the candidate.
- (c) Three (3) recent letters of reference from persons not related to the candidate who are familiar with the candidate's professional work.]
- (d) Identification of the school, or an accurate description of another location **including the reasons for selecting a non-school site**, in which the candidate shall be trained during the first eight (8) weeks of training;[.][**Reasons for selecting a nonschool site shall be provided.**]
- (c)[(e)] Identification of the school, or an accurate description of another location **including the reasons for selecting a non-school site**, in which the candidate shall teach and be trained during the two (2) subsequent eighteen (18) week periods of training;[.]
- (d)[(f)] A proposed list of grade levels and classes the candidate will teach;[.]
- (e)[(g)] The proposed daily workload and schedule of the candidate for each phase of the training; **and**[.]
- (h) A copy of the official letter offering employment to the candidate.
- (i) Evidence that the candidate has accepted the offered employment.]
- (f)[(j)] The names and titles[positions] of the members of the four (4) person professional support team, **including [to include]** evidence that each member has successfully completed training and testing for participation in the Kentucky teacher internship program[~~or the required update as established in 704 KAR 20:320~~].

Section 3. **(1) Candidates.** An eligible candidate who meets the requirements of KRS 161.048 (3)(a)-(d) and 16 KAR 2:010, Section 3 (1), shall be issued a **one (1) year [one-year]** provisional teaching certificate to participate in the district training program.

(2) The candidate shall apply to the EPSB and provide:

- (a) Official transcripts of all college work undertaken by the candidate establishing proof of a bachelor's degree or graduate degree and grade point average;
- (b) Proof of a passing score on the academic content assessment, as established in 16 KAR 6:010, in the area in which certification is being sought;
- (c) Documentation of the candidate's employment history, including a position description that shows a direct connection to the academic content area for which certification is being sought; and
- (d) Written evidence of an offer of employment by a school district with an approved district training program.

(3) A candidate **shall [must]** be issued a **one (1) year [one-year]** provisional teaching certificate prior to participation in the district training program.

Section 4[3]. [~~Orientation and~~]Professional Development Plan for a Candidate. A[~~An orientation and a~~] professional development plan to assist[~~for assisting~~] each candidate in achieving a recommendation for approval[~~toward proficiency~~] shall be created and maintained[~~provided~~] by the local school district as follows:

(1) The four (4) member professional support team and the candidate, or a small cohort of candidates, shall meet before the candidate begins Phase I training to[~~and shall~~] be oriented to the district[~~approved~~] training program[~~proposal~~] and to the responsibilities and expectations for each team member and the candidate.

(2) The professional support team shall adopt[~~draft~~] an individual professional development plan for the candidate **that**[~~which~~] addresses[~~to cover~~] all phases of the training. [~~The candidates'~~]

professional development plan shall be consistent with the district plan for assisting a teacher toward proficiency as described in KRS 156.101(6)(c)6 and with the district's approved alternative certification proposal, and shall be fully discussed with the candidate.]

(3) The candidate's professional development plan shall be maintained by the district and shall be made available to the EPSB on request[submitted to the Education Professional Standards Board for review and approval, along with documentation of each team member's knowledge and skills as described in Section 6 of this administrative regulation and the candidate's application for candidacy as described in Section 3 of 16 KAR 9:050. If the board's judgment is that the professional development plan is not consistent with the approved district plan, the board may refuse to approve the individual plan and may deny the candidacy until a professional development plan is approved].

Section 5[4]. Professional Support Team. Each member of the professional support team shall provide to the district documented evidence [of] that he or she possesses [possess] knowledge and skills in field and clinical supervision, mentoring, conferencing, student assessment, evaluation of curricula and teaching skills, and dealing with a variety of students. Documentation of these competencies shall be maintained by the district and made available to EPSB upon request. A four (4) member professional support team [who have successfully completed the training identified in Section 6 of this administrative regulation] shall be identified by the local school district for each candidate seeking certification through the district training program[an approved alternative training program] as follows:

(1) School principal. The principal of a[the] school in the district where the candidate will be employed[initially assigned to teach] shall chair the professional support team. He or she shall keep records of the following:

(a) All informal visits and critiques;

(b) All formal visits and evaluations; and

(c) Documented changes made in the candidate's professional development plan. At regular intervals, the chair shall convene the professional support team in order to discuss with the candidate his or her professional progress and appropriate modifications in the professional development plan.

(2) Experienced teacher. The teacher shall hold current certification valid for the grade range and subject area or a [closely] related subject area for which the candidate is seeking certification. The teacher shall hold Rank I or II, and shall have at least four (4) years of full-time teaching experience. At least one (1) year of the prior teaching experience shall be in the district that has employed the candidate.

(3) Instructional supervisor. The instructional supervisor shall hold a valid Kentucky certificate for supervision of instruction and shall have at least one (1) year of prior experience in the district that has employed the candidate. If an instructional supervisor is not available, the district shall assign a person who has held the full-time position of supervisor of instruction for at least one (1) year within the prior three (3) years and who holds a valid Kentucky certificate for supervision of instruction.

(4) College or university faculty member. The faculty member shall be a [full-time] faculty member of an EPSB accredited [senior] college or university [who is associated with the teacher preparation program and] whose academic field is the same as or is closely related to the field in which the candidate is seeking certification. If a faculty member is not available, the district shall assign a person approved by an EPSB accredited[a senior] college or university who has held the

position~~[full-time position]~~ of college faculty member within the prior three (3) years ~~[and whose academic field is the same as or closely related to the area in which the candidate is seeking certification].~~

Section 6. District Training Plan Framework~~[Section 5. Training for the Candidate]~~. A three (3) phase training program for each candidate, as established in KRS 161.049, shall occur to ensure implementation of the candidate's professional development plan and a minimum of 250 hours of formal instruction. Formal instruction shall be for the purpose of ensuring that the candidate acquires the competencies established in 16 KAR 1:010~~[704 KAR 20:070, Sections 2, 3, 4, 5, 6 and 8]~~ and shall relate directly to the candidate's professional development plan ~~[and to the knowledge base of the Kentucky teacher internship program]~~. Formal instruction shall include:

(1) Phase I training. Phase I shall include a full-time seminar and practicum of no less than eight (8) weeks' duration prior to the time the candidate assumes responsibility for a classroom and shall comply with the following:

(a) The district training program shall include an introduction to basic teaching skills through supervised teaching experiences with students.

~~(b)[The training program shall integrate the candidate's supervised teaching experience with formal instruction in human growth and development, basic teaching skills, classroom management, dealing with diverse learning styles of diverse student populations, student assessment, and the knowledge base for the Kentucky teacher internship program.]~~

~~(c)] The district shall provide a formal orientation to the policies, organization, and curriculum[, and student characteristics] of the employing district. [The orientation shall be supervised by, or provided by, one (1) or more members of the professional support team.]~~

~~(c)[(d)] During the last week of Phase I training, evaluations shall be performed [by] or supervised by one (1) or more members of the professional support team, which[and] shall include written tests of the required competency areas pursuant to this Section[and observations of the candidate's classroom performance].~~

(d) The candidate's understanding in the areas of formal instruction ~~[outlined in Section (5)(1)(b)]~~ and the candidate's performance in the competency areas established in the designated sections of 16 KAR 6:010~~[704 KAR 20:070]~~ shall be evaluated, along with the candidate's understanding of policies, organization, and curriculum of the employing school district.

(e) Evaluation results in written form shall be shared with all members of the professional support team and shall be used to modify and improve the candidate's professional development plan. The revised professional development plan shall be discussed with the candidate and maintained by the district~~[forwarded to the Kentucky Department of Education]~~.

(2) Phase 2 training. Phase 2 shall include eighteen (18) weeks of formal instruction, informal observations, and critiques of the candidate during which time the candidate shall have responsibility for one-half (1/2) time classroom assignment. Formal instruction, informal observations, critiques, and evaluations shall relate directly to the candidates' professional development plan and to the competencies established in 16 KAR 1:010~~[704 KAR 20:070]~~. Phase 2 training shall comply with the following:

(a) Prior to or during the first week of Phase 2 training the team shall discuss with the candidate the purpose and expectations of informal observations, critiques, formal observations, and evaluations, as defined in Sections 7 and 8 of this administrative regulation.

(b) Informal observation and critique. The candidate shall be visited, informally observed, and critiqued at least one (1) time per week by one (1) or more members of the professional support team. ~~[Over the eighteen (18) week period, each member of the team shall visit, informally observe and critique no less than five (5) times].~~

(c) Formal observation. Each team member shall schedule a formal observation of the candidate at least one (1) time during the first five (5) weeks, one (1) time during the second five (5) weeks, and one (1) time during the last eight (8) weeks.

(d) Formal evaluation. The team shall meet to formally evaluate the candidate at the end of five (5) weeks, at the end of ten (10) weeks, and at the end of eighteen (18) weeks. After each ~~[set of]~~ formal evaluation~~[evaluations]~~, the team shall meet with the candidate to discuss evaluation results **that [which]** may lead to modifications of the candidate's professional development plan.

(3) Phase 3 training. Phase 3 training shall include eighteen (18) weeks of formal instruction, informal visits, and critiques ~~[of classroom assignment]~~, and at least two (2) formal observations and evaluations during which time the candidate may~~[shall]~~ have full-time classroom assignment. Phase 3 training shall comply with the following:

(a) Each member of the professional support team shall informally visit and critique the candidate at least one (1) time per month. Each informal observation shall last no less than one (1)~~[a]~~ full class period.

(b) The ~~[district plan shall show time and personnel allocations to permit the]~~ candidate shall~~[to]~~ spend at least one (1) class period per week observing an experienced teacher. Teachers selected for observation shall represent a variety of classroom subjects and levels, and shall be chosen for their ability to demonstrate a variety of exemplary teaching techniques and strategies.

(c) Each member of the professional support team shall formally observe and evaluate the candidate at least two (2) times during Phase 3. No more than two (2) months shall pass~~[eight (8) weeks shall occur]~~ without a formal observation.

(d) ~~[Formal instruction shall continue during this period.]~~

(e) The candidate shall take the pedagogy assessment~~[professional knowledge portion of the core battery of the NTE]~~ no earlier than the Phase 3 training period. The score required of the candidate is established in 16 KAR 6:010. The professional support team shall not recommend approval for a candidate until a passing score is achieved.

~~[Section 6. Training for the Professional Support Team. (1) Each member of the professional support team shall successfully complete the training to prepare classroom observers for the Kentucky teacher internship program. Each member of the team shall successfully complete the written and coding tests for the Kentucky teacher internship program before undertaking service on a professional support team. In no case shall training for a team member occur after the start of Phase I training.]~~

~~(2) In addition, each member of the professional support team shall provide documented evidence of possessing knowledge and skills in field and clinical supervision, mentoring, conferencing, student assessment, evaluation of curricula and teaching skills, and dealing with a variety of students including children of diverse cultural backgrounds and exceptional children. Documentation of these competencies shall accompany the district proposal.~~

~~(3) Prospective team members who have successfully completed the training and testing for the Kentucky teacher internship program, but who lack documented evidence of knowledge and skills~~

in one (1) or more of the areas specified in subsection (2) of this section, shall successfully complete training in these areas. The training shall be completed prior to Phase I of the district's approved program, and shall be provided through, or approved by, the Kentucky Department of Education.]

Section 7. Informal Observation and Critique. (1) During an informal observation visit, each team member shall record observations regarding the candidate's performance in relation to the standards identified in 16 KAR 1:010[Kentucky teacher internship knowledge base] and the performance of students in the classroom. [Team members may use the classroom observation instrument of the Kentucky teacher internship program.] Each informal observation leading to a critique shall be no less than twenty (20) minutes. Visits for informal observations shall be scheduled and unscheduled, and over the period of eighteen (18) weeks shall cover the range of times and activities for which the candidate is responsible for the classroom.

(2) At a critiquing session following an informal observation, results and feedback shall be shared with the candidate. The critique shall occur as soon as possible after the observation in order to assist the candidate to improve his or her classroom performance and the performance of his or her students.

Section 8. Formal Observation and Evaluation. (1) Formal observations shall be scheduled in advance with the candidate and shall last no less than one (1) class period. [Team members shall use the classroom observation instrument of the Kentucky teacher internship program during each formal observation and shall share observation results with the candidate as soon as possible after the end of the formal observation.]

(2) As a part of the formal evaluation, team members shall review the candidate's progress as recorded on observation instruments, notes, and other documents relating to the candidate's classroom performance.

(3) Each formal evaluation shall consist of the team's written assessment of the candidate's performance as measured through formal and informal observations.

(4) Following each set of formal evaluations, the team shall meet with the candidate to discuss evaluation results, which may lead to modification of the candidate's professional development plan. The team and the candidate shall plan together for the candidate's professional growth over the following training periods.

Section 9. Evaluation Report of the Candidate. (1) At the conclusion of the district[alternative] training program for each candidate, the chair of the professional support team shall prepare a comprehensive evaluation report on the candidate's performance. The professional support team shall by majority vote recommend one (1) of the following actions to the EPSB[Education Professional Standards Board]:

(a) Approved. The professional support team recommends issuance of the teaching certificate[statement of eligibility] for the candidate[, who may seek a teaching position and undertake the Kentucky teacher internship program established under 704 KAR 20:320].

(b) Insufficient. The professional support team recommends that the candidate be allowed to seek reentry into a district training[alternative teacher preparation] program. The team shall identify areas of insufficiency and shall attach to the recommendation a suggestion for remediation in each area. The team shall also recommend a point of reentry to a district training[alternative preparation] program. A provisional certificate shall be reissued for a second year if the candidate is employed

by a district for participation in its approved training programs for a subsequent year.

(c) Disapproved. The professional support team recommends that the candidate not be permitted to enter a district training~~[alternative teacher preparation]~~ program. The team shall identify specific reasons for this recommendation and shall document the evidence used by the team to reach its decision. Reasons for the recommendation ~~[of disapproved]~~ shall be submitted with~~[attached to]~~ the recommendation form, and shall be directly related to one (1) or more of the areas of formal instruction, testing, and classroom performance specified in Sections 5, 7, and 8 of this administrative regulation.

(2) If team members cannot reach a majority agreement concerning a recommendation under this section, the recommendation shall be submitted as insufficient. The team shall provide a statement in the evaluation report addressing the dispute among team members about the recommendation.~~[All team members shall vote on the final recommendation. If the professional support team fails to achieve a majority vote (3-1 or 4-0) for any recommendation, the decision shall be interpreted as falling under the insufficient category. The team chair shall prepare a narrative describing the vote. Team members may attach an individual position statement to any recommendation. All documents shall be forwarded for review by the Education Professional Standards Board.]~~

(3) The chair shall forward the recommendation form and all observation and evaluation documents to the EPSB~~[Education Professional Standards Board]~~.

Section 10. District Training Program Evaluation. (1) The district or group of districts ~~plan~~~~[consortium proposal]~~ for a district training~~[an alternative teacher preparation]~~ program shall include a schedule for short-range program evaluation to include ~~[- but not be limited to,]~~ an evaluation of the effectiveness of the formal instruction in relation to acquisition by the candidate of the knowledge and competencies specified in 16 KAR 1:010~~[Section 5 of this administrative regulation]~~, the supervised ~~[student]~~ teaching, the assistance provided by the professional support team, and the effectiveness of the candidate in the classroom during the two (2) eighteen (18) week training sessions.

(2) The plan shall include a schedule for long-range program evaluation to include ~~[- but not be limited to,]~~ the goals of the alternative preparation program and the effectiveness of the program in meeting these goals.

(3)~~(a)~~ ~~The Education Professional Standards Board shall conduct periodic reviews of the district training programs which shall include on-site evaluations to verify the quality of the programs. The on-site evaluations shall be scheduled in advance with the district to allow sufficient time for the district to provide evaluation results and other necessary records and documents, ensure availability of program staff and candidates and provide other facilities for the conduct of the evaluation.~~

~~(b) The Educational Professional Standards Board shall provide a copy of its evaluation report to the district within thirty (30) working days of the site visit. The district shall provide a written response to all program weaknesses identified in the board's report and shall forward this response to the board within thirty (30) working days of receipt of the board's evaluation report. The board shall review the report and response and shall take appropriate action.~~

~~(c)~~ The board may conduct on-site evaluations of any approved district training program to evaluate the quality of the programs. If in the judgment of the board a district~~[an alternative]~~ training program exhibits continuing ~~[and insurmountable]~~ weaknesses, the board may direct termination

of the program at the end of the current school year.

Section 11. Continuance~~[Extension]~~ of Program Approval. (1) ~~A~~~~[Over the signature of the appropriate superintendent or superintendents, a]~~ district or ~~group~~~~[consortium]~~ of districts may apply for continuance~~[an extension]~~ of an approved district~~[alternative]~~ training program for an additional period of time not to exceed seven (7)~~[five—(5)]~~ years. The request for continuance~~[extension]~~ shall reference program evaluation results described under Section 10 of this administrative regulation, and shall specify significant changes in program components that have occurred since the training program received prior board approval and that are planned for implementation in subsequent training periods.

(2) The request for continuance~~[extension]~~ shall ~~[specify how program costs in terms of salaries, training personnel, staff time and district facilities shall be accommodated within the district's budget, and shall]~~ provide specific examples of demonstrating~~[other assurances of]~~ program quality~~[as may be requested by the Education Professional Standards Board]~~. The request for continuance shall set forth statistical information related to teacher retention for all prior candidates who have completed the training program. Standards for program approval and program quality specified under Sections 2 through 10 of this administrative regulation shall be maintained under any program extension.

CONTACT PERSON: Deanna L. Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.



Andy Beshear
Governor

Commonwealth of Kentucky
Finance and Administration Cabinet
DEPARTMENT OF REVENUE
OFFICE OF TAX POLICY AND REGULATION

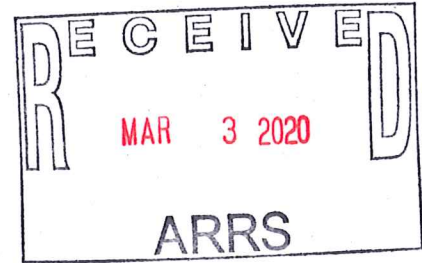
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Holly M. Johnson
Secretary

Thomas B. Miller
Commissioner

March 3, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: **103 KAR 2:005**, Life mortality table

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 2:005, the Department of Revenue proposes the attached amendment to 103 KAR 2:005.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II
Office of Tax Policy and Regulation
Department of Revenue
501 High Street, St 1
Frankfort, Kentucky 40601

lcs

Cc: file

Staff-suggested Amendment

**Final Version 2/21/2020 9:58 a.m.
FINANCE AND ADMINISTRATION CABINET
Department of Revenue**

103 KAR 2:005. Life Mortality Table.

Page 1

STATUTORY AUTHORITY paragraph

Line 6

After "131.130", insert "140.100(2)".

Page 1

Section 1

Lines 13 and 14

After "as prescribed in", delete "Section 7520(a)(1) of".

After "Code, 26 U.S.C. 7520(a)(1)", insert "z".



Andy Beshear
Governor

Commonwealth of Kentucky
Finance and Administration Cabinet
DEPARTMENT OF REVENUE
OFFICE OF TAX POLICY AND REGULATION

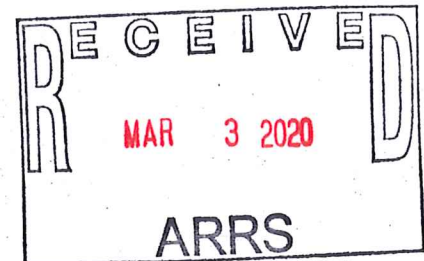
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Holly M. Johnson
Secretary

Thomas B. Miller
Commissioner

March 3, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: **103 KAR 30:170**, Containers, wrapping, and packing materials

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 30:170, the Department of Revenue proposes the attached amendment to 103 KAR 30:170.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II
Office of Tax Policy and Regulation
Department of Revenue
501 High Street, St 1
Frankfort, Kentucky 40601

lcs
Cc: file

Staff-suggested Amendment

**Final Version 2/21/2020 9:44 a.m.
FINANCE AND ADMINISTRATION CABINET
Department of Revenue**

103 KAR 30:170. Containers, wrapping, and packing materials.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Line 11

After "materials, labels", insert " ".

Page 1

Section 1(2)

Line 16

After "bags, twine, medicine", insert "packaging".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

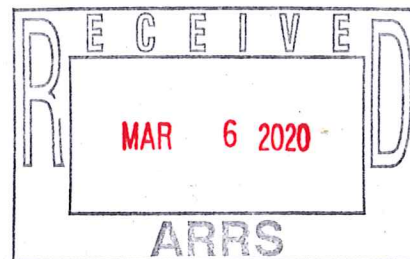
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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



RE: **201 KAR 16:500 Code of ethical conduct for veterinarians;** 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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)/(a)/

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~~[sets forth certain standards which shall constitute a code of ethical conduct for and upheld by each licensed veterinarian]~~.

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 offfor-in/* 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 overutilize his or her practice. A practice shall be deemed to be overutilized 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/medical-release/* 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) off/in/ this section~~[of this administrative regulation]~~, 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/~~except as/~~ 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/which/ 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/which/ 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/~~ 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: October 11, 2019

FILED WITH LRC: October 14, 2019 at 3 p.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; **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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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/when~~ 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:~~540/700~~ 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:~~530/700~~ 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~~for in subsections (a) and (b) of this section~~, 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:~~570/700~~ or online equivalent form is complete, including all required attachments, continuing education credits, and fee payment;~~/s/~~ 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)/(a)~~ 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~~[October 1 and March 31]~~, 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)/(b)~~ For veterinarians who are initially licensed in the second year of the biennium between 181 days and the last day of the renewal biennium~~[April 1 and September 30]~~, 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)~~/, Section 4(2),~~ 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/for in~~ 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~~700 or online equivalent form, including all required attachments, to the board for reinstatement of his or her license.

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

(2) If more than five (5) years have elapsed since the last date of license expiration, a veterinarian ~~shall/must~~ 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. [opt to renew his or her license with status of "inactive" during the renewal period by completing the Renewal Application for Veterinarians form as found in 201 KAR 16:700 or online equivalent form, or at any point during the biennium by completing a Request for Licensure Status Change form as found in 201 KAR 16:700 or online equivalent form. Licensees with an inactive status shall not practice the profession of veterinary medicine in the Commonwealth of Kentucky until the board approves the license to return to active status.]~~

(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) ~~[No continuing education is required while a veterinarian's license is in inactive status.~~

~~(d)]~~ 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. [at any time by completing and submitting a Reinstatement Application for Veterinarians or designating the status change on a Renewal form during the open renewal period, paying a reinstatement fee of \$200, and complying with the provisions established in 201 KAR 16:540, 201 KAR 16:580, and 201 KAR 16:590.~~

~~(b) At the time of reinstatement, an inactive licensee shall be required to comply with continuing education requirements established in 201 KAR 16:590.]~~

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~~[(1)]~~-time fee for this service shall be/is twenty-five (25) dollars, which ~~shall/must~~ be attached to a Request for Licensure Status Change form as found in 201 KAR 16:580~~[700]~~ or the Renewal Application for Veterinarians form as found in 201 KAR 16:570 or online equivalent forms~~[provided by the board]~~.

(2) Once a license is retired it ~~shall not/cannot~~ be reactivated. If a veterinarian holds a retired license and wishes to practice again, he or she ~~shall/must~~ 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/will/ waive or reduce fees as indicated in this section/of this administrative regulation/.

(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/must/ still be met.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

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Sincerely,


Michelle M. Shane, Executive Director

Kentucky Board of Veterinary Examiners

107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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/when 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 16:540/700 or online equivalent form, including all required attachments.

Section 3. Examination Fees for Veterinary Technicians. ~~[(1)]~~ 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/for in/ subsection~~[(a)]~~, 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 16:570/700 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)/[(a)] For a veterinary technician who is initially licensed 120 days prior to the end/en or after June 2 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~~~~[During the grace period established by KRS 321.211,]~~ 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~~~~for in~~ Section ~~6/5~~(3) 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 veterinary technician may pay a reinstatement fee of fifty (50)~~seventy-five (75)]~~ dollars and submit a complete Reinstatement Application for Veterinary Technicians form as found in 201 KAR 16:~~540~~700 or online equivalent form, including all required attachments, to the board for reinstatement of his or her license.

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

(2) If more than five (5) years have elapsed since the last date of license expiration, a veterinary technician ~~shall~~~~must~~ 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. [A veterinary technician may opt to renew his or her license with status of "inactive" during the renewal period by completing Renewal Application for Veterinary Technicians form as found in 201 KAR 16:700 or online equivalent form, or at any point during the annual cycle by completing the Request for Licensure Status Change form as found in 201 KAR 16:700 or online equivalent form. Licensees with an inactive status shall not practice as a veterinary technician in the Commonwealth of Kentucky until the license status is approved by the board to move back to active status.]~~

(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) [No continuing education is required while a veterinary technician's license is in inactive status.]~~

~~(d)]~~ 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. [by completing and submitting a Reinstatement Application, paying a reinstatement fee of twenty-five (25) dollars, and complying with the provisions established in 201 KAR 16:540, 201 KAR 16:580, and 201 KAR 16:590.~~

~~(b) At the time of reinstatement, an inactive licensee shall still be required to comply with continuing education requirements established in 201 KAR 16:590.]~~

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

(b) The one[~~(1)~~]-time fee for this service shall be/is ten (10) dollars, which shall/must 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, 700 or the renewal form or online equivalent forms~~[provided by the board]~~.

(2) Once a license is retired, it shall not/cannot be reactivated. If a veterinary technician holds a retired license and wishes to practice again, he or she shall/must 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/will waive or reduce fees as indicated in this section/of this administrative regulation].

(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/must still be met.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, reading "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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 certify animal control agencies to perform euthanasia services for animals.]~~ KRS 321.207(3)(4) 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/when~~ 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:~~550/700~~ or online equivalent form~~[provided by the board]~~, 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~~[issuance of a certificate to]~~ 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:~~560/700~~ or online equivalent form~~[provided by the board]~~, including all required attachments.

Section 3. Renewal Fees for Animal Control Agencies. (1)~~(a)~~ Except as provided by paragraph (b)~~[for in subsection (a)]~~ of this subsection~~[section]~~, 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:~~572/700~~ or online equivalent form,

including all required attachments, and fee payment to the board.

~~(b)/(a)/~~ The renewal fee for the first renewal shall be waived for a certificate issued **120 days prior to the end**~~[on or after November 1]~~ 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~~**700** or online equivalent form~~[provided by the board]~~, 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~~**may** not apply for a new certificate during this five (5) year window; a reinstatement application ~~shall be~~**is** required.

(5) If more than five (5) years have elapsed since the last date of certificate expiration, an animal control agency ~~shall~~**must** 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**~~[for in]~~ subsection~~[(a) of this section]~~, 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~~**700** or online equivalent form~~[provided by the board]~~, including all required attachments, and fee payment to the board.

~~(b)/(a)/~~ The renewal fee for the first renewal shall be waived for a certificate issued **120 days prior to the end**~~[on or after November 1]~~ 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~~~~700~~ or online equivalent form~~[provided by the board]~~, including all attachments, and the payment of a reinstatement fee of seventy-five (75) dollars. An animal euthanasia specialist ~~shall~~~~[may]~~ not apply for a new certificate during this five (5) year window; a reinstatement application ~~shall be/is]~~ required.

(5) If more than five (5) years have elapsed since the last date of certificate expiration, an individual ~~shall~~~~[must]~~ 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. [may opt to renew a certificate with a status of inactive at any time by indicating so on a completed Request for Licensure Status Change form as found in 201 KAR 16:700 or the renewal form or online equivalent forms provided by the board. (1) There is no fee for inactive status for a certified animal euthanasia specialist.]~~

(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. [When a certified animal euthanasia specialist's employment with a certified animal control agency terminates or the certificate for the certified animal control agency expires, his or her certificate shall be moved to inactive status for a period not to exceed five (5) years.

~~(a) During the five (5) year period, the animal euthanasia specialist may apply to reinstate the certificate to active status by completing a reinstatement application.~~

~~(b) After five (5) years, the individual must reapply for certification as an animal euthanasia specialist.~~

~~(3) A certified animal euthanasia specialist may convert his or her certificate from inactive to active status at any time when he or she is employed with a certified animal control agency by completing and submitting a reinstatement application, paying a fifty (50) dollar reinstatement fee, and complying with the provisions established in 201 KAR 16:514, 201 KAR 16:560, and 201 KAR 16:572.]~~

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

201 KAR 16:516. Fees – other fees.

RELATES TO: KRS 321.240, 321.201

STATUTORY AUTHORITY: KRS~~[321.240,]~~ 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. ~~[This administrative regulation establishes fees for various services provided by the board.]~~ 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~~[such permits]~~. 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/when~~ 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~~[700]~~ or online equivalent forms~~[provided by the board]~~.

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/is ten (10) dollars. The fee shall be attached to a Request for Licensure Verification form~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~.

~~(2)~~ Upon receipt of the request and payment, the board shall/will 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/is fifteen (15) dollars. The fee shall be attached to a Request for Mailing List form~~[as found in 201 KAR 16:700]~~ or online equivalent form.

~~(2)~~ Upon the receipt of the request and payment, the board shall/will 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/is~~ ten (10) dollars.

(2) The fee shall be attached to a Request for Printed Credentials form /as found in 201 KAR 16:700/ or online equivalent form.

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

(2) Service charge fees shall be/are 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.

Steven J. Wills, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Request for Printed Credentials

Page 1, I.

Revised existing fields and added new row for "Delivery Address" fields.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 6, 2020

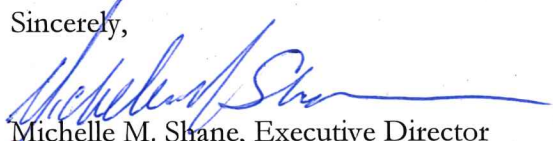
Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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~~321.190 requires persons engaging in the practice of veterinary medicine in the Commonwealth of Kentucky to be licensed by the board. KRS 321.190 sets forth the requirements for licensure as a veterinarian. KRS 321.441 provides for the qualification, licensing, and use of veterinary technicians. One (1) of the requirements for veterinarians is the receipt of a degree from a veterinary college approved by the board, and one (1) of the requirements for veterinary technicians is the receipt of a degree from a program approved by the board~~. This administrative regulation establishes/sets forth the veterinary colleges and veterinary technician programs approved by the board.

Section 1. Approved Veterinary Colleges. ~~A/The board hereby approves any/~~ veterinary college shall be approved if it/which 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/set forth 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/The board hereby approves any/~~ veterinary technician program, or veterinary technologist program, or veterinary nurse program, shall be approved if it/which 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~~/set forth/~~ 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)~~(2)~~ 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)~~(3)~~ Successfully completing all other application requirements for licensure.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: October 11, 2019

FILED WITH LRC: October 14, 2019 at 3 p.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

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March 6, 2020


Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
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029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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~~provides that the examinations required for licensure shall be approved by the board~~. This administrative regulation establishes examination requirements for~~identifies the examinations that are required of~~ 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~~will not be accepted.

(5) Candidates for the NAVLE who do not receive a passing score ~~shall~~must apply to the board to retake the NAVLE on the Application for Retake of the NAVLE form~~as found in 201 KAR 16:700~~ 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~~the administrative regulations promulgated pursuant thereto~~.

(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~~must 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~~for in~~ subsection~~(a)~~, 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)(a)~~ If the veterinary technician graduated from an approved program prior to 1990, and successfully completed one of the following tests prior to 1990:~~f,i~~

1. The board shall/will 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/will 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/will 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: October 11, 2019

FILED WITH LRC: October 14, 2019 at 3 p.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Application for Retake of the NAVLE

Pages 1 and 2, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #3:

After "have you been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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~~[provides for]~~* application requirements for veterinarians. KRS 321.441 (1) *authorizes the board to establish~~[sets forth]~~* 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~~[sets forth]~~* 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)/(1) A completed application on an Application for Licensure as a Veterinarian form~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments;

(b)/(2) 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)/(3) An official copy of final transcripts, or a copy of the applicant's diploma from the issuing school;

(d)/(4) ~~A complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check. The board has the power to impose additional requirements as a condition of licensure or deny licensure following the board's review of findings from a national background check;~~

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

(e)/(5)/(6) 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./(a) The North American Veterinary Licensing Exam (NAVLE);~~/;~~ or

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

(f)/(6)/(7) The completed State Exam Answer Sheet; and

(g)/(7)/(8) Payment for the application fee required by 201 KAR 16:510.

(2)/(8)/(9) In addition to the requirements listed in subsection (1)(a), (b), (d), (f), and (g)/subsections (1), (2), (4), (5), (7), and (8) 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)/(9)/(10)]~~ In addition to the requirements listed in subsection (1)(a), (b), (d), (f), and (g)/subsections (1), (2), (4), (6), and/(5),/(7)/[, and (8)] 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 ~~[the]~~ subparagraphs 1 and 2 of this paragraph/Section 1(10)(c) of this administrative regulation]. 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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments;

~~(2) [A complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check;~~

~~(3)]~~ A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;

~~(3)/(4)]~~ Licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinarian;

~~(4)/(5)]~~ A current VAULT credential report directly from the AAVSB, its designee, or official records custodian;

~~(5)/(6)]~~ Proof of a minimum of thirty (30)~~[board approved]~~ 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)/(7)]~~ Payment for the reinstatement application fee pursuant to 201 KAR 16:510.

Section 3. A veterinary license holder of the board shall~~[be required to]~~ 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)/(4) A completed application on an Application for Licensure as a Veterinary Technician form~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments;

(b)/(2) 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)/(3) An official copy of final transcripts, or copy of the applicant's diploma from the issuing school;

(d)/(4)~~[A complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check;~~

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

(e)/(5)/(6) 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)/(6)/(7) Payment for the application fee pursuant to 201 KAR 16:512.

(2)/(7)/(8) In addition to the requirements listed in subsection (1) of this section~~subsections (1) — (6)/(7)~~~~[in Section 3 of this administrative regulation]~~, 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)/(8)~~[Section 5.]~~ In addition to the requirements listed in subsection (1) of this section~~subsections (1) — (6)/(7)~~~~[of Section 4 of this administrative regulation]~~, 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.~~[6.]~~ 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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments;

(2) ~~[A complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check;~~

(3) A copy of any court documents, settlement agreements, or other documents requested by

the board in support of the application;

(3)[(4)] Proof of a minimum of six **(6)[board-approved]** continuing education credits **(as approved pursuant to 201 KAR 16:590)** during the twelve (12) months immediately prior to the date of application; **/-/**

(4)[(5)] 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,[(6)] a current **VAULT** credential report from the AAVSB; and

(6)[(7)] Payment for the application fee pursuant to 201 KAR 16:512.

Section 6. A veterinary technician license holder of the board shall **~~/be required to/~~** 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** **~~/Such requests shall include the following components: (1) A completed application on a Request for Licensure Status Change form as found in 201 KAR 16:700 or online equivalent form provided by the board, including all required attachments; (2) Payment for the application fee pursuant to 201 KAR 16:510 for veterinarians or 201 KAR 16:512 for veterinary technicians]~~**.

Section 8. **Background checks.** The board **~~may/is authorized to/~~** conduct a national or jurisdictional level background check on each applicant for licensure. **The check shall/must/ 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)/[(9)] days old.** The board **~~may/has the power to/~~** impose additional requirements as a condition of licensure or **~~/to/~~** 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Application for Licensure as a Veterinarian

Pages 1-6, Lower Right Corner:

Change date to "03/2020".

Page 3, II., Question #10:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Page 6, VI., BE ADVISED paragraph

After "NO ONE IS", delete "NOT".

Reinstatement Application for Veterinarians

Pages 1-5, Lower Right Corner:

Change date to "03/2020".

Page 3, II., Question #9:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Application for Licensure as a Veterinary Technician

Pages 1-4, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #5:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Page 3, V., Question #9:

After "and include the", insert "applicant's".

Delete "applicant".

Page 4, VI., Portrait Image

After "attached in Section", insert "V".

Delete "IV".

Reinstatement Application for Veterinary Technicians

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #4:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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/defined 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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments;

(b) Identification of the agency designated onsite manager;

(c) ~~[A complete national background check on the agency designated onsite manager from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check;~~

~~—(d)]~~ A complete and current list of all individuals performing euthanasia activities at the animal control facility; and

~~(d)](e)]~~ 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. ~~[The board is authorized to conduct a national or jurisdictional level background check on each manager. The board has the power to impose additional requirements as a condition of certification or to deny certification following the board's review of findings from a background check.]~~

(7) Background checks. The board ~~may/is authorized to/~~ conduct a national or jurisdictional level background check on each designated shelter manager. The check ~~shall/must/~~ 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/has the power to/~~ impose additional requirements as a condition of certification for the animal control agency or ~~/to/~~ 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./4./~~ 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./5/ After *five (5) years, [which]* the agency ~~shall/must/~~ 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/such substances.

(4) The records of purchase, destruction, and administration ~~may be audited/are subject to audit~~ by representatives of the DEA or authorized designees of the board to determine adequacy, accuracy, and validity of the recordkeeping. The board ~~may/has the power to~~ impose restrictions and administrative penalties on certificate holders as a result of substandard controls or records of ~~the/said~~ 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/AVAM 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/violations 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Application for Certification as an Animal Control Agency

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #2:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Reinstatement Application for Animal Control Agencies

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #2:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 6, 2020


Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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/such/ 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/which/ involves the use or trafficking of illegal substances;
- (4) Have [received] a high school diploma or general equivalency degree (GED);
- (5) Pay/paid/ 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/Complete/ a board approved sixteen (16) hour euthanasia specialist training course as established/set forth/ 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/coffee, 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/licensure as an/a/certified animal euthanasia specialist shall include the following components:

- (1) A completed application on an Application for Certification as an Animal Euthanasia Specialist form~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, 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) ~~[A complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check; and~~
- (5) 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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments; and
- (2) ~~[A complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check; and~~
- (3) 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~~[include the following components:~~

- ~~(1) A completed application on a Request for Licensure Status Change as found in 201 KAR 16:700 or online equivalent form provided by the board, including all required attachments; and~~
- ~~(2) Payment for the application fee pursuant to 201 KAR 16:514].~~

Section 6. **Background Checks.** The board ~~may/is authorized to/~~ conduct a national or jurisdictional level background check on each applicant for certification. The check shall/must/ 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/has the power to/ impose additional requirements as a condition of certification or /to/ deny certification following the board's review of findings from a background check. ~~The board is authorized to conduct a national or jurisdictional background check on each applicant for licensure. The board has the power to impose additional requirements as a condition of licensure or deny licensure 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/the administrative regulations promulgated thereunder;
- (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/violations 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Application for Certification as an Animal Euthanasia Specialist

Pages 1-4, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #5:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Reinstatement Application for Animal Euthanasia Specialists

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #4:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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March 6, 2020

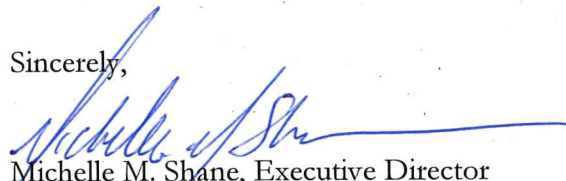
Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

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~~[or registration]~~ 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~~[or registration]~~. 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/in the case of~~ online renewal, a timestamp, of September 30 or earlier shall be considered received on time.

(b) Renewals bearing a postmark, or, ~~if an/in the case of~~ 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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, 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~~/as found in 201 KAR 16:700/~~ or online equivalent form~~/provided by the board/~~, 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~~**/has no obligation/** 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/has not more than five (5) years from the date of expiration to/~~ 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/is/~~ required during this period; an application for a new license ~~shall/will/~~ 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 /shall/

(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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: October 11, 2019

FILED WITH LRC: October 14, 2019 at 3 p.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Renewal Application for Veterinarians

Pages 1-5, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #7:

After "have you been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Renewal Application for Veterinary Technicians

Pages 1-4, Lower Right Corner:

Change date to "03/2020".

Page 1, RENEWAL NOTICE paragraph

After "KRS", insert "321.441".

Delete "321.211".

Page 2, II., Question #4:

After "have you", delete "ever".

After "been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 6, 2020


Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

201 KAR 16:572. Certificate/License renewal for~~[registered]~~ 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~~/or registration~~ 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/registered animal control agencies and animal euthanasia specialists and requires all certified/registered 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/registered 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/registered animal control agency/agencies and animal euthanasia specialist/specialists 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/in-the-case-of online renewal, a timestamp, of March 1 or earlier shall be considered received on time.

(b) Renewals bearing a postmark, or, if an/in-the-case-of 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)/(5) 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/is the Renewal Application for Animal Control Agencies form~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments.

(b) For certified animal euthanasia specialists, the renewal form shall be/is the Renewal Application for Animal Euthanasia Specialists form~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, 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~~ [has no obligation] 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~~ [has not more than five (5) years from the date of expiration to] 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/is required during this period; an application for a new license shall/will not be accepted until five (5) years after the last date of expiration.

Section 3. Current contact information shall/must 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 shall

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/is authorized to/ conduct a national or jurisdictional level background check on each designated onsite manager. The check shall/must/ 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/has the power to/ impose additional requirements as a condition of certification or /to/ deny certification following the board's review of findings from a background check. [the certified animal control agency shall submit a complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national 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 shall

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/to Designate a New Agency Onsite Manager/ 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Renewal Application for Animal Control Agencies

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #2:

After "have you been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Renewal Application for Animal Euthanasia Specialists

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #4:

After "have you", delete "ever".

After "been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Request to Designate a New Agency Onsite Manager

Pages 1-2, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #2:

After "have you", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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March 6, 2020

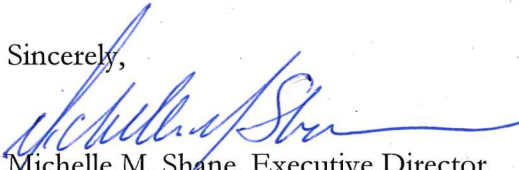
Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

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[321.441 provides for the establishment of conditions under which retired or inactive licenses may be renewed]. This administrative regulation establishes the procedures for the issuance and renewal of retired and inactive licenses and certificates[sets forth those conditions].

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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, 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) ~~[No]~~ Continuing education credits shall not be[are] required for licensees while in inactive status.

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

(a) 1. Completing and submitting the appropriate[a-completed] reinstatement application or online equivalent form~~[provided by the board]~~, 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; [and]

(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.[; and]

~~—(e) Providing a complete national background check from a board approved background~~

~~check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check.]~~

(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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, including all required attachments; or

(b) Designating his or her intent to convert to inactive status on the ~~[appropriate]~~ 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~~may 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~~with 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~~shall~~ request reinstatement to an active certificate status by:

(a) 1. [:- (a)] Submitting a completed Reinstatement Application for Animal Euthanasia Specialists form~~[on a form provided by the board]~~, including all required attachments; or

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

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

~~— (b) Providing a complete national background check from a board approved background check provider, which may include a copy of the applicant's fingerprints captured at a board approved office for the purpose of a national background check.]~~

(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~~[can have their certificate reinstated to active status by an action of the board following the reinstatement of the certified animal control agency where the animal euthanasia specialist is employed].~~

(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/is authorized to~~ conduct a national or jurisdictional level background check on each applicant for reinstatement of licensure or certification. The check ~~shall/must~~ 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/has the power to~~ impose additional requirements as a condition of licensure or certification or ~~/to~~ 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~~[as found in 201 KAR 16:700]~~ or online equivalent form~~[provided by the board]~~, 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/must~~ 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Changes to Material Incorporated by Reference

Reinstatement Application for Veterinarians

Pages 1-5, Lower Right Corner:

Change date to "03/2020".

Page 3, II., Question #9:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Reinstatement Application for Veterinary Technicians

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #4:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Reinstatement Application for Animal Euthanasia Specialists

Pages 1-3, Lower Right Corner:

Change date to "03/2020".

Page 2, II., Question #4:

After "Have you ever been", delete "arrested, charged, or".

After "traffic violation", delete ", or pardoned, or had an activity expunged from your criminal record".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

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](mailto:veter@ky.gov)

March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, reading "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

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[authorizes] 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[is no] 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[may] 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. ~~[This paragraph shall not apply to applicants for licensure by endorsement under KRS 321.221.]~~

(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. ~~[This paragraph shall not apply to applicants for licensure by endorsement under KRS 321.221.]~~

(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**~~[requirements]~~ shall be ~~determined~~~~[waived when the written request has been approved]~~ by the board.

(c) The request ~~shall~~~~:[must]~~

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

2.~~[must]~~ Be printed on the organization's letterhead; and

3.~~[must]~~ 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) [(7)] Continuing education **hours shall be required as follows**~~[requirements]~~ 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 ~~[but not limited to]~~ 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~~[provided by the board]~~, 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

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. /s/

(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/set forth 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/patient(s) 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;~~/s/~~

(b) The name and address of the person from whom the drug is received;~~/s/ and/~~

(c) The date and quantity received;~~/s/~~

(d) The name and address of the person to whom the drug is dispensed;~~/s/ and/~~

(e) The date and quantity dispensed;~~/s/~~ and~~/s/~~

(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/must/ 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, ~~[it shall be the responsibility of]~~ the licensed veterinarian **shall/to/** ensure that the requirements of this administrative regulation are met.

Section **9.[8.]** Enforcement. ~~[Except as provided in this section of this administrative regulation,]~~ If the board has reason to believe that a **veterinarian or person claiming to be a veterinarian[person]** 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[person]** 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: February 12, 2020

FILED WITH LRC: February 12, 2020 at 11 a.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

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

March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

RE: 201 KAR 16:500 Code of ethical conduct for veterinarians; 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; 201 KAR 16:520 Approved veterinary colleges; approved programs for veterinary technicians; 201 KAR 16:530 Examination requirements for veterinarians and veterinary technicians; 201 KAR 16:540 Application requirements for veterinarians and veterinary technicians; 201 KAR 16:550 Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:560 Certification as an animal euthanasia specialist; 201 KAR 16:570 License renewal for veterinarians and veterinary technicians; renewal notice; 201 KAR 16:572 Certificate renewal for animal control agencies and animal euthanasia specialist; 201 KAR 16:580 Board issued licenses and certificates, inactive and retired statuses; 201 KAR 16:590 Continuing education requirements, veterinarians and veterinary technicians; 201 KAR 16:600 Prescription and dispensation of drugs for animal use; and 201 KAR 16:610 Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:500, 16:510, 16:512, 16:514, 16:516, 16:520, 16:530, 16:540, 16:550, 16:560, 16:570, 16:572, 16:580, 16:590, 16:600, and 16:610.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Shane".

Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners
107 Corporate Drive, Frankfort, Kentucky 40601



SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

201 KAR 16:610. Procedures for grievances, investigations, and administrative charges.

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), ~~321.235~~(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/which~~ 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**~~Intake of Grievances. (1)~~ a complaint, grievance, or other allegation of misconduct ~~that/collectively, "grievance") which~~ 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~~as found in 201 KAR 16:700~~ 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 ~~initial screen shall require~~ the chair, or the chair's designee, ~~shall to~~ 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 ~~3/2~~. 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/board, 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/sueh-a/~~ dismissal, the grievance, the response from the individual named in the grievance, and correspondence ~~that/whieh/~~ 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 ~~4/3/~~. 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 ~~5/4/~~. 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/sueh-a/~~ dismissal, the grievance, the response from the individual named in the grievance, correspondence ~~that/whieh/~~ 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 ~~6/5/~~. 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~~*[Set forth]*:

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)~~*(4)* 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)~~*(2)* Each notice shall be issued in accordance with KRS 13B.050.

Section ~~7~~*6*. 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.

STEVEN J. WILLS, DVM, Chair

APPROVED BY AGENCY: October 11, 2019

FILED WITH LRC: October 14, 2019 at 3 p.m.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.



**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

Andy Beshear
Governor

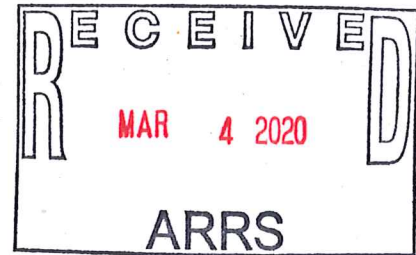
#1 Sportsman's Lane
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Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
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Mike Berry
Secretary

Rich Storm
Commissioner

March 1, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 301 KAR 2:195, Falconry, raptor take, and raptor propagation

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:195, the Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:195.

Sincerely,

Brian Clark
Deputy Commissioner

Staff-suggested Amendment

**Final Version 2/27/2020 3:36 p.m.
TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 2:195. Falconry, raptor take, and raptor propagation.

Page 11

Section 4(21)(a)

Lines 5 and 6-7

After "master class level", delete ",,".

After "months a year", delete ",,".



**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

Andy Beshear
Governor

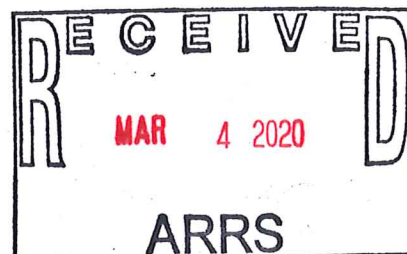
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Mike Berry
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Rich Storm
Commissioner

March 1, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 301 KAR 2:300, Black bear seasons and requirements

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:300, the Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:300.

Sincerely,

Brian Clark
Deputy Commissioner

Staff-suggested Amendment

**Final Version 2/28/2020 9:10 a.m.
TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 2:300. Black bear seasons and requirements.

Page 4

Section 3(4)

Lines 10 and 11

After "to chase a bear", insert "on public hunting areas, or".

After "the landowner", insert " and".

Delete "or public hunting areas".

Page 5

Section 6(1)(b)

Line 15

After "the modern gun,", insert "muzzleloader, or archery and crossbow".

Delete "archery – crossbow, or muzzleloader".

Page 7

Section 8(1)(a)

Line 19

After "(a) The", insert "archery and crossbow".

Delete "archery – crossbow".

Page 8

Section 9(1)

Line 7

After "(1) The", insert "archery and crossbow".

Delete "archery – crossbow".

Ryan F. Quarles
Commissioner

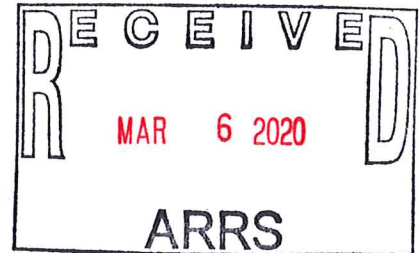


Corporate Drive
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Frankfort, KY 40601
(502) 573-0282

Kentucky Department of Agriculture

March 5, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 302 KAR 22:010. Procedures for inspection, testing, identification, removal, and disposition

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 22:010 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 22:010.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clint Quarles".

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT
Department of Agriculture
Office of the State Veterinarian**

302 KAR 22:010. Procedures for inspection, testing, identification, removal, and disposition ~~[Authority to inspect, test, identify, remove and dispose]~~ of livestock, ~~[and]~~ poultry, and fish.

RELATES TO: KRS 257.010, 257.020, 257.030, 257.120

STATUTORY AUTHORITY: KRS 246.210, 246.220, ~~[257.010,]~~ 257.020, 257.030, 257.110

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 257.020(3) requires the Board of Agriculture to prevent, control, and eradicate any communicable disease of livestock, poultry, and fish.** KRS 257.030(4) authorizes the board ~~[of Agriculture]~~ to promulgate administrative regulations necessary to administer KRS Chapter 257. This administrative regulation establishes **procedures for the Office of the State Veterinarian** ~~[the authority]~~ to access farms or other places for the purpose of testing, inspecting, or examining livestock, poultry, and fish for communicable disease.

Section 1. After reasonable notice and upon suspicion of communicable disease that presents a risk to livestock, poultry, fish, or public health, the State Veterinarian or the State Veterinarian's representative may enter upon any farm, stockyard, auction barn, or any other place or premises, market, or conveyance where livestock, poultry, or fish are handled, for the purpose of inspecting, examining, or testing the livestock, poultry, or fish for infectious or communicable diseases. The State Veterinarian may brand, tag, or otherwise identify the livestock, poultry, or fish found diseased or exposed to disease and may order quarantine, and after reasonable notice and appraisal, removal or disposition of the livestock, poultry, or fish found to be diseased.

Section 2. The State Veterinarian or an authorized representative may enter any sale or exhibition premises for the purpose of surveillance testing. Surveillance testing may be done at sale and exhibition events for infectious or communicable diseases that present a risk to animal health or to public health.

(1) Testing may be done randomly.

(2) The owner of the animals shall provide premises of origin information, either by an identifier given by the State Veterinarian or a physical road address, on the species being tested, as well as the physical and mailing address of the owners and contact information.

(3) The owner of the animals shall not be responsible for any testing fees for any surveillance program, unless expressly a condition of the sale or event.

(4) Test results shall be provided to the owner, if requested at the time of the sample collection.

DR. ROBERT STOUT, State Veterinarian

APPROVED BY AGENCY: September 13, 2019

FILED WITH LRC: September 13, 2019 at 11 a.m.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, fax (502) 564-2133, email clint.quarles@ky.gov.

Ryan F. Quarles
Commissioner

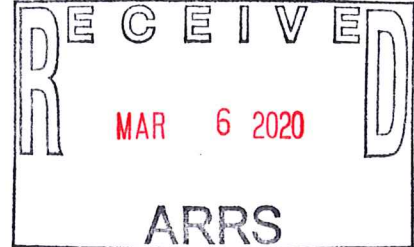


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Kentucky Department of Agriculture

March 5, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 302 KAR 22:020. Restriction of transportation of livestock, poultry, and fish.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 22:020 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 22:020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clint Quarles".

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



Version: 2/19/20

SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT
Department of Agriculture
Office of the State Veterinarian**

302 KAR 22:020. Restriction of transportation of livestock, poultry, and fish.

RELATES TO: KRS 257.020

STATUTORY AUTHORITY: KRS 257.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.030(2) authorizes the Board of Agriculture to establish necessary quarantines and other measures to control the movement of animals into, through, or within Kentucky. KRS 257.030(4) authorizes the board to promulgate administrative regulations necessary to administer KRS Chapter 257. This administrative regulation establishes restrictions for the transportation of livestock, poultry, and fish through or within Kentucky to prevent and control the spread of communicable disease~~[in livestock, poultry and fish by restricting movement of animals]~~.

Section 1. ~~[The movement or transportation of]~~ Livestock, poultry, and fish known or suspected to be infected with, or exposed to, a communicable or reportable disease or exhibiting clinical symptoms of a communicable or reportable disease, shall not be moved or transported through or within Kentucky without authorization from~~[until such time as]~~ the State Veterinarian~~[shall authorize such livestock's movement]~~.

DR. ROBERT STOUT, State Veterinarian

APPROVED BY AGENCY: September 13, 2019

FILED WITH LRC: September 13, 2019 at 11 a.m.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, fax (502) 564-2133, email clint.quarles@ky.gov.

Ryan F. Quarles
Commissioner



Corporate Drive
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Kentucky Department of Agriculture

March 5, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 302 KAR 22:040. Carcass transport and composting.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 22:040 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 22:040.

Sincerely,

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT
Department of Agriculture
Office of the State Veterinarian**

302 KAR 22:040. Carcass transport and composting.

RELATES TO: KRS 257.030, 257.160, Chapter 263

STATUTORY AUTHORITY: KRS 257.030, 257.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.160 authorizes the ~~[State]~~ Board of Agriculture to promulgate administrative regulations to establish ~~[the]~~ requirements for the disposition of livestock, fish, and poultry carcasses. This administrative regulation establishes requirements[creates guidelines] for carcass movement and other disposition details.

Section 1. Carcass Transportation. (1) In fulfilling the requirements of KRS 257.160, a carcass shall only be transported if/when:

(a) The carcass is covered with a tarpaulin or other heavy material so that no portion of the dead carcass can be exposed; and

(b) The bottom and sides of the truck or trailer used for transport are made of solid material that will not allow for leaks.

(2) The carcass shall not be transported in a truck or trailer with no sides or with sides made of slat material with openings between slats.

(3) Commercial collection services shall follow the requirements found in KRS Chapter 263.

Section 2. Composting Site Registration. (1) Commercial or regional composting facilities, not on an agriculture operation, shall register with the State Veterinarian by submitting in writing the name and address of the composting facility owner, the location of the composting facility, and a description of the facility.

(2) Registration of composting facilities shall not be required for an agriculture operation, if composting is not for a commercial purpose.

Section 3. Composting Facilities. (1) All composting facilities shall be constructed to meet:

(a) Guidelines established by the University of Kentucky College of Agriculture Cooperative Extension Service publication "On-Farm Composting of Animal Mortalities: ID-166"; and

(b) The requirements of the Kentucky Agriculture Water Quality Plan.

(2) All processing of dead livestock, fish, and poultry shall be done within the composting facility.

(3) Hazardous materials shall not be used in the composting procedure.

(4) Reasonable and cost-effective efforts shall be taken to prevent odor, insects, and pests. All carcasses shall be inaccessible to scavengers, livestock, and poultry.

(5) Ruminant livestock may have the rumen vented prior to composting.

(6) Any carcasses not completely composted shall be disposed of in a manner consistent with

KRS 257.160.

(7) All composting facilities shall be subject to inspection by the State Veterinarian or his representative.

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

(a) University of Kentucky College of Agriculture Cooperative Extension Service publication "On-Farm Composting of Animal Mortalities: ID-166", 5-2013; and

(b) "Kentucky Agriculture Water Quality Plan", ~~1/1/December 2018/~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Division of Animal Health, 111 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. ROBERT STOUT, State Veterinarian

APPROVED BY AGENCY: September 13, 2019

FILED WITH LRC: September 13, 2019 at 11 a.m.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, fax (502) 564-2133, email clint.quarles@ky.gov.

Ryan F. Quarles
Commissioner

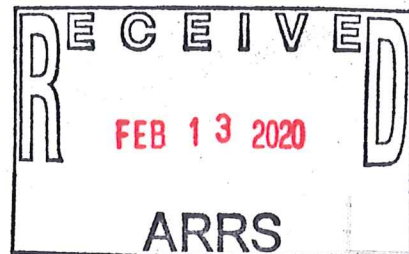


Corporate Drive
Complex
Frankfort, KY 40601
(502) 573-0282

Kentucky Department of Agriculture

February 11, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 302 KAR 22:070 Restrictions on biological materials in Kentucky

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 22:070 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 22:070.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clint Quarles".

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



Suggested Amendment

Final Version: 2/5/2020 11:35 AM

**GENERAL GOVERNMENT
Department of Agriculture
Office of the State Veterinarian**

302 KAR 22:070. Restrictions on biological materials in Kentucky.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 8

After "FUNCTION, AND CONFORMITY:", insert the following:

KRS 257.030(4) authorizes the Board of Agriculture to promulgate administrative regulations to carry out the provisions of KRS Chapter 257. This administrative regulation establishes requirements

Lowercase the first letter of "To".

Line 9

After "livestock, poultry", insert a comma.

Page 1

Section 1

Line 11

After "Section 1.", delete "No".

Capitalize the first letter of "live".

After "bacteria, virus", insert a comma.

After "animal origin shall", insert "not".

Line 12

After "shipped, transported", insert a comma.

Line 13

After "prior written consent", insert "based on material type".

Page 1

Section 2

Line 16

After "livestock, poultry", insert a comma.

Line 17

After "Department of Agriculture", insert "upon".

Delete "when".

After "written notice", insert "being".

Delete "is also".

Page 1
Section 3
Line 19

After "maintain records for", insert "at least".

Page 2
Section 4
Line 1

After "Section 4.", insert "Disease-producing".

Delete "No disease producing".

After "organisms shall", insert "not".

After "receive, hold", insert a comma.

Ryan F. Quarles
Commissioner



Corporate Drive
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Frankfort, KY 40601
(502) 573-0282

Kentucky Department of Agriculture

March 5, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 302 KAR 22:080. Feed restrictions.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 22:080 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 22:080.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clint Quarles".

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT
Department of Agriculture
Office of the State Veterinarian**

302 KAR 22:080. Feed restrictions.

RELATES TO: KRS 257.020, 257.990(1)(a)

STATUTORY AUTHORITY: KRS 257.020(3), 257.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.600 requires the Department of Agriculture to promulgate administrative regulations governing the feeding of untreated garbage to swine to prevent the transmission of disease. KRS 257.020(3) requires the Board of Agriculture to prevent, control, and eradicate any communicable disease of livestock. This administrative regulation prohibits the feeding of treated or untreated garbage to swine to prevent the transmission of viral, bacterial, and parasitical diseases to people and animals.

Section 1. **Definition.** ~~*Feeding Garbage to Swine Prohibited. A person shall not feed treated or untreated garbage to swine.*~~ "Garbage" means:

(1) All animal and vegetable waste resulting from the handling, preparation, consuming, and cooking of food;

(2) Unconsumed food in all public and private establishments and residences; and

(3) The offal and carcasses of dead animals, poultry, and fish or parts thereof.

Section 2. **Feeding Garbage to Swine Prohibited. A person shall not feed treated or untreated garbage to swine.**

Section 3. Penalties. The department may file an action in the court of jurisdiction to seek injunctive relief for a violation of this administrative regulation. Each day upon which a violation occurs shall constitute a separate violation.

DR. ROBERT STOUT, State Veterinarian

APPROVED BY AGENCY: September 13, 2019

FILED WITH LRC: September 13, 2019 at 11 a.m.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, fax (502) 564-2133, email clint.quarles@ky.gov.



ANDY BESHEAR
GOVERNOR

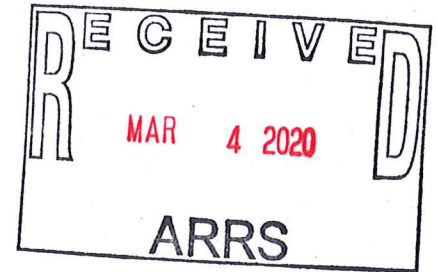
REBECCA W. GOODMAN
SECRETARY

ANTHONY R. HATTON
COMMISSIONER

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
TELEPHONE: 502-564-2150
TELEFAX: 502-564-4245

March 2, 2020



Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 401 KAR 63:010. Fugitive Emissions.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 63:010, the Energy and Environment Cabinet, Division for Air Quality, proposes the attached amendment to 401 KAR 63:010.

Sincerely,

A handwritten signature in cursive script, reading "Melissa K. Duff".

Melissa K. Duff, Director
Energy and Environment Cabinet
Division for Air Quality
300 Sower Blvd, 2nd Floor
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE
Final Version 2/26/2020 4:00 PM

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality

401 KAR 63:010. Fugitive emissions.

RELATES TO: KRS[Chapter] 224.20, 224.10-100, 42 U.S.C. 7407

STATUTORY AUTHORITY: KRS 224.10-100(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the[requires the Environmental and Public Protection] cabinet to promulgate[prescribe] administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes requirements[provides] for the control of fugitive emissions.

Section 1.[Applicability. The provisions of this administrative regulation are applicable to each affected facility as defined in Section 2 of this administrative regulation.

Section 2.] Definitions. Except as defined in this section, terms used in this administrative regulation[not defined herein] shall have the meaning **established**[**given to them**] in 401 KAR 50:010.

(1) "Affected facility" means an apparatus, operation, or road **that**[**which**] emits or **could**[**may**] emit fugitive emissions[provided that the fugitive emissions from such facility are] not elsewhere subject to an opacity standard within **401 KAR Chapters 50 through 68**[**the administrative regulations of the Division for Air Quality**].

(2)[**"Classification date" means June 29, 1979.** (3)] "Emission time" means the accumulated amount of time that emissions are visible during the observation period.

(3)[(4)] "Fugitive emissions" means the emissions of any air contaminant into the open air other than from a stack or air pollution control equipment exhaust.

(4)[(5)] "Observation period" means the accumulated time period during which observations are conducted.

(5)[(6)][(3)] "Open air" means the air outside buildings, structures, and equipment.[(4) "Classification date" means June 29, 1979.]

Section 2. Applicability. The provisions of this administrative regulation shall be applicable to each "affected facility" as defined **by**[**in**] Section 1 **(1)** of this administrative regulation.

Section 3. Standards for Fugitive Emissions. (1) A[No] person shall not cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished[;] or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. [**Such**] Reasonable precautions shall include, **as**[**when**] applicable[, but not be limited to the following]:

(a) Use, **if**[**where**] possible, of water or suitable chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

(b) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces ~~that~~**[which]** can create airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sand-blasting or other similar operations;

(d) Covering, at all times ~~while~~**[when]** in motion, open bodied trucks transporting materials likely to become airborne;

(e) The maintenance of paved roadways in a clean condition; or

(f) The prompt removal of earth or other material from a paved street ~~to~~ which earth or other material has been transported ~~[thereto]~~ by trucking or earth moving equipment or erosion by water.

(2) A ~~No~~ person shall not cause, suffer, or allow ~~[permit the discharge of]~~ visible fugitive dust emissions beyond the lot line of the property on which the emissions originate, as determined by Reference Method 22 of Appendix A in 40 C.F.R. Part 60, for:

(a) More than five (5) minutes of emission time during any sixty (60) minute observation period; or

(b) More than twenty (20) minutes of emission time during any twenty-four (24) hour period.

(3) ~~If~~**[When]** dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in ~~[such]~~ a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may, **based on the cause, type, or amount of a fugitive emission,** order that the building or equipment in which processing, handling, and storage are done be tightly closed and ventilated in ~~[such]~~ a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(4) The provisions of this section ~~[this administrative regulation]~~ shall not apply to agricultural practices, such as tilling of land or application of fertilizers, which take place on a farm. Agricultural practices, such as tilling of land or application of fertilizers, which take place on a farm, shall be conducted in [such] a manner as to not create a nuisance to others residing in the area.

Section 4. Additional Requirements. In addition to the requirements of Section 3 of this administrative regulation, the **requirements established in subsections (1) through (3) of this section** ~~[following]~~ shall apply. **[:]**

(1) At all times ~~while~~**[when]** in motion, open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered.

~~(2) [Agricultural practices, such as tilling of land or application of fertilizers, which take place on a farm shall be conducted in such a manner as to not create a nuisance to others residing in the area. Agricultural practices are not subject to the opacity standard.]~~

~~(3) [The provisions of Section 3(1) and (2) of this administrative regulation shall not be applicable to temporary blasting or construction operations.]~~

~~(3) A person~~ ~~(4) No one~~ shall not cause, suffer, or allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.



JUSTICE AND PUBLIC SAFETY CABINET

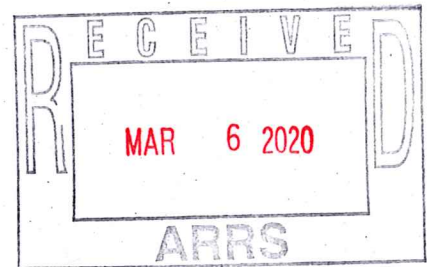
ANDY BESHEAR
GOVERNOR

125 HOLMES STREET, 2ND FLOOR
FRANKFORT, KENTUCKY 40601
(502) 564-7554

JUSTICE MARY C. NOBLE, RET.
SECRETARY

March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 500 KAR 10:001, Definitions for 501 KAR Chapter 10; 500 KAR 10:020.

Administration and application procedure for community corrections grant program; 500 KAR 10:030. Community Corrections Board and Grant Recipient Requirement; 500 KAR 10:040. Review for compliance.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040, the Justice and Public Safety Cabinet, Kentucky State Corrections Commission proposes the attached substitute to 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040.

Sincerely,

Amy V. Barker
Assistant General Counsel

enclosure

SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky State Corrections Commission

500 KAR 10:001. Definitions ~~for 500/501/~~ KAR Chapter 10.

RELATES TO: KRS 196.700 - 196.736~~[196.710]~~

STATUTORY AUTHORITY: KRS 15A.160, 196.035, 196.710

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.702 and 196.710 require the Kentucky State Corrections Commission to administer the community corrections grant program. KRS 15A.160 and 196.035 authorize the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet.~~[The Kentucky State Corrections Commission shall award grants for]~~~~[make grants to assist local jurisdictions in]~~~~[the implementation and operation of community corrections programs.]~~ This administrative regulation defines the terms to be used in 500 KAR Chapter 10.

Section 1. Definitions.

(1) "Administrator" means the person designated to manage the information involved with the grants awarded under KRS 196.710 and assist the Kentucky State Corrections Commission with its duties.

(2) "Board" means the community corrections board specified in KRS 196.725 or the alternate board described in KRS 196.710(3) approved by the commission to act in the place of a community corrections board. ~~[board specified in KRS 196.725;]~~

(3) "Cabinet" is defined by KRS 196.010(1).

(4) "Commission" is defined by KRS 196.700(1).

(5) "Community corrections program plan" or "program plan" is defined by KRS 196.700(3).

(6) "Department" is defined by KRS 196.010(3).

~~[(2) "Cabinet" means the Justice Cabinet.~~

~~(3) "Commission" means the Kentucky State Corrections Commission.~~

~~(4) "Department" means the Department of Corrections.]~~

~~(7)/(6)/(5)~~ "Eligible applicant" means any local government agency or combination of agencies, private nonprofit, or charitable organization that~~[who]~~ has an established a community corrections board.

~~(8)/(7)/(6)~~ "Grant funds" means funds awarded by the commission in accordance with KRS 196.710 for implementing a community corrections~~[for implementing a]~~ program plan.

~~[(8)/(7)]~~ ["Program plan" means a written plan describing the proposed community-based correctional programs to be offered in a judicial district, for the purpose of diverting felony]~~[felon] [offenders from prison.]~~

The Kentucky State Corrections Commission reviewed and approved this administrative regulation on September 12, 2019 prior to its filing by the Justice and Public Safety Cabinet as required by KRS 13A.120(3), 13A.220(6)(a), and 196.704(8).

JOHN C. TILLEY, Secretary

APPROVE BY AGENCY: November 25, 2019

FILED WITH LRC: December 3, 2019 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 21, 2020 at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 29, 2020. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.



JUSTICE AND PUBLIC SAFETY CABINET

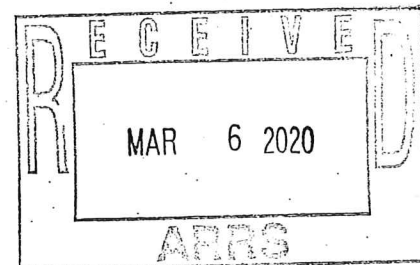
ANDY BESHEAR
GOVERNOR

125 HOLMES STREET, 2ND FLOOR
FRANKFORT, KENTUCKY 40601
(502) 564-7554

JUSTICE MARY C. NOBLE, RET.
SECRETARY

March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 500 KAR 10:001. Definitions for 501 KAR Chapter 10; 500 KAR 10:020.
Administration and application procedure for community corrections grant program; 500 KAR
10:030. Community Corrections Board and Grant Recipient Requirement; 500 KAR 10:040.
Review for compliance.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040, the Justice and Public Safety Cabinet, Kentucky State Corrections Commission proposes the attached substitute to 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040.

Sincerely,

Amy V. Barker
Assistant General Counsel

enclosure

SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky State Corrections Commission

500 KAR 10:020. Administration and application procedure for community corrections grant program.

RELATES TO: KRS 196.700 - 196.736~~[196.710]~~

STATUTORY AUTHORITY: KRS 15A.160, 196.035, 196.710

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.702 and 196.710 require the Kentucky State Corrections Commission to administer the community corrections grant program. KRS 15A.160 and 196.035 authorize the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet. This administrative regulation establishes/provides~~[is necessary to provide]~~ the application process and administrative procedures for the community corrections grant programs ~~[enacted by the General Assembly]~~ [in KRS 196.710].

Section 1. Application Process. (1) The administrator~~[director]~~ shall notify eligible applicants of the availability of grant funds, requirements of the program, grant application format, and deadline for receiving applications by sending~~[mailing]~~ notices to each county government and judicial circuit.

(2) The grant program requirements may be reviewed in full at the Justice and Public Safety Cabinet website under the Grants Management Branch and Kentucky State Corrections Commission grants.

(3) An applicant shall:

(a) Develop a community corrections program plan in compliance with KRS 196.720;

(b) Have:

1. A community corrections board established and functioning pursuant to KRS 196.725; or

2. An alternate board as described in KRS 196.710(3). If an applicant seeks to operate its community corrections program with oversight by an alternate board instead of a community corrections board pursuant to KRS 196.710(3), it shall operate under the following requirements in KRS 196.725:

a. The board shall provide direction and assistance to the community corrections program in the design, implementation and evaluation of the community corrections program plan;

b. The board ~~members~~~~[member]~~ shall not receive compensation for their duties as board members, but this shall not include the normal salary received by an employee if the employee is not hired to be a board member;

c. The board shall be subject to the open meetings law, KRS 61.800 et seq., for any discussion or decision concerning the community corrections program, plan, or grant;

d. The board shall be subject to the open records law, KRS 61.870 et seq., for any records concerning the community corrections program, plan, or grant;

e. The board shall meet on a regular basis; and

f. Its duties shall include duties (1) through (4) as stated in KRS 196.725; and

(c) Submit a completed application through the grant management system used by the cabinet on the Justice and Public Safety Cabinet Web site under the Grants Management Branch and Kentucky State Corrections Commission grants.

(4) The community corrections program plan shall include:

(a) A project overview containing a description of the cities and counties to be served and the general format of the programs;

(b) A projected budget detailing the manner in which the funds will be expended;

(c) Any local funds or contributions allocated to the development and implementation of the program plan; and

(d) Letters of certification of need and support from the circuit judge, Commonwealth attorney, and the chief executive officer of the governmental unit.

(5) The community corrections program plan shall be approved by the board before an application is submitted.

(6) The application shall include:

(a) The community corrections program plan;

(b) 1. Records showing the creation of the community corrections board with meeting minutes;

or

2. Request for approval of alternate board by commission;

(c) The following information for the board:

1. A list of board members and their area of representation, for example: crime victim, community leader;

2. Board meeting schedule;

3. Articles of incorporation, unless the board is an alternate board that is not incorporated; and

4. A letter of good standing for the corporation from the Secretary of State, unless the board is an alternate board that is not incorporated;

(d) A description of the function and operation of the board, for an alternate board;

~~(e)/(e)~~ Contact information;

~~(f)/(d)~~ A project narrative;

~~(g)/(e)~~ The specific objectives and operations of the proposed project;

~~(h)/(f)~~ Performance indicators;

~~(i)/(g)~~ A proposed budget narrative; and

~~(j)/(h)~~ Supporting documentation as required within the application.

Section 2. Eligibility Requirements. [(4)] The following programs shall be[are] eligible to apply for funding pursuant to KRS 196.705:

~~(1)/(a)~~ Victim restitution;

~~(2)/(b)~~ Community service work;

~~(3)/(c)~~ Home confinement;

~~(4)/(d)~~ Electronic monitoring;

~~(5)/(e)~~ Drug and alcohol counseling program;

~~(6)/(f)~~ Day reporting centers; and

~~(7)/(g)~~ Other programs that are for a purpose outlined in KRS 196.705.

[(2) Eligible applicants may apply for a grant to implement a program plan in a judicial circuit. Prior to submitting a program plan, the board shall approve the application which shall include:

~~(a) Project overview containing a description of the cities and counties to be served and the general format of the programs;~~

~~(b) Letters of certification of need and support from the circuit judge, Commonwealth attorney and the chief executive officer of the governmental unit;~~

~~(c) A projected budget detailing the manner in which the funds shall be expended; and~~

~~(d) Any local funds or contributions allocated to the development and implementation of the program plan;~~

~~(e) All of these topics are contained in the form entitled "Kentucky Community Corrections Act Grant Application" which is hereby incorporated by reference. The "Kentucky Community Corrections Act Grant Application" is available for inspection and copying at the Division of Administrative Services, Kentucky Department of Corrections, 5th Floor, State Office Building, Frankfort, Kentucky between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.~~

~~Section 3. Department Assistance. The department shall provide consultation and technical assistance for the development of program plans within budget and staffing limitations of the department.]~~

Section 3.[Section 4.] Funds Restrictions. Grant funds shall be used for the development and implementation of new or enhanced programs and services for the targeted offenders. The[Such] funds shall not be used to supplant funds previously committed to the[said] programs and services by local or state government.

(1) Grant funds shall not be used in a manner prohibited by KRS 196.730 for jail operations or confinement, the renovation or construction of jail facilities, or the acquisition of land.

(2) Grant funds shall be disbursed on a quarterly basis, but the board shall not spend any funds unless services have been rendered.

Section 4.[Section 5.] Award Procedure.

(1) The administrator shall forward copies of the grant applications to [director shall forward copies of the grant application form hereby incorporated by reference to members of] the commission who shall meet and determine which applications will be awarded grants within 100 days of the grant application [vote on the applications within sixty (60) days of the final] deadline.

(2) The commission shall make its[their] decision based on:

(a) The requirements in KRS 196.710;

(b) Assessment of the proposed program's ability to meet the purposes of community corrections programs stated in KRS 196.705;

(c) Strength of proposed program plan, including project overview and proposed budget;

(d) If applicable, whether grant requirements were met for a previous grant, including the proper submission of quarterly reports;

(e) An area of specific grant focus determined by the commission, if any; and

~~(f)[e])~~ Other factors of similar importance in assessing the strength of an application.

(3) The administrator[priorities established by the commission. The director] shall notify the recipient of a grant award[recipient(s) of the grant(s) award(s)] within two (2) weeks of the decision.

(4)[(2)] Grants shall be made on a year-to-year basis with consideration for continued funding [until June 30, 1994]after review of submitted progress reports and audit reports. Funding shall not [No continuation funding shall] be provided to a program, which has failed to demonstrate:

- (a) An effective sentencing alternative to incarceration;
- (b) Successful program completions;
- (c) Low arrest and supervision revocation rates;
- (d) Cost savings; or
- (e) Other positive outcomes supporting KRS 196.702(4)[reduce prison commitments].

The Kentucky State Corrections Commission reviewed and approved this administrative regulation on September 12, 2019 prior to its filing by the Justice and Public Safety Cabinet as required by KRS 13A.120(3), 13A.220(6)(a), and 196.704(8).

JOHN C. TILLEY, Secretary

APPROVE BY AGENCY: November 25, 2019

FILED WITH LRC: December 3, 2019 at 3 p.m.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.



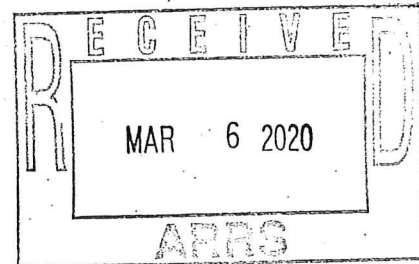
JUSTICE AND PUBLIC SAFETY CABINET

ANDY BESHEAR
GOVERNOR

125 HOLMES STREET, 2ND FLOOR
FRANKFORT, KENTUCKY 40601
(502) 564-7554

JUSTICE MARY C. NOBLE, RET.
SECRETARY

March 6, 2020



Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 500 KAR 10:001. Definitions for 501 KAR Chapter 10; 500 KAR 10:020.
Administration and application procedure for community corrections grant program; 500 KAR
10:030. Community Corrections Board and Grant Recipient Requirement; 500 KAR 10:040.
Review for compliance.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040, the Justice and Public Safety Cabinet, Kentucky State Corrections Commission proposes the attached substitute to 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040.

Sincerely,

Amy V. Barker
Assistant General Counsel

enclosure

SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET Kentucky State Corrections Commission

500 KAR 10:030. Community Corrections Board and grant recipient requirements.

RELATES TO: KRS 196.700 - 196.736[196.710]

STATUTORY AUTHORITY: KRS 15A.160, 196.035, 196.710, 196.725[196.710]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.702 and 196.710 require the Kentucky State Corrections Commission to administer the community corrections grant program. KRS 15A.160 and 196.035 authorize the secretary of the Justice and Public Safety Cabinet to promulgate[This] administrative regulations[regulation is] necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet. This administrative regulation establishes the procedures and reporting requirements for a Community Corrections Board or alternate board pursuant to KRS 196.725 and KRS 196.710(3)to provide for the makeup and duties of the Community Corrections Board enacted by the General Assembly in KRS 196.710].

Section 1. [Appointments. The appointment of members to the Community Corrections Board shall be in accordance with KRS 196.710.

Section 2]. Meetings and Duties. (1) The board shall meet at least quarterly to review the status of:

- (a) The goals stated in KRS 196.702(4);
 - (b) The board's grant application for Community Corrections funding;
 - (c) Expenditures and revenue for each awarded grant; and
 - (d) Operation of the community corrections *program plan*[Meeting times and duties of the Community Corrections Board shall be in accordance with KRS 196.710].
- (2) The board shall obtain the audit required by KRS 196.725.

Section 2.[Section 3.] Reporting Requirements. (1) The board shall review and approve a report before it is submitted to the administrator or commission. The board shall submit progress reports at least quarterly detailing program and fiscal information for the period to the administrator in a format approved by the commission. The format for the report, report deadlines, and other requirements for the report shall be posted in the grant requirements on the Justice and Public Safety Cabinet website under the Grants Management Division and Kentucky State Corrections Commission grants. The report shall include the:

- (a) Number of participants served during period with the type of service received;
- (b) Number successfully completing the program during the period;
- (c) Number of unsuccessful participants;
- (d) Number of incarceration days avoided;
- (e) Number of participants with new arrests or revocations;
- (f) Amount expended during the period for;

1. Personnel;
 2. Contract services;
 3. Travel;
 4. Training;
 5. Operating expenses; and
 6. Equipment;
 - (g) Total amount expended for the period;
 - (h) Remaining balance of the grant; and
 - (i) The progress toward expending the award prior to the end of the award. [submit a minimum of quarterly progress reports to the director in a format approved by the department.]
- (2) A grant recipient may request a budget modification from the commission by sending the request to the administrator. A deviation [Deviations] from the approved plan or budget shall not be implemented until the commission approves the budget modification and the modification has been processed through the Justice and Public Safety Cabinet grants management system [first be approved by the director. An annual independent audit shall be completed and submitted to the director].
- (3) If the audit addressed in 500 KAR 10:040 has not been completed when the submission for final disbursement of funds for the grant is made, the board shall provide with the submission a letter certifying that it has reviewed the expenditures for the grant and that they have been expended in compliance with the grant requirements.

The Kentucky State Corrections Commission reviewed and approved this administrative regulation on September 12, 2019 prior to its filing by the Justice and Public Safety Cabinet as required by KRS 13A.120(3), 13A.220(6)(a), and 196.704(8).

JOHN C. TILLEY, Secretary

APPROVE BY AGENCY: November 25, 2019

FILED WITH LRC: December 3, 2019 at 3 p.m.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.



JUSTICE AND PUBLIC SAFETY CABINET

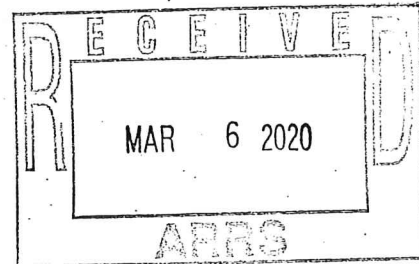
ANDY BESHEAR
GOVERNOR

125 HOLMES STREET, 2ND FLOOR
FRANKFORT, KENTUCKY 40601
(502) 564-7554

JUSTICE MARY C. NOBLE, RET.
SECRETARY

March 6, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601



Re: 500 KAR 10:001. Definitions for 501 KAR Chapter 10; 500 KAR 10:020.
Administration and application procedure for community corrections grant program; 500 KAR
10:030. Community Corrections Board and Grant Recipient Requirement; 500 KAR 10:040.
Review for compliance.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040, the Justice and Public Safety Cabinet, Kentucky State Corrections Commission proposes the attached substitute to 500 KAR 10:001, 500 KAR 10:020, 500 KAR 10:030, and 500 KAR 10:040.

Sincerely,

A handwritten signature in cursive script that reads "Amy V. Barker".

Amy V. Barker
Assistant General Counsel

enclosure

SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky State Corrections Commission

500 KAR 10:040. Program~~[Annual]~~ Review~~[for compliance]~~.

RELATES TO: KRS 196.700 - 196.736~~[196.710]~~

STATUTORY AUTHORITY: KRS 15A.160, 196.035, 196.710

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.735 requires the Kentucky State Corrections Commission to evaluate each community corrections program on an annual basis. KRS 15A.160 and 196.035 authorize the secretary *of the Justice and Public Safety Cabinet* to promulgate~~[This]~~ administrative regulations~~[regulation is]~~ necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet. This administrative regulation provides for~~[to provide for the annual]~~ review of the community corrections program ~~[enacted by the General Assembly]~~[in KRS 196.710].

Section 1. Review Process. (1) During each fiscal year, the administrator~~[director]~~ shall inspect and examine the fiscal and program records of each grant to determine compliance with the program plan and prepare a compilation of the reports for the commission. The administrator shall provide the compilation and the grant reports each quarter to the Commission~~[submit a report to the commission]~~.

(2) Each fiscal year, the administrator shall compile the grant program results into an annual report. The commission shall review this report and may adopt all or portions of it for the annual evaluation required by KRS 196.735.

Section 2. Additional Information. (1) A grantee shall present the progress of its program and oversight by the board to the commission at its meeting upon request.

(2) The administrator shall obtain an annual independent audit of each grant recipient. The administrator shall provide a summary of the audit results to the commission.

Section 3. Compliance Issues. (1) If the administrator~~[director]~~ determines that there is [a] reasonable cause to believe that a program or facility is not in substantial compliance with current requirements of the grant, or the program plan under which it was funded, notice of the~~[such]~~ findings shall be submitted to the commission.

(2) If information concerning a compliance issue is received and the chair of the commission determines that there is a significant risk of dissipation of funds, the chair may suspend all or any portion a grant until the commission meets and considers the matter.~~[Thirty (30) days following such notice, the board shall determine if there is substantial compliance or satisfactory progress being made to achieve compliance.]~~

(3) The commission~~[director]~~ may suspend all or any portion of a grant or revoke the grant if it is determined by the commission that the board is not in substantial compliance or has not made satisfactory progress in achieving substantial compliance.

(a) Suspension.

1. Notice of the suspension shall be sent in writing to the grant recipient and board.
 2. The notice shall provide specific actions for the grant recipient to correct deficiencies during the suspension and address compliance with the grant requirements.
 3. The grant recipient shall provide progress reports as indicated in the suspension notice to the administrator.
 4. The administrator shall monitor the grant recipient's progress in correcting the deficiencies and shall provide a report to the commission of the grant recipient's progress.
 5. The commission shall review the grant recipient's progress as soon as practicable, but not more than ninety (90) days, after the sending of the report by the administrator to determine whether to:
 - a. Continue the suspension with instructions to the grant recipient concerning correction of the deficiencies;
 - b. End the suspension and resume the grant funding because the grant recipient has:
 - i. Sufficiently corrected the deficiencies; or
 - ii. Put into place satisfactory steps to achieve compliance within a reasonable time; or
 - c. Revoke the grant recipient's funding for that fiscal year.
- (b) Revocation. If the commission decides to revoke funding:
1. a. The administrator shall provide written notice to the grant recipient and board within seven (7) days; and
 - b. Additional funds shall not be dispersed to the grant recipient for that fiscal year; and
 2. The commission may require the return of unexpended grant monies.
- (4) If the grant recipient is instructed to return the unexpended funds, the grant recipient shall provide a check made payable to the Kentucky State Treasurer as soon as practicable, but not later than thirty (30) days, after receipt of the notice.

The Kentucky State Corrections Commission reviewed and approved this administrative regulation on September 12, 2019 prior to its filing by the Justice and Public Safety Cabinet as required by KRS 13A.120(3), 13A.220(6)(a), and 196.704(8).

JOHN C. TILLEY, Secretary

APPROVE BY AGENCY: November 25, 2019

FILED WITH LRC: December 3, 2019 at 3 p.m.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

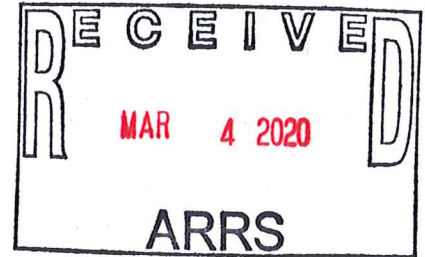
Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

March 4, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601



Re: 702 KAR 7:125. Pupil attendance

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 7:125, the Kentucky Board of Education proposes the attached amendment to 702 KAR 7:125.

Sincerely,

A handwritten signature in blue ink that reads "Todd G. Allen".

Todd G. Allen
Interim General Counsel

attachment

REVISED:
3/2/2020 3:43 PM
Suggested Amendment
Education & Workforce Development
Kentucky Board of Education
Department of Education

702 KAR 5:125. Pupil attendance.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 9

After "CONFORMITY:", insert the following:

KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance.

Page 2

Section 1(4)(e)

Line 23

After "pursuant to", insert the following:

paragraph (d) of this

After "subsection", delete the following:

(d) of this Section

Page 4

Section 3

Line 9

After "158.060", delete the comma.

Section 8(3)(c)

Page 14

Section 17

Line 22

After "(1)", delete the following:

The following material is incorporated by reference:

(a)

Line 23

After "2019", insert the following:

, is incorporated by reference

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

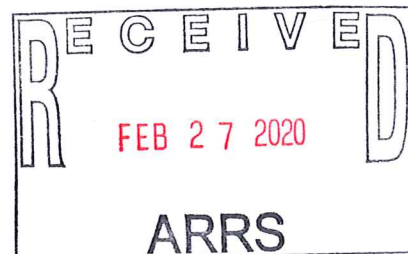
Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

February 20, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601



Re: 704 KAR 3:370. Kentucky Framework for Personnel Evaluation

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 3:370, the Kentucky Board of Education proposes the attached amendment to 704 KAR 3:370.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd G. Allen".

Todd G. Allen
Interim General Counsel

attachment

**Suggested Amendment
EDUCATION AND WORKFORCE DEVELOPMENT CABINET
KENTUCKY BOARD OF EDUCATION**

704 KAR 3:370. Kentucky Framework for Personnel Evaluation.

Page 4

Section 1(22)

Line 8

After "KRS 156.557(1)", insert "(b)".

Delete "(d)".

Page 4

Section 2(1)

Lines 15-16

After "An evaluation committee", delete the following:
, as defined in this administrative regulation,

Page 8

Section 8(2)

Line 6

After "for Teaching", insert "with", before the colon.

Delete the colon.

Lines 6-7

After "Specialist Frameworks", insert "for Other Professionals".

Page 9

Section 9

Line 3

After "Section 8", insert "of this administrative regulation".

Page 11

Section 13(1)(c)

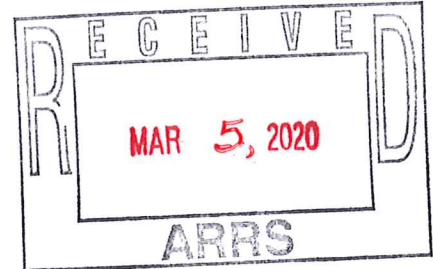
Line 3

After the closing quotation marks, insert a comma.



118 James Court
Lexington, KY 40505
1-800-782-6823
Fax: 859-256-3125

March 3, 2020



Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601

Re: 739 KAR 2:140. Fire department reporting requirements.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 739 KAR 2:140, the Kentucky Fire Commission proposes the attached amendment to 739 KAR 2:140.

Sincerely,



Scott Lawson, Chairman
Kentucky Fire Commission
118 James Court, Lexington, KY 40505

SUGGESTED SUBSTITUTE
Final Version 2/28/2020 2:49 PM

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Fire Commission

739 KAR 2:140. Fire~~[Volunteer fire]~~ department reporting requirements.

RELATES TO: KRS Chapter 65A, 75.430, Chapter 95A

STATUTORY AUTHORITY: KRS 95A.050(3), 95A.055(13)~~[(9)]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.055(13) requires the commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes ~~[the volunteer]~~ fire department reporting requirements.

Section 1. Definitions. (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education established in KRS 95A.020~~[Chapter 95A]~~.

(2) "Reporting fire department" means "fire department" as~~[is]~~ defined by KRS 95A.055(1) which is obligated to report to the commission.

Section 2. Reporting Requirements. Each reporting fire department shall comply with KRS 95A.055(3)~~[2]~~ and shall **submit**:

(1) ~~[Submit]~~ A list of~~[List]~~ the elected or appointed members of the board of the reporting fire department, if applicable;

(2) ~~[Submit]~~ The budget adopted by the reporting fire department, if applicable; and

(3) ~~[Submit]~~ Current year budget estimates, prior year amendments or transfers, and prior year end actual financial data for ~~[the following categories]~~:

(a) Revenue calculations for ~~[the following categories]~~:

1. Taxes;
2. Permits and licenses;
3. Payments made to governmental authorities in lieu of taxes;
4. Intergovernmental revenues;
5. Charges for services;
6. Other revenues; and
7. Interest earned;

(b) Receipts~~[Receipt]~~ and cash calculations for ~~[the following categories]~~:

1. Carryover cash from the prior reporting year;
2. Bonded debt;
3. Transfers to other funds;
4. Transfers from other funds;

5. Borrowed funds;
6. Government Leasing Act funds; and
7. Loans obtained from the commission~~[commissions]~~; and
- (c) Appropriations~~[Appropriation]~~ calculations for~~[the following categories]~~:
 1. Personnel;
 2. Operations;
 3. Administration and reserves;
 4. Capital outlay; and
 5. Debt service.

Section 3. Reporting Procedure. (1) Each reporting fire department shall, on or before August 31 of each calendar year~~[last day of each fiscal year]~~, complete and submit an updated Financial Disclosure Report to~~[the office of]~~ the commission electronically via Web site access, by regular U.S. Mail, or through electronic mail to fdstateaid@kctcs.edu.

(2) Upon receipt of a reporting fire department's Financial Disclosure Report, ~~[the office of]~~ the commission shall review the Financial Disclosure Report for accuracy and compliance with the requirements **established**~~[set forth]~~ in this administrative regulation and in KRS 95A.055.

(a) ~~[the commission finds that]~~ a reporting fire department's Financial Disclosure Report does not comply with the requirements **established**~~[set forth]~~ in this administrative regulation or [in] KRS 95A.055, the commission shall notify the reporting fire department in writing.

(b) The written notification shall **state**~~[describe]~~~~[of]~~ the specific deficiencies identified and the process and timeframe for correcting~~[timeline that the reporting fire department shall follow to correct]~~ the deficiencies.

(3) On or before~~[By]~~ October 1 of each calendar year,~~[the office of]~~ the commission shall produce a cumulative report of all reporting fire departments' actual revenues, receipts, and appropriations and their averages, as reported on the reporting fire departments' Financial Disclosure **Report**~~[Reports]~~ for that year, and of~~[. This report shall detail]~~ the compliance of the reporting fire departments with the requirements of this administrative regulation and KRS 95A.055(3).~~[.]~~ This report also shall be filed with the Legislative Research Commission~~[.]~~ and shall be published on the commission's Web site within seven (7) days of~~[immediately upon]~~ its production.

Section 4. Financial Reviews and Audits. (1) At least once every four (4) years, every reporting fire department shall be subject to a financial review **consistent with KRS 65A.030, 95A.055, and the Kentucky Fire Commission Internal Audit Procedures**~~[that includes procedures developed by the commission and approved by the Auditor of Public Accounts]~~.

(2) The commission ~~shall~~**[may]** require reporting fire departments **to undergo an independent audit in accordance with the Fire Department Annual Audit Schedule**~~[with the higher of annual receipts from all sources or annual expenditures equal to or greater than \$100,000 but less than \$500,000 to undergo an independent audit in the manner specified in KRS 65A.030(2) once every four (4) years.~~

~~(3) Every reporting fire department with the higher of annual receipts from all sources or annual expenditures equal to or greater than \$500,000 for two (2) consecutive fiscal years shall be audited annually in the manner specified in KRS 65A.030(2) until its annual revenues or expenditures are less than \$500,000].~~

~~(3)~~**[(4)]** If a reporting fire department is audited **pursuant to KRS 95A.055 and as established in**~~[under]~~ this section, **the reporting fire department**~~[it]~~ shall submit a copy of the audit report and all related documents to the commission within seven (7) days of receiving the completed audit report.

Section 5. Penalties. (1)**(a)** If the commission identifies any irregularities relating to the finances or operations of a reporting fire department, **the commission**~~[it]~~ shall report **the irregularities**~~[them]~~ to the Attorney General and Auditor of Public Accounts.

(b) The commission may also notify any other public official with jurisdiction over fire departments for further investigation and follow-up action.

(2) If a reporting fire department fails to comply with the requirements of this administrative regulation, KRS 95A.055, or 75.430, the commission ~~shall~~**[may]**, for substantial noncompliance or abuse, withhold~~[take]~~ one (1) or more of the following~~[actions]~~:

~~(a)~~**[(1) Withhold]** Incentive pay to qualified firefighters **as established in**~~[under]~~ KRS 95A.250;

~~(b)~~**[(2) Withhold]** Volunteer fire department aid, funds used to purchase workers compensation insurance for fire departments, and low-interest loans under KRS 95A.262;

~~(c)~~**[(3) Withhold]** Thermal Vision Grant program funds **as established in**~~[under]~~ KRS 95A.400 **through**~~[to]~~ 95A.440; and

~~(d)~~**[(4) Withhold]** Any other funds controlled by the commission.~~;~~

~~(5) Report any irregularities identified by the office of the commission relating to the finances or operations of a reporting fire department to the Attorney General, Auditor of Public Accounts, or any other public official with jurisdiction over fire departments for further investigation and follow-up action; or~~

~~(6) Prescribe corrective actions to bring a reporting fire department that is not in compliance with KRS Chapter 65A or this administrative regulation as of July 15, 2016 into compliance.]~~

Section 6.~~[5:]~~ Incorporation by Reference. (1) **The following material is incorporated by reference:**

(a) "Financial Disclosure Report," [2019[4/16] edition]], Kentucky Fire Commission;
(b) "Kentucky Fire Commission Internal Audit Procedures", May 2015; and
(c) "Fire Department Annual Audit Schedule", March 2020[, is incorporated by reference].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Court[Ct.], [Suite 50,]Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m.

PCL XL error

Warning: IllegalMediaSource

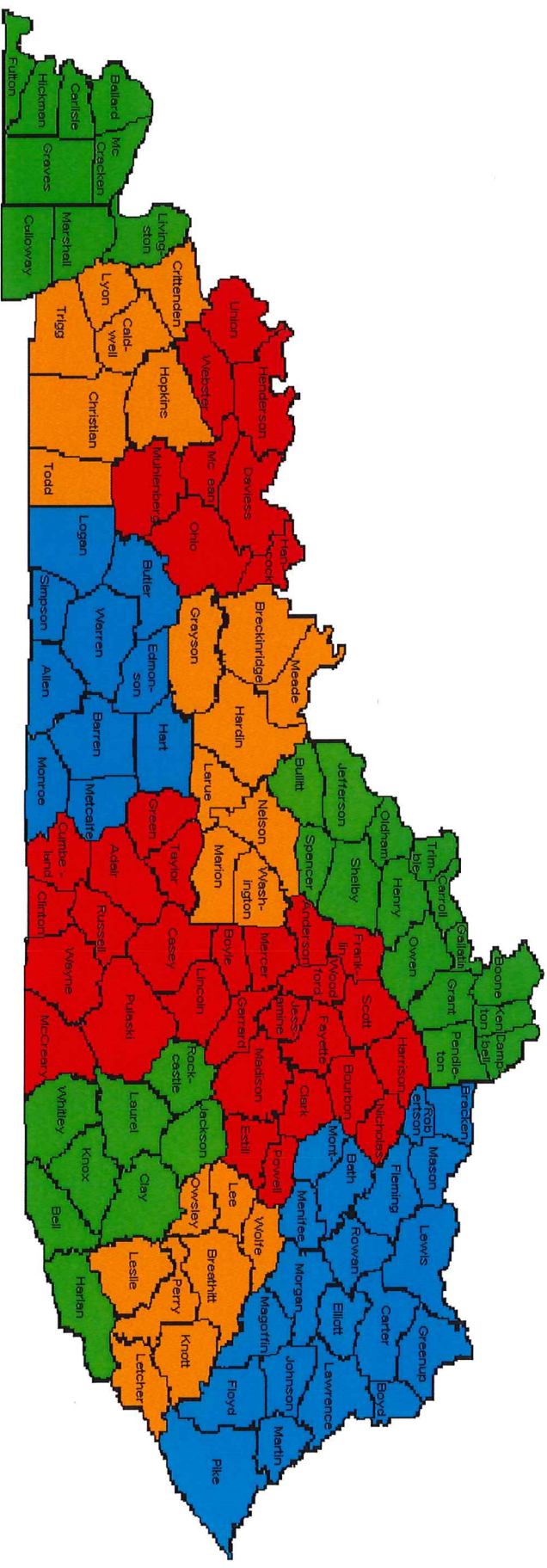
5/5/2015

Kentucky Fire Commission Internal Audit Procedures

1. Review minutes of the meetings of the Fire Departments governing body. Determine:
 - a. The governing body met on a routine and consistent basis, and in compliance with the Fire Department's articles of incorporation, by-laws, or local ordinance.
 - b. Minutes were sufficient in detail to identify: debt approved during the year, expenditure approvals, and salary adjustment approvals, and any other information significant to the governance and operations of the Fire Department.
2. Obtain a copy of, or access online, the Fire Departments Annual Budget and Financial Disclosure Report submitted to the Department for Local Government (DLG). Through review and inquiry, determine:
 - a. The form was submitted to DLG.
 - b. The data reported agrees to the approved Fire Department budget, adopted by the governing board/council/commission and recorded in official meeting minutes.
3. For the Fire Department bank account(s), review a sample of bank statements for 4 months during the engagement period, one of which should be the last month of the Fire Department's fiscal year. Determine the following:
 - a. Bank reconciliations were performed for each month selected. Determine that bank reconciliations are mathematically correct.
 - b. Transfers to/from the bank account(s) were appropriately recorded in the Fire Departments accounting ledgers and trace to sufficient supporting documentation,
4. Using the 4 bank statements selected in Procedure 3 above, scan checks to:
 - a. Identify any checks made payable to a Fire Department employee or member of governing body. For any checks written to such individuals other than routine payroll payments, trace to supporting documentation to determine that payment was for a legitimate business purpose, was authorized, properly recorded in the Fire Departments disbursements ledger, and was in line with governing body policies.
5. From the disbursements ledger:
 - a. Select for further review any single payment exceeding \$2000.00 and a sample of up to 5 additional expenditures. Trace payments to supporting documentation to determine that the payment was for a legitimate business purpose, was authorized, properly recorded in the Fire Departments disbursement ledger, and was in line with governing body procurement procedures.
6. Obtain any contracts or loans related to all debt and financing arrangements related to the Fire Department. Determine:
 - a. Debt/financing was approved by the governing body.
 - b. The Fire Department is current in its debt service/financing payments.

7. Obtain a list of any paid employees of the Fire Department. Select a sample of up to 5 employees, one of which should be the agency head, and test the following:
 - a. If employee is on contract, review the contract to determine it is up-to-date and that payments/benefits paid to the employee during the year were in line with contractual requirements.
 - b. For non-contract employees, sample 4 pay periods to ensure the employee was paid the appropriate pay rate, overtime rate, timesheets were reviewed and approved by a supervisor, and any salary adjustments made during the year were approved by the governing body and appropriately documented in the employee file.
8. For the previous three (3) fiscal years since the last audit or Fire Commission engagement, perform the following procedures:
 - a. Review minutes of meetings of the Fire Department's governing body to determine that meetings were held in accordance with requirements identified in Procedure 1.1 above during the non-engagement periods.
 - b. Review the Fire Department's Financial Disclosure Reports submitted to DLG each year to determine that the Fire Department complied with completing the form and submitting it to DLG.
 - c. Based on the financial information reported, determine whether the Fire Department is complying with the frequency of engagements and appropriate level of assurance identified in KRS 65A.030.

FIRE DEPARTMENT ANNUAL AUDIT SCHEDULE



Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

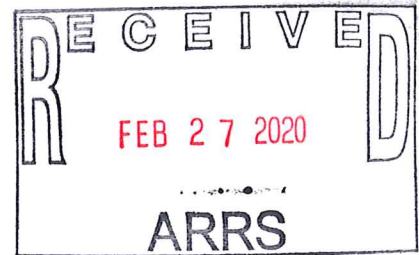
Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

February 21, 2020

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601



Re: 780 KAR 2:060. Discipline of students

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 780 KAR 2:060, the Kentucky Board of Education proposes the attached amendment to 780 KAR 2:060.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd G. Allen".

Todd G. Allen
Interim General Counsel

attachment

Staff-suggested Amendment

**Final Version 2/21/2020 2:34 p.m.
EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amended After Comments)**

780 KAR 2:060. Discipline of students.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Lines 8 and 9

After "KRS 156.802(3)", insert "authorizes".

Delete "gives".

After "Kentucky Department of Education", insert "to have".

Delete "the".

Page 2

Section 2

Line 3

After "in attendance at a", insert "Kentucky TECH".

Delete "state-operated career and technical".

Page 2

Section 3(2)

Line 8

After "Assault, battery", insert "L".

Page 2

Section 3(5)

Line 11

After "Stealing, destroying", insert "L".

Page 2

Section 3(7)

Line 13

After "Other incorrigible", delete "bad".

Page 2

Section 4(2)

Lines 18 and 19

After "administrator or his", insert "or".

Delete "/".

After "students from the", insert "Kentucky TECH".

Delete "area technology".



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

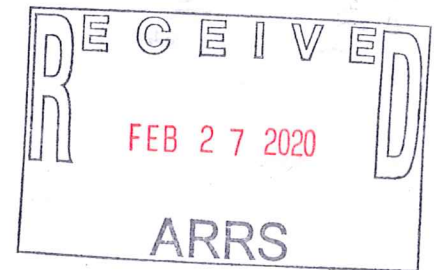
Andy Beshear
Governor

275 East Main Street, 5W-A
Frankfort, KY 40621
502-564-7042
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Eric C. Friedlander
Acting Secretary

February 27, 2020

Emily Caudill, Regulations Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Capitol Annex Building, Room 29
702 Capitol Avenue
Frankfort, Kentucky 40601



Re: **902 KAR 55:130**, Electronic prescribing of controlled substances.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 55:130, the Cabinet for Health and Family Services proposes the attached suggested amendment to 902 KAR 55:130.

If you have any questions regarding this matter, please contact Stephanie Brammer-Barnes, Office of Inspector General, at 564-2888, extension 3281.

Sincerely,

Donna M. Little
Deputy Executive Director
Office of Legislative and Regulatory Affairs



Staff-suggested Amendment

**Final Version 2/27/2020 9:59 a.m.
CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Audits and Investigations**

902 KAR 55:130. Electronic prescribing of controlled substances.

Page 1

Sections 1(1) and 1(1)(a)

Lines 20 and 21

After "a controlled substance", insert "shall".

After "(a)", delete "Shall".
Uppercase "be".

Page 2

Sections 1(1)(b) and 1(1)(b)1.

Lines 2 and 3

After "(b)", delete "Shall".
Uppercase "contain".

After "birth of the", insert "person".
Delete "ultimate user".



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

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Eric C. Friedlander
Acting Secretary

March 4, 2020

Ms. Emily Caudill, Regulations Compiler
Legislative Research Commission
029, Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601



Re: 907 KAR 5:005. Health Insurance Premium Payment (HIPP) Program

Dear Regulations Compiler:

After discussions with various stakeholders relating to the issues raised by 907 KAR 5:005, the Department for Medicaid Services proposes the attached agency amendment to 907 KAR 5:005.

If you have any questions, please feel free to contact Jonathan Scott, Regulatory and Legislative Advisor with the Department for Medicaid Services at (502) 564-4321 ext. 2015.

Sincerely,

Donna Little
Deputy Executive Director
Office of Legislative and Regulatory Affairs

3/4/2020
Agency Amendment
CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations

907 KAR 5:005. Health Insurance Premium Payment (HIPP) Program.

Page 9
Section 6
Line 3

After “Provider Participation.” insert the following:

Unless a KI-HIPP patient’s care needs are outside of the regular scope of practice, level of care, or the provider’s ability to safely meet the care needs of the individual,

Lowercase “A”.