

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Veterinary Examiners**  
**(New Administrative Regulation)**

**201 KAR 16:200. Code of ethical conduct for veterinarians.**

RELATES TO: KRS 321.351(1)(g)

STATUTORY AUTHORITY: KRS 321.235(3), 321.351(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.351 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. This administrative regulation sets forth certain standards which shall constitute a code of ethical conduct for 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 and conduct the appropriate tests necessary 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 an animal under his or her care.

Section 12. Except as provided in this Section of this administrative regulation, after a veterinarian begins treatment, he or she shall complete the treatment unless it is terminated by the

client. A veterinarian shall have the right to refuse to accept as a patient an animal that is not currently vaccinated; to refuse to render veterinary services for a person who verbally or physically abused the veterinarian or the veterinarian's employee; and to refuse to render veterinary services for a person who is unable to pay or has an outstanding account.

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 reason of 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 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.

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. A veterinarian shall provide copies of the veterinarian's examination and treatment of a patient upon the request of the client, the client's designee, or another veterinarian engaged by the client to examine or treat the patient.

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. Except as provided 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. 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.

Section 24. A veterinarian shall comply with the requirements of 201 KAR 16:300.

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 on a website, 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, 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 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 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. 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. (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 promptly notify the board of a change to his or her legal name.

Section 39. A veterinarian shall promptly notify the board 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; 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, 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.

STEVEN J. WILLS, DVM Chair

APPROVED BY AGENCY: June 14, 2019

FILED WITH LRC: June 19, 2019 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 27, 2019 at 1:00 p.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, 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 prior to the end of the hearing. 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 August 31, 2019. 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: 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](mailto:clint.quarles@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Clint Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the code of ethical conduct for veterinarians.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the ethical code of conduct as required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.351 specifically requires the KVME to create an ethics code.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly expressing the ethical code that veterinarians have created and expect of others. This filing makes the ethical code easy to read for members of the general public as well.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 2392 veterinary licensed in the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Veterinarians will be required to follow each of the provisions of the code created by their peers.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communication of the definitions.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No costs are anticipated for the implementation of the ethical code.

(b) On a continuing basis: No costs are anticipated for the ethical code, outside of enforce-

ment costs of violations.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Fees for the KBVE come from license and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees related to the ethical code are necessary at this time.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established.

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The KBVE

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.351

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

(d) How much will it cost to administer this program for subsequent years? KDA staff time will be required for record keeping. Costs will be very minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None

Expenditures (+/-): None or negligible.

Other Explanation: