

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

201 KAR 16:214. Fees for animal control agencies and animal euthanasia specialists.

RELATES TO: KRS 321.207

STATUTORY AUTHORITY: KRS 321.207

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) authorizes the board to permit qualified animal control agencies in Kentucky to apply for a registration certificate from the federal Drug Enforcement Administration (DEA). KRS 321.207(3) authorizes the board to certify animal control agencies to perform euthanasia services for animals. KRS 321.207(4) authorizes the board to issue certificates to those persons who are deemed to be qualified to work as animal euthanasia specialists.

Section 1. Payment and Submission of Fees. (1) Fees shall be paid by check or money order, or, 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 certificate authorizing restricted controlled substance registration with the Drug Enforcement Administration (DEA) to an animal control agency 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 16:400 or online equivalent form, including all required attachments.

(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 16:400 or online equivalent form, including all required attachments.

Section 3. Renewal Fees for Animal Control Agencies. (1) 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 16:400 or online equivalent form, including all required attachments, and fee payment to the board.

(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 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 16:400 or online equivalent form, including all attachments, and the payment of a reinstatement fee of seventy-five (75) dollars. An animal

control agency may not apply for a new certificate during this five-year window; a reinstatement application is required.

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

Section 4. Renewal Fees for Animal Euthanasia Specialists. (1) 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 16:400 or online equivalent form, including all required attachments, and fee payment to the board.

(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 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) The renewal fee for the first renewal shall be waived for a certificate received within 120 days prior to the renewal date.

(4) If not more than five (5) years have elapsed since the last date of license 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 16:400 or online equivalent form, including all attachments, and the payment of a reinstatement fee of seventy-five (75) dollars. An animal euthanasia specialist may not apply for a new certificate during this five (5) year window; a reinstatement application is required.

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

Section 5. Inactive Status for Animal Euthanasia Specialists. A certified animal euthanasia specialist may opt to renew a certificate with a status of inactive at any time by indicating so on the renewal form or on a completed Licensure Status Change Request form as found in 201 KAR 16:400 or online equivalent form. (1) There is no fee for inactive status for a certified animal euthanasia specialist.

(2) When a certified animal euthanasia specialist's employment with a certified animal control agency ends, his or her license 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 16:025.

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.

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 fee for persons seeking an animal control agency certificate or animal euthanasia specialist certificate.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the fee that the KBVE board approves for animal control agency certificates or animal euthanasia specialist certificates.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.207 requires the board to set a fee for animal control agency certificates or animal euthanasia specialist certificates.

(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 what fee has been approved by the KBVE board.

(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: 57 animal control agency certificates, and 196 animal euthanasia specialist certificates.

(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: Applicants will be required to

have paid the fee prior to licensure.

(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, as this is a prerequisite for application.

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

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

(a) Initially: The KBVE expects costs for their operations to be approximately \$230,000 in the near term.

(b) On a continuing basis: The KBVE expects costs for their operations to exceed \$230,000 after the implementation of their revised administrative regulations.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Fees for the KBVE come from license and certification fees established in this filing and the other fee filings.

(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 increases are anticipated by the KBVE.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Fees are established directly.

(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 321.193, 321.211, 321.240

(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? This filing will generate approximately \$15,000.

(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? This filing will generate approximately \$15,000.

(c) How much will it cost to administer this program for the first year? The KBVE estimates expenditures of approximately \$230,000 or more in the near term.

(d) How much will it cost to administer this program for subsequent years? The KBVE estimates expenditures of approximately \$230,000 or more in the near term, with major expenses anticipated for computer systems and other needed items.

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

Revenues (+/-): \$15,000

Expenditures (+/-): \$230,000

Other Explanation: Additional expenses are anticipated by the KBVE.