

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

201 KAR 16:280. License, inactive and retired statuses.

RELATES TO: KRS 321.211

STATUTORY AUTHORITY: KRS 321.235, 321.440

NECESSITY, FUNATION, AND CONFORMITY: KRS 321.441 provides for the establishment of conditions under which retired or inactive licenses may be renewed. This administrative regulation 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 Licensure Status Change Request form as found in 201 KAR 16:400 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.

(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 16:210 or KAR 16:212, as appropriate.

(3) No continuing education credits are required for licensees in inactive status.

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

(a) Submitting a completed reinstatement application on a form provided by the board, including all required attachments, or designating intent to reinstate to active status on the appropriate renewal form for that license type during a renewal period;

(b) Providing proof of continuing education in accordance with 201 KAR 16:290; and

(c) 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 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 Licensure Status Change Request form as found in 201 KAR 16:400 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 certificate type during a renewal period.

(2) A certified animal euthanasia specialist with a certificate in active status 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 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 shall request reinstatement to an active certificate status by:

(a) Submitting a completed reinstatement application on a form provided by the board, including all required attachments, or designating his or her intent to reinstate to active status on the appropriate renewal form for that certificate type during a renewal period; 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 certified animal euthanasia specialist whose certificate is in an inactive status due to a board action 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 as long as the certificate remains in inactive status.

Section 3. Retired License Status. (1) A licensee of the board may request retired status by:

(a) Submitting a completed application Licensure Status Change Request form as found in 201 KAR 16:400 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.

(2) A licensee whose license is designated in a retired status shall pay a one-time fee in accordance with 201 KAR 16:210 or 201 KAR 16:212, as appropriate.

(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 must complete and submit a new application for licensure to the board in accordance with 201 KAR 16:240.

(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 unless he or she holds a new, separate license issued by 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, 111 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 requirements for persons with a veterinary license or veterinary technician license that seek retirement or inactive status for that license.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the KBVE board procedure for licensure retirement or inactive status.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.221 requires the board to create a procedure for licensure retirement or inactive status.

(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 requirements by the KBVE board for licensure retirement or inactive status. .

(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 licenses, 421 veterinary technician licenses.

(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 submit application materials as outlined in this filing.

(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 approved requirements.

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

administrative regulation:

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(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 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 321.193, 321.221, 321.441

(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? Staff time for record keeping.

(d) How much will it cost to administer this program for subsequent years? 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.