

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amendment)

201 KAR 16:572. Certificate renewal for 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 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 animal control agencies and animal euthanasia specialists and requires all certified 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 animal control agencies and animal euthanasia specialists to keep the board apprised of the legal name and current address of the certificate holder~~[licensee]~~.

Section 1.

- (1) The board shall, not later than February 1 of each year, email or mail to each certified animal control agency and animal euthanasia specialist a renewal notice.
- (2) The renewal application shall be completed by the credential holder~~[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 online renewal, a timestamp, of March 1 or earlier shall be considered received on time.
 - (b) Renewals bearing a postmark, or, if an 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) 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 the Renewal Application for Animal Control Agencies form or online equivalent form, including all required attachments.
 - (b) For certified animal euthanasia specialists, the renewal form shall be the Renewal Application for Animal Euthanasia Specialists form or online equivalent form, 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 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 apply for reinstatement of the certificate~~[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 required

during this period; an application for a new ~~certificate~~~~license~~ shall not be accepted until five (5) years after the last date of expiration.

Section 3. Current contact information shall be on file with the board.

(1)

(a) Every certified animal control agency shall:

1. File a proper and current mailing address, phone, and, if available, email with the board at its principal office;~~and~~
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 or online equivalent form provided by the board; and
3. Identify on the renewal form each person who is currently employed for the purpose of animal euthanasia and each board credential holder who is employed with, either directly or by contract or agreement, to conduct animal euthanasia or the practice of veterinary medicine or the practice of veterinary technology at the animal control agency.

(b)

1. Every certified animal control agency shall file an update with the board to notify the board of any changes to the designated ~~on-site~~~~onsite~~ manager tasked with management of controlled substances and the euthanasia program pursuant to 201 KAR 16:550, or of any changes of the ~~on-site~~~~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 ~~On-site~~~~Onsite~~ Manager form or online equivalent form, including all required attachments.

(c) Background checks. For a new agency designated ~~on-site manager~~~~onsite managers~~, the board may conduct a national or jurisdictional level background check on each designated ~~on-site~~~~onsite~~ manager. The check shall be processed by a board approved background check provider, and may include a copy of the designated ~~on-site~~ manager's fingerprints captured at a board approved location. The board may accept the results of an employment background check from the county office in lieu of a state or federal background check if the background check results are not more than six (6) months old from the date of application. 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 impose additional requirements as a condition of certification or deny certification following the board's review of findings from a background check. The results shall be submitted to the board within thirty (30) days of designating a new ~~designated on-site~~~~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
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 or online equivalent form provided by the board.

(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 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", 12/2022~~3/2020~~;

- (b) "Renewal Application for Animal Euthanasia Specialists", ~~12/2022~~~~[3/2020]~~;
- (c) "Request ~~for a New Designated On-site~~~~[to Designate a New Agency Onsite]~~ Manager", ~~12/2022~~~~[3/2020]~~; and
- (d) "Request for Name or Address Change", ~~12/2022~~~~[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, ~~8:30~~~~[8:00]~~ a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

STEVEN J. WILLS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.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 February 28, 2023. 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: 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Michelle Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the certificate renewal requirements for certified animal control agencies and certified animal euthanasia specialists.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish the renewal notice and application requirements for renewal of animal control agency certificates and certified animal euthanasia specialists they employ, as mandated by KRS 321.207.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 321.207 specifically requires the board to promulgate administrative regulations related to the application requirements for certification as an animal control agency and certified animal euthanasia specialists.

(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 detailing requirements for renewal of the certificate, options for required background checks, and allows for the renewal forms to be completed online.

(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:

Adds requirement to verify all credential holders working at the animal control agency, clarifies flexibility in background check requirements for certified animal control agency employees, and adds requirement to keep board updated with current contact information.

(b) The necessity of the amendment to this administrative regulation:

The Kentucky Board of Veterinary Examiners has determined this amendment is necessary because of high staff turnover in animal control agencies.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 321.207 specifically requires the board to promulgate administrative regulations related to board-certified animal control agencies, including application and renewal requirements.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment shall ensure transparent standards that can be used by agency employees for renewing certificates.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

50 animal control agencies and 161 animal euthanasia specialists, and future applicants.

(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. Certified individuals shall be required to inform the board of changes in contact information.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No fees are established in this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Administrative ease of clear communications 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. Funding for the KBVE comes from licensure 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:

There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied?

No. All regulated entities have the same requirements.

FISCAL NOTE

(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 Kentucky Board of Veterinary Examiners and KBVE-certified county animal shelters and their KBVE-certified employees.

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

KRS 321.207, KRS 321.235, KRS 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?

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 from this filing.

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

This is not a new program. Staff time will be required 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:

n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There will be no cost savings.

(c) How much will it cost the regulated entities for the first year?

There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years?

There will be no additional costs involved.

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

Cost Savings (+/-):None.

Expenditures (+/-):None or negligible.

Other Explanation:

n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).