

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amendment)

201 KAR 16:560. Certification as an animal euthanasia specialist.

RELATES TO: KRS 257.160, 321.207, ~~[321.235(7),]~~ 321.351, Chapter 335B

STATUTORY AUTHORITY: KRS 321.207(4)-(7), 321.235(1)(a), (b), (2)(b)3~~(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(1)(a), (b), and (2)(b)3~~[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, renewal, and reinstatement requirements, and the required course contents for the euthanasia by injection training each applicant is required to receive.

Section 1. To be eligible for certification as a board-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 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 involves the use or trafficking of illegal substances;
- (4) Have a high school diploma or general equivalency degree (GED);
- (5) Pay the initial certification fee as specified in 201 KAR 16:514;
- (6) Be employed by a board-certified animal control agency; and
- (7) Have successfully completed a board approved sixteen (16) hour euthanasia by injection (EBI) course as established in Section 2 of this administrative regulation within twelve (12) months prior to application.

Section 2. Euthanasia by Injection (EBI) Training Course Curriculum.

- (1) The curriculum for the sixteen (16) hour EBI 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 and drugs used to assist in euthanasia;
 - (c) Euthanasia specialist stress management and compassion fatigue;
 - (d) Proper animal handling with emphasis on easing the trauma and stress to the animal; and
 - (e) Disposal of euthanized animals.
- (2) An EBI training course shall be reviewed and approved by the board prior to presentation. A provider of an EBI training shall submit the following information to the board for consideration of approval:
 - (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, 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, or more than fifteen (15) consecutive minutes of any portion of the course was missed.

Section 3. An application to the board for certification as an animal euthanasia specialist shall include the following ~~components~~:

- (1) A completed application on an Application for Certification as an Animal Euthanasia Specialist form or online equivalent form, 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 other highest level of education attained;
- (3) A copy of a certificate of completion from a board approved sixteen (16)-hour euthanasia by injection training course; and
- (4) Payment for the application fee pursuant to 201 KAR 16:514.

Section 4. Renewal Requirements for a Certified Animal Control Agency.

- (1) A board-certified animal control agency shall renew the board certification annually in accordance with 201 KAR 16:572.
- (2) Failure to renew the certificate for an animal control agency shall result in expiration of the certificate.

Section 5. 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 or online equivalent form, including all required attachments; and
- (2) Payment for the application fee pursuant to 201 KAR 16:514.

Section 6. ~~Section 5.~~ An application to the board for approval for a change in ~~certification~~ ~~licensure~~ status shall be made in accordance with 201 KAR 16:580.

Section 7. ~~Section 6.~~ Background checks. The board may:

- (1) Conduct ~~conduct~~ a national or jurisdictional level background check on each applicant for certification. The check shall 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; ~~and~~
- (2) Accept ~~The board may accept~~ the results of a state-wide ~~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; ~~and~~
- (3) Reject ~~The board may reject~~ background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and ~~and~~
- (4) Impose ~~The board may impose~~ additional administrative or safety requirements as a condition of certification or deny certification following the board's review of findings from a background check.

Section 8. ~~Section 7.~~ Employment and Termination.

(1) A person may function as a certified animal euthanasia specialist only while the person remains employed by a board-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 the person 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 9. ~~[Section 8.]~~ Disciplinary Action. A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235 and 321.351 for a violation of state or federal statutes or administrative regulations.

Section 10. ~~[Section 9.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Certification as an Animal Euthanasia Specialist", 07/2023~~[3/2023]~~; and

(b) "Reinstatement Application for Animal Euthanasia Specialists", 07/2023~~[12/2022]~~.

(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 a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

*MICHELLE M. SHANE, Executive Director
For STEVEN J. WILLS, DVM, Board Chair*

APPROVED BY AGENCY: July 12, 2023

FILED WITH LRC: July 12, 2023 at 1 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 25, 2023 at 1:00 p.m., at the Kentucky Department of Agriculture, Office of the State Veterinarian, 109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 September 30, 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 application, renewal, and reinstatement requirements for certification as an animal euthanasia specialist, as well as details on the required training needed to qualify for certification, and background check requirements.

(b) The necessity of this administrative regulation:

As mandated by KRS 321.207, this administrative regulation is necessary to establish the application, renewal, reinstatement, and training requirements for certification as an animal euthanasia specialist.

(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 and training requirements for board-certification as an animal euthanasia specialist.

(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 application, renewal, and reinstatement of the board-issued animal euthanasia specialist certificate, as well as the training course required for eligibility of certification.

(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:

Clarifies renewal requirements, and adds detail about requirements for the EBI course. Reorganizes section on background checks.

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

The Kentucky Board of Veterinary Examiners has determined this amendment is necessary in response to issues discovered at certified animal control agencies during periodic shelter inspections. Issues include high staff turnover, and sometimes expired staff certificates.

(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 and the animal euthanasia specialists they employ. This amendment clarifies renewal requirements and details on the EBI training requirements, as well as organizes the section on background checks.

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

This amendment shall ensure transparent standards to ensure compliance related to certification requirements.

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

50 board-certified animal control agencies and 232 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:

There are no additional requirements in this amendment. Applicants for certification as an animal euthanasia specialist shall be required to submit application materials as outlined in this administrative regulation.

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

There is a minimal application fee for processing, as established in 201 KAR 16:514.

(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.

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

KRS 321.207(4)-(7), 321.235(1)(a), (b), (2)(b)3.

(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).