

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amendment)

201 KAR 16:514. Fees for animal control agencies and animal euthanasia specialists.

RELATES TO: KRS 321.200(1)(p), 321.207, 321.208, 321.235

STATUTORY AUTHORITY: KRS 321.207, 321.208, 321.235(1)(c)~~{321.235(3)}~~,
321.320~~{321.240(5)}~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) authorizes the Kentucky Board of Veterinary Examiners to permit qualified animal control agencies in the Commonwealth of Kentucky to apply for a registration certificate from the United States Drug Enforcement Administration (DEA) to purchase, manage, and utilize the specific drugs approved by the board for the purpose of euthanizing~~{euthanize}~~ animals. KRS 321.207(4)~~{321.207(3)}~~ authorizes the board to issue certificates to those persons who are deemed to be qualified to work as animal euthanasia specialists. KRS 321.235(1)(c)~~{321.240(5)}~~ authorizes the board to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including regulations to establish authorized fees. This administrative regulation establishes fees for animal control agencies and animal euthanasia specialists.

Section 1. Payment and Submission of Fees.

- (1) Fees to the board shall be paid by check or money order, or, if 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 board certificate authorizing an animal control agency to apply for a restricted controlled substance registration with the United States Drug Enforcement Administration (DEA) shall be \$300~~{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 16:550 or online equivalent form, including all required attachments. The animal control agency shall undergo inspection by an authorized representative of the board in accordance with 201 KAR 16:550, Section 1(3) prior to the issuance of a certificate.
- (2) The application fee for 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 16:560 or online equivalent form, including all required attachments.

Section 3. Renewal Fees for Animal Control Agencies.

- (1)
 - (a) Except as provided by paragraph (b) of this subsection, a certified animal control agency shall annually, on or before March 1, pay to the board a renewal fee of \$300~~{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 16:572 or online equivalent form, including all required attachments, and fee payment to the board.
 - (b) The renewal fee for the first renewal shall be waived for a certificate issued 120 days prior to the end of the renewal period.
- (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 ~~\$100~~~~(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 Application for Animal Control Agencies form as found in 201 KAR 16:572 or online equivalent 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 16:550 or online equivalent form, including all attachments, and the payment of a reinstatement fee of ~~\$600~~~~(seventy-five)~~~~(75)~~~~dollars~~. The animal control agency shall undergo inspection by an authorized representative of the board in accordance with 201 KAR 16:550, Section 1(3) prior to the reinstatement of a certificate. An animal control agency shall not apply for a new certificate during this five (5) year window; a reinstatement application shall be required.

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

Section 4. Renewal Fees for Animal Euthanasia Specialists.

(1)

(a) Except as provided by paragraph (b) of this subsection, 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 16:572 or online equivalent form, including all required attachments, and fee payment to the board.

(b) The renewal fee for the first renewal shall be waived for a certificate issued 120 days prior to the end of the renewal period.

(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 fifty~~(50)~~~~(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 Application for Animal Euthanasia Specialists form as found in 201 KAR 16:572 or online equivalent 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) An animal euthanasia specialist 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 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 16:560 or online equivalent form, including all attachments, and the payment of a reinstatement fee of seventy-five (75) dollars. An animal euthanasia specialist shall not apply for a new certificate during this five (5) year window; a reinstatement application shall be required.

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

Section 5. Inactive Status for Animal Euthanasia Specialists.

(1)

(a) A certified animal euthanasia specialist may request or be moved to inactive licensure status in accordance with 201 KAR 16:580. There shall not be a fee.

(b) There shall not be a renewal fee for a certified animal euthanasia specialist with inactive licensure status.

(2)

(a) A certified animal euthanasia specialist may reinstate ~~their~~~~[his or her]~~ certificate to active status in accordance with 201 KAR 16:580.

(b) There shall be a reinstatement fee of fifty (50) dollars only if the certificate was placed in inactive status as a result of:

1. The certificate holder's request; or

2. By severing employment with the affiliated animal control agency on record with the board.

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

APPROVED BY AGENCY: August 1, 2023

FILED WITH LRC: August 1, 2023 at noon

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 24, 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 October 31, 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 fees for animal shelters seeking an animal control agency certificate from the Kentucky Board of Veterinary Examiners (KBVE) to obtain a controlled substance registration from DEA, and for persons seeking an animal euthanasia specialist certificate from the board to gain the ability to euthanase stray, homeless, and injured animals in Kentucky in an effort to control the pet population in counties and municipalities.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the fees that the Kentucky Board of Veterinary Examiners (KBVE) approves for certificate holders of animal control agencies and animal euthanasia specialists, as mandated in KRS 321.207, 321.208, 321.235(1)(c), 321.320.

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

KRS 321.235 mandates that the board administer and enforce KRS Chapter 321. KRS 321.207, 321.208, and 321.235(1)(c) specifically require the board to charge application, examination, renewal, late, reinstatement, inactive status, and retirement fees.

(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 fees have been approved by the board in order to keep all mandated board programs operational and responsive to constituent needs.

(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:

Updating statutory references to conform with the new Kentucky Veterinary Medicine Practice Act, KRS Chapter 321; updating fees which have only minimally changed in nearly 30 years to ensure that the board remains operational, efficient, and responsive to both the public and licensee needs. These changes also enable the board to implement new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

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

Changes are necessary to conform with the new Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. The Kentucky Board of Veterinary Examiners has determined this amendment is necessary keep all mandated board programs operational, and ensure adequate staffing levels to keep the board responsive to the needs of the public and credential holders. Costs for the board have increased, and it is necessary to raise fees to continue operations. These changes also enable the board to implement new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

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

KRS 321.235 mandates that the board administer and enforce KRS Chapter 321. KRS 321.207, 321.208, and 321.235(1)(c) specifically require the board to charge application, examination, renewal, late, reinstatement, inactive status, and retirement fees.

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

This amendment shall ensure transparency about the fees associated with applications for certification as an animal control agency and as an animal euthanasia specialist.

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

50 animal control agencies, 230 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 have paid the fee prior to certification, renewal, or reinstatement.

(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 and renewal

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

Administrative ease of clear communications of the fees associated with licensure.

(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 all board operations to be approximately \$575,000 annually in the near term.

(b) On a continuing basis:

The board expects costs for all board operations to be approximately \$750,000 annually in the future as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(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. The board does not receive any general funds.

(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 and an inspection program to ensure compliance.

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

Fees are established directly.

(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 (KBVE), and Kentucky counties and municipalities who own or contract with a KBVE-certified animal control agency and the employees of such certified agencies that are certified to euthanize animals.

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

KRS 321.207, 321.208, 321.235(1)(c), 321.320

(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 \$25,000 on an annual basis.

(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 \$25,000 on an annual basis.

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

This is not a new program. The KBVE expects costs for all board operations to be approximately \$575,000 annually in the near term.

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

The board expects costs for all board operations to be approximately \$750,000 annually in the future as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

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

Revenues (+/-):+\$25,000 annually

Expenditures (+/-):-\$750,000 annually

Other Explanation:

Additional expenses are anticipated by the KBVE

(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 additional costs involved to apply for a new animal control agency certificate, as well as the cost to renew or reinstate the certificate and the cost of late fees. KBVE fees have only minimally changed in the past 30 years; the increase in fees is to ensure that the board remains operational, efficient, and responsive to both the public and licensee needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Costs for the board have increased, and it is necessary to raise fees to continue operations.

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

The costs established in this regulation will be consistent in subsequent years. KBVE fees have only minimally changed in the past 30 years; the increase in fees is to ensure that the board remains operational, efficient, and responsive to both the public and licensee needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Costs for the board have increased, and it is necessary to raise fees to continue operations.

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 (+/-):-\$750,000 annually

Other Explanation:

Additional expenses are anticipated by the KBVE

(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).