

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(New Administrative Regulation)

201 KAR 16:614. Fines.

RELATES TO: KRS 321.352, 321.990

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.352(1), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.352(1) requires the board to establish the amounts, limits, or ranges for any fines imposed under KRS Chapter 321 through the promulgation of administrative regulations. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. This administrative regulation establishes the amounts, limits, or ranges for all fines imposed under KRS Chapter 321.

Section 1. Mandatory Fines.

(1) A person who, for practicing or performing services without a credential issued by the board, violates or aids in the violation of:

- (a) KRS 321.190 shall be fined per violation per day for practice as a veterinarian:
 - 1. For the first offense in an amount of not less than \$250 and not more than \$500;
 - 2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;
- (b) KRS 321.190 shall be fined per violation per day for practice as a veterinary technician:
 - 1. For the first offense in an amount of not less than \$100 and not more than \$250;
 - 2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;
- (c) KRS 321.201 shall be fined per violation per day for the veterinarian supervisor and the individual acting as a special permittee:
 - 1. For the first offense in an amount of not less than \$250 and not more than \$500;
 - 2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;
- (d) KRS 321.207 shall be per violation per day for the animal control agency, the designated on-site manager, and the individual acting as an animal euthanasia specialist:
 - 1. For the first offense in an amount of not less than \$50 and not more than \$150;
 - 2. For subsequent offenses in an amount of not less than \$150 and not more than \$300;
- (e) KRS 321.211 shall be fined per violation per day:
 - 1. For the first offense in an amount of not less than \$250 and not more than \$500;
 - 2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;
- (f) KRS 321.236 shall be fined per violation per day for the veterinarian manager and the registered responsible party:
 - 1. For the first offense in an amount of not less than \$250 and not more than \$500;
 - 2. For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;
- (g) KRS 321.441 shall be fined per violation per day:
 - 1. For the first offense in an amount of not less than \$100 and not more than \$250;
 - 2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;
- (h) KRS 321.442 shall be fined per violation per day:

1. For the first offense in an amount of not less than \$100 and not more than \$250;
 2. For subsequent offenses in an amount of not less than \$250 and not more than \$500;
- (2) A person who is issued a notice of violation by the board for failure to comply with KRS Chapter 321 or an administrative regulation promulgated thereunder shall be fined in the amount per violation per day:
- (a) For the first offense in an amount of not less than \$100 and not more than \$250;
 - (b) For subsequent offenses in an amount of not less than \$250 and not more than \$500;
- (3) A person who exercises or attempts to exercise control over, interferes with, or attempts to influence the professional judgment of a credential holder in any manner, including through coercion, collusion, extortion, inducement, or intimidation shall be fined per violation per day:
- (a) For the first offense in an amount of not less than \$500 and not more than \$1,000;
 - (b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;
- (4) A person who violates any ruling of the board or hinders any agent of the board in carrying out the duties assigned to the agent shall be fined per violation per day:
- (a) For the first offense in an amount of not less than \$500 and not more than \$1,000;
 - (b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;
- (5) A person who is an officer who refuses to enforce the provisions of this chapter when called upon by the board to do so shall be fined per violation per day:
- (a) For the first offense in an amount of not less than \$100 and not more than \$250;
 - (b) For subsequent offenses in an amount of not less than \$250 and not more than \$500;
- (6) A person who attempts in any way to hinder or obstruct the board in carrying out the provisions of KRS Chapter 321 shall be fined per violation per day:
- (a) For the first offense in an amount of not less than \$100 and not more than \$500;
 - (b) For subsequent offenses in an amount of not less than \$500 and not more than \$1,000;
- (7) A person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with an agent of the board or who willfully refuses to obey their lawful order shall be fined per violation per day:
- (a) For the first offense in an amount of not less than \$500 and not more than \$1,000;
 - (b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500.

Section 2. Permissive Fines.

- (1) The board may impose an additional fine per violation per day for a person who is convicted under KRS 321.990:
 - (a) For the first offense in an amount of not less than \$500 and not more than \$1,000;
 - (b) For subsequent offenses in an amount of not less than \$1,000 and not more than \$2,500;
- (2) The board may impose an additional fine for any violation of the Kentucky Veterinary Medicine Practice Act that consists of an amount equal to the cost of investigative and legal fees, court reporters, expert witnesses, administrative hearing officers, and all related costs incurred by the board in processing the case.

Section 3. Continuing Violation. (1) Each day or part of a day that a violation continues is a separate violation and subject to additional fines per day.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: September 12, 2024

FILED WITH LRC: September 12, 2024 at 1:40 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 22, 2024, at 1:00 p.m. EST, at the offices of the Kentucky Board of Veterinary Examiners, 4047 Iron Works Pkwy, Suite 104, Lexington, Kentucky 40511. 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. 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 November 30, 2024. 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 M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.