

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

(Amendment)

201 KAR 16:562. Duties and responsibilities of an animal euthanasia specialist.

RELATES TO: KRS 257.160, 321.181, 321.207, 321.235, 321.351

STATUTORY AUTHORITY: KRS 321.207, 321.235, 321.240

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(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the duties and responsibilities of an animal euthanasia specialist.

Section 1. Duties of a Certified Animal Euthanasia Specialist. The duties of a board-certified animal euthanasia specialist shall include the following:

- (1) Preparing animals for euthanasia;
- (2) Carefully and accurately recording dosages, administration, and drug waste;
- (3) Ordering supplies and drugs in accordance with the employing certified animal control agency's operating procedures;
- (4) Maintaining the security of all controlled substances and board-approved drugs in accordance with 201 KAR 16:550, 16:552, and other applicable federal, state, and local laws;
- (5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;
- (6) Humanely euthanizing animals;
- (7) Disposing of the carcasses in a manner consistent with local, state, and federal laws, including KRS 257.160, and shall be carried out according to the standard operating procedures of the board-certified animal control agency;
- (8) Maintaining active certification with the board;
- (9) Reporting to the board any change of address, phone, or email within thirty (30) days; and
- (10) Providing a written response to a grievance or inquiry from the board within twenty (20) days of receipt.

Section 2. Animals Approved for Euthanasia by Board-certified Animal Euthanasia Specialists. Animal euthanasia shall be conducted within the restrictions outlined in this section, or the practice shall be considered the practice of veterinary medicine and subject to a penalty for practicing without a license.

- (1) Euthanasia shall only be conducted upon animals owned by the certified animal control agency, except in cases of emergency as defined by KRS 321.181(10).
 - (a) Temporary transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this subsection; and
 - (b) Wildlife shall be redirected to a board-licensed veterinarian, Certified Wildlife Rehabilitator authorized to operate pursuant to 301 KAR 2:075, or to a Nuisance Wildlife Control Operator authorized to operate pursuant to 301 KAR 3:120.
- (2) Euthanasia shall only be conducted upon the premises of the certified animal control agency, except in cases of emergency as defined by KRS 321.181(10).
- (3) All euthanized animals shall be disposed of in accordance with the certified animal control agency's standard operating procedures for carcass disposal in accordance with Section 1(7) of this administrative regulation, and shall not be returned to a prior owner.

Section 3. Approved Drugs for Animal Euthanasia, and Anesthesia or Sedation of Animals Prior to Euthanasia by Certified Animal Euthanasia Specialists.

- (1) The drugs approved by the board for euthanasia are:
 - (a) Sodium pentobarbital; and
 - (b) Sodium pentobarbital mix which has been approved by the U.S. Food and Drug Administration for animal euthanasia~~[with lidocaine]~~.
- (2) The drugs approved by the board for animal anesthesia or sedation prior to euthanasia are, or any combination thereof:
 - (a) Acepromazine;
 - (b) Dexmedetomidine;
 - (c) Ketamine (thirty (30) day supply or less); and
 - (d) Xylazine.
- (3) Expired drugs shall not be used.
- (4) Expired drugs shall be disposed of in accordance with 201 KAR 16:552, Section 7.

Section 4. Approved Methods of Euthanasia.

- (1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of board-approved euthanasia drugs and drugs used to anesthetize or sedate an animal prior to euthanasia in accordance with subsection (2) of this section.
- (2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference, ensuring both humane euthanasia of the animal and the safety of the individuals handling the animal:
 - (a) Intravenous injection by hypodermic needle;
 - (b) Intracardial injection by hypodermic needle, but only on an anesthetized or unconscious animal;
 - (c) Intraperitoneal injection by hypodermic needle~~[, but only on an anesthetized or unconscious animal]~~; or
 - (d) Solution or powder added to food.

Section 5. Except as provided for performing the duties set forth in this administrative regulation, an animal euthanasia specialist shall be prohibited from practicing veterinary medicine.

Section 6. 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 statutes or administrative regulations.

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 pm 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. 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:

Makes one change to the drugs approved by the board for euthanasia, and changes one of the methods of euthanasia approved by the board.

(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 FDA approved drugs available on the market for euthanasia, for the safety of those performing euthanasia, and to ensure humane euthanasia of animals.

(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 and the drugs and methods used for euthanasia.

(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 259 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.

(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:

There will be no increase in costs because a program already exists certify animal euthanasia specialists. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis:

The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums 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:

KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(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 will be no increase in fees to run the licensing program for animal euthanasia specialists.

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

This regulation does not establish or increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied?

Tiering is not applied. All requirements and fees for animal euthanasia specialists are the same.

FISCAL IMPACT STATEMENT

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

KRS 321.207, 321.235, 321.240

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures:This is not a new program, and there will not be additional expenditures as a result of this filing. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

Revenues:There is no revenue generated by this filing.

Cost Savings:There will not be any cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Counties with KBVE-certified animal control agencies shall be required to comply with the restrictions on drug purchases and methods of euthanasia

(a) Estimate the following for the first year:

Expenditures:There will not be additional expenditures as a result of this filing. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

Revenues:There is no revenue generated by this filing.

Cost Savings:There will be no cost savings; this new administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Staff time and database management will be required for record keeping. Costs will be minimal.

(4) Identify additional regulated entities not listed in questions (2) or (3):

KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates for certification as an animal euthanasia specialist in the commonwealth. This amendment simply updates the administrative regulation to conform with the modernized Kentucky Veterinary Medicine Practice Act, and updates the restrictions on drugs available for purchase and methods of animal euthanasia.

(b) Methodology and resources used to determine the fiscal impact:

This is not a new program. The program is run as a part of the agency's established budget by existing staff and with existing infrastructure.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion:

This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.