

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

(Amendment)

201 KAR 16:590. Continuing education requirements, veterinarians and veterinary technicians.

RELATES TO: KRS 321.190, 321.211, 321.221, 321.235, 321.441, 321.442

STATUTORY AUTHORITY: KRS 321.211(7), 321.235(1)(a)-(c), (2)(b)1.a., 3.b. [321.235(3), 321.240(5)], 321.441(8) [321.441(3)], 321.442(7).

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2)(b)1.a., 321.211(7), [and] 321.441(8) [321.441(3)], and 321.442(7) authorize the Kentucky Board of Veterinary Examiners to require a person applying for renewal or reinstatement of a veterinarian or veterinary technician license to show evidence of completion of continuing education to ensure the continued competence of licensees. KRS 321.235(1)(a)-(c), (2)(b)1.a., and 3.b. [321.235(3) and 321.240(5)] authorize the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. This administrative regulation establishes the requirements for continuing education hours relating to licensure renewal for veterinarians [the practice of veterinary medicine] and veterinary technicians.

Section 1. Definitions.

(1) "Approved program of continuing education" is defined by KRS 321.181(11).

(2) "Approved provider of continuing education" is defined by KRS 321.181(12).

(3) "Continuing education" is defined by KRS 321.181(25).

Section 2. Continuing education (CE) is designed to ensure the continued competence of a board credential holder. CE is a part of personal life-long learning in the credential holder's area of expertise, responsibility, and domains of practice, ensuring a commitment to furthering the person's professional knowledge, as well as learning new skills and techniques in their area of practice, in order to best serve and protect the public and animals of the Commonwealth.

Section 3. Continuing Education Requirements for Veterinarian and Veterinary Technician License Renewal and Reinstatement.

(1) A veterinarian shall complete biennially thirty (30) hours of continuing education to be eligible for renewal of their [his or her] license. ~~}}~~

(a) At least twenty (20) of the thirty (30) hours shall be directly related to the practice of veterinary medicine.

(b) For the renewal period and reinstatements beginning after September 30, 2024, at least two (2) of the thirty (30) required renewal hours shall be in:

1. Pharmacy or controlled substances;

2. Antimicrobials; or

3. State or federal laws and regulations related to the practice of veterinary medicine.

(c) No more than ten (10) of the thirty (30) hours shall pertain to practice management or other administrative, wellbeing, and professional topics that are not directly related to the practice of veterinary medicine.

(2) A veterinary technician shall annually complete six (6) hours of continuing education in the area of the practice of veterinary medicine or veterinary technology to be eligible for renewal of their [his or her] license.

(a) For the renewal period and reinstatements beginning after September 30, 2024, at least one (1) of the six (6) hours shall be in:

1. Pharmacy or controlled substances;

2. Antimicrobials; or

3. State or federal laws and regulations related to the practice of veterinary medicine or the practice of veterinary technology.

(b) No more than three (3) of the six (6) hours shall pertain to practice management or other administrative, wellbeing, and professional topics that are not directly related to the practice of veterinary medicine or the practice of veterinary technology.

(3) In addition to attendance at a conference, lecture, or seminar, a veterinarian or veterinary technician may complete the hours of continuing education required for renewal or reinstatement by the completion of audio or video recordings or electronic, computer, or interactive material prepared or approved by any of the organizations established in subsections (1) and (2)~~[Section 2(1) and (2)]~~ of this section~~[administrative regulation]~~. There shall not be a limit to the number of online hours a licensee may apply to his or her renewal.]

(a) A veterinarian shall earn at least fifteen (15) of the required thirty (30) CE hours and a veterinary technician shall earn at least three (3) of the required six (6) CE hours in a live, realtime format either in-person or online.

(b) A veterinarian shall earn no more than fifteen (15) of the required thirty (30) CE hours and a veterinary technician shall earn no more than three (3) of the required six (6) CE hours in an online format that is pre-recorded.

(4) All CE earned shall be new, continuing education. A veterinarian or veterinary technician may not apply CE earned in the immediate prior renewal period or earned and applied for licensure reinstatement toward renewal of their license in the current renewal cycle.

~~(5)~~

(a) Continuing education shall be earned from October 1 of each renewal period until September 30 at the end of the period, or until November 30 at the end of the grace period with the addition of a late fee in accordance with 201 KAR 16:510 for veterinarians and 201 KAR 16:512 for veterinary technicians.

(b) A licensee may apply continuing education hours to only one (1) renewal cycle. Continuing education hours earned for a given course shall not be applied to the total required hours again in any subsequent~~[the following]~~ renewal cycle.

(c) A credential holder who receives a board discipline that requires continuing education as a part of any reprimand, settlement agreement, or final order, shall earn the required CE in addition to the CE required for licensure renewal.

~~(6) [(5)]~~ A veterinarian applying for renewal after completing their~~[his or her]~~ initial term of licensure after graduating from a veterinary college may complete a reduced number of hours of continuing education to be eligible for renewal as established in this subsection. This subsection shall not apply to applicants for licensure by endorsement under KRS 321.221 who graduated prior to the renewal biennium during which they were initially licensed.

(a) A veterinarian completing their~~[his or her]~~ initial term of licensure who graduated from a veterinary college during the first year of the renewal~~[preceeding]~~ biennium shall complete fifteen (15) hours of continuing education to be eligible for renewal.

(b) Continuing education requirements shall be waived for a veterinarian completing their~~[his or her]~~ initial term of licensure who graduated during the second year of the renewal~~[preceeding]~~ biennium.

~~(7) [(6)]~~ For a veterinary technician, continuing education requirements shall be waived for a new licensee completing their~~[his or her]~~ initial term of licensure who also graduated within twelve (12)~~[12]~~ months of initial licensure.~~[This paragraph shall not apply to applicants for licensure by endorsement who graduated prior to the renewal cycle during which they were initially licensed.]~~

~~(8) [(7)]~~

(a) A veterinarian or veterinary technician may submit a written request to the board for approval of a fellowship, internship, or residency in lieu of the continuing education ~~courses~~~~hours~~ required for license renewal, subject to board review for the number of hours to be awarded.

(b) The number of continuing education hours granted shall be determined by the board.

(c) The request shall:

1. Include a letter of verification from an authorized representative of the organization providing the fellowship, internship, or residency opportunity;

2. Be printed on the organization's letterhead;~~and~~

3. Provide a brief description of the position itself, a summary of assigned tasks, and the anticipated or completed beginning and ending dates of the position; and

4. Be signed by an authorized representative of the organization who is knowledgeable about the position being verified.

~~(9)~~ Failure to earn the minimum required amount of CE by the renewal deadline or grace period deadline shall be cause for the board to move a license to an expired status.

~~(10)~~ ~~(8)~~ Continuing education hours shall be required as follows for reinstatement applications:

(a) For veterinarians, thirty (30) hours earned in a ~~twenty-four~~~~twenty-four~~ (24) month period immediately prior to the date of application, or as required by the board to complete the application after filing; and

(b) For veterinary technicians, six (6) hours earned in a twelve (12) month period immediately prior to the date of application, or as required by the board to complete the application after filing.

~~(11)~~ During a statewide state of emergency declared by the Governor of Kentucky, a national emergency declared by the President of the United States, pandemic, or epidemic, the board may change the in-person requirement for CE or waive CE for a temporary period of time. After taking such an action, the board shall send notice to all licensees and post the change and duration of change on the board's website.

Section 4. ~~Section 2.~~ Approved Programs of Continuing Education~~Courses~~.

(1) The board hereby approves the following continuing education courses:

(a) All scientific programs of the American Veterinary Medical Association (AVMA), its constituent organizations~~,~~ and its recognized specialty groups as listed on the AVMA Web site, and Council on Education (COE) or Committee on Veterinary Technician Education and Activities (CVTEA) accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine or veterinary technology;

(b) Programs approved by the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);

(c) Accreditation modules offered by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), which shall be counted for one (1) hour per module;~~and~~

(d) Attendance at a board meeting, which shall be counted for the time the attendee is present and during which the board is in session or the duration of the meeting in half-hour increments up to three (3) hours, per meeting. There shall be a maximum of six (6) hours allowable for veterinarians and three (3) hours per LVTs per renewal cycle; and

(e) All programs approved by the board pursuant to subsection ~~(4)~~~~(2)~~ of this section.

(2) Licensees may use a maximum of six (6) USDA APHIS Modules for licensees certified in Category II and a maximum of three (3) USDA APHIS Modules for licensees certified in Category I in any single renewal period.

(3) Licensees shall earn new CE each renewal cycle, and shall not use CE previously applied to any past renewal or to reinstatement, if reinstatement occurred during the current renewal cycle.

(4) Board approved CE requirements.

(a) ~~The [By a majority vote, the]~~ board may approve programs that are deemed to impart knowledge directly relating to the practice of veterinary medicine, including the utilization and application of new techniques, scientific and clinical advances, and the achievement of research to assure expansive and comprehensive care to the public.

(b) To request approval, a completed Request for Continuing Education Approval form, including all required attachments, and the submission of fees as prescribed in 201 KAR 16:516, shall be submitted to the board.

(c) A continuing education program that satisfies board requirements for an approved program of continuing education shall be:

1.

a. Offered, provided, or sponsored by an organization that is an approved provider of continuing education; or

b. An approved program of continuing education;

2.

a. Have a clearly stated purpose and defined content area;

b. Be offered to the public or general licensee population, and not offered internally only to employees of a single organization;

c. Be consistent with the overall goals of continuing education as defined in Sections 2 and 3 of this administrative regulation;

d. Have a presenter who is a professional qualified in the defined content area; and

e. Clearly state the program's duration. Actual contact time shall be a minimum of one (1) continuing education contact hour as defined in KRS 321.181(26), and shall not include breaks or meals;

3. If approved, the course provider shall maintain for a minimum of four (4) years records of CEs presented, and shall include the name and license number of each attendee.

Section 5. [Section 3.] Continuing Education Documentation Requirements.

(1) A licensee shall:

(a) Secure official documentation from the course provider of completed attendance at a course, detailing the:

1. Hours [hours] earned;

2. Name of the course;

3. Provider of the course;

4. Method of delivery, and if an online course, live, interactive, or non-interactive;

5. Date of the course; and

6. Licensee's name.

(b) Submit on the Renewal Application for Veterinarians form or Renewal Application for Veterinary Technicians form as found in 201 KAR16:570[201 KAR 16:700] or online equivalent forms, as appropriate, and include the name, dates, and identifying information for each course they[he or she] attended;[and]

(c) If audited by the board or upon request by the board, supply copies of official documentation from the course provider which includes all the information required in paragraph (a) of this subsection; and

(d) Retain copies of continuing education documentation for a period of four (4) years from the date of licensure renewal.

(2) The board may require an applicant or licensee to submit copies of documentation in accordance with subsection (1) of this section documenting their~~[of his or her]~~ attendance at continuing education courses.

Section 6. Audits.

(1) The board shall audit documentation supporting the completion of the appropriate number of continuing education hours for:

(a) Any veterinarian or veterinary technician who was disciplined by the board in the renewal cycle or where an order of the board further specifies a CE audit of that veterinarian or veterinary technician; and

(b) At least one (1) member of the board.

(2) The board may audit any licensee for documentation supporting the completion of the appropriate number of continuing education hours for:

(a) A minimum of ten (10) percent of all veterinarians and veterinary technicians; and

(b) Any licensee who does not renew their license by September 30 of each renewal cycle; or

(c) Any licensee against whom a grievance has been filed pursuant to 201 KAR 16:610.

Section 7. ~~[Section 4.]~~ Continuing Education Requirement Waivers.

(1) Medical disability, illness, or other extenuating circumstances. The board may, in individual cases involving medical disability,~~[or]~~ illness, or other extenuating circumstances clearly warranting relief, grant a waiver~~[waivers]~~ of the continuing education requirements or an extension~~[extensions]~~ of time within which to fulfill the same or make the required reports.

(a) A written request for an extension or waiver of continuing education requirements for medical disability,~~[or]~~ illness, or other extenuating circumstances clearly warranting relief~~[reasons waiver or extension of time]~~ shall be submitted by the licensee. The board may require a signed document from a physician or other health care provider to verify the licensee's claimed disability or illness, or verification from an official for other extenuating circumstances.

(b) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the requirements shall not be granted by the board for a period of time exceeding one (1) renewal cycle~~[calendar year]~~.

(c) If the medical disability,~~[or]~~ illness, or other extenuating circumstances clearly warranting relief upon which a waiver or extension has been granted persists beyond the period of the waiver or extension, the licensee shall have the option to apply for another extension.

(2) Military duty. The board shall grant a waiver to a licensee who is unable to meet the continuing education requirements of this administrative regulation because of obligations arising from military duty.

(a) ~~[A licensee engaged in active military duty and deployed outside the United States for more than eight (8) months shall not be required to complete the continuing education requirement for licensure periods during which that status exists.]~~

~~[(b)]~~ A licensee who is called to active duty in the armed forces shall not be required to complete the continuing education requirement for licensure periods during which that status exists.

(b) ~~[(e)]~~ The licensee requesting an extension or waiver pursuant to this subsection shall submit with their~~[his or her]~~ renewal or reinstatement paperwork, the appropriate military assignment form, deployment orders, or a statement from the licensee's unit commander confirming the call-up or deployment.

Section 8. ~~[Section 5.]~~ Incorporation by Reference.

(1) "Request for Continuing Education Approval", ~~9/2024~~~~[2/2020]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511~~[107 Corporate Drive, Frankfort, Kentucky 40601]~~, Monday through Friday, 8:30 a.m.~~[8:00 a.m.]~~ to 4:30 p.m. This material may also be obtained at kbve.ky.gov~~[www.kybve.com]~~.

*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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes the continuing education requirements for persons seeking a veterinary license or veterinary technician license renewal or reinstatement.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the board approved continuing education courses as a requirement for licensure.

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

KRS 321.211 and 321.441 each require the board to approve continuing education for veterinary and veterinary technician licenses. KRS 321.235(1)(a)-(c), (2)(b)1.a., and (2)(b)3.b. authorize the board to promulgate administrative regulations to implement and enforce KRS Chapter 321.

(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 continuing education requirements are created by the KBVE board.

(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:

This amendment adds new statutory definitions; defines the necessity for continuing education; adds new required CE hours in 1. Pharmacy or controlled substances, 2. Antimicrobials, or 3. State or federal laws and regulations related to the practice of veterinary medicine; requires a portion of online CE to be in a live format; clarifies that insufficient CE shall be cause for denial; establishes parameters for veterinarian operation in a statewide state of emergency; establishes limited hours of CE for attendance at a board meeting; establishes limitations on number of allowable USDA APHIS Modules available for CE; establishes that CE can only be accounted for once; outlines requirements for board approved CE; clarifies the requirements for proof of CE completion; establishes parameters for board audits during a renewal period; and clarifies requirements for board waivers of required CE.

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

This amendment is necessary to conform with the modernized Kentucky Veterinary Medicine Practice Act, passed in June 2023, and to provide clarity for licensees regarding the rules for CE.

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

KRS 321.235(2)(b)1.a., 321.211(7), 321.441(8), and 321.442(7) authorize the Kentucky Board of Veterinary Examiners to require a person applying for renewal or reinstatement of a veterinarian or veterinary technician license to show evidence of completion of continuing education to ensure the continued competence of licensees. KRS 321.235(1)(a)-(c), (2)(b)1.a., and (2)(b)3.b. authorize the board to promulgate administrative regulations to implement and enforce KRS Chapter 321.

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

By incorporating new statutory language, this amendment provides clarity to constituents by utilizing standard definitions and providing clear requirements for licensure. This amendment also provides clarity on the requirements of the board.

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

Veterinarian and veterinary technician licensee applicants to the board for renewal of their license. The board receives about 2,500 applications biennially for veterinarians and about 550 applications annually for veterinary technicians.

(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:

Veterinarian and veterinary technicians applicants must ensure they obtain board approved CE to renew their license.

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

Entities will need to obtain CE, either for free or through purchase, to ensure they continue their education to remain educated about current standards of practice and best practices used in veterinary medicine.

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

Benefits include a uniform standard for CE required for licensees to earn so that individuals interested in renewing their license will understand the requirements prior to application.

(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 to license veterinarians and veterinary technicians. 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 administer the CE requirements for licensed veterinarians and veterinary technicians.

(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 because CE requirements are the same for all veterinarians, and the same for all veterinary technicians.

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 321.211(7), 321.235(1)(a)-(c), (2)(b)1.a., (2)(b)3.b., 321.441(8), 321.442(7)

(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):

KBVE does not anticipate that any local 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

(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 veterinarian or veterinary technician candidates for licensure renewal in the commonwealth. This amendment simply updates the administrative regulation to conform with the

modernized Kentucky Veterinary Medicine Practice Act and provide clarity on board requirements.

(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.