

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

(Amendment)

201 KAR 16:530. Examination requirements for veterinarians and veterinary technicians.

RELATES TO: KRS 321.193, 321.441

STATUTORY AUTHORITY: KRS 321.190, 321.193(5), ~~KRS 321.193(4)~~, 321.235(1)(a)-(c), (2)(b)1.a., (2)(b)3.b., ~~321.235(3), 321.240(5)~~, 321.441(1)(b), ~~(d)~~.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193(5)~~321.193(4)~~ requires the Kentucky Board of Veterinary Examiners to establish required examinations and passing scores for veterinarian applicants. KRS 321.441(1)(b) requires the board to establish required examinations and passing scores for veterinary technician applicants. KRS 321.235(1)(a)-(c), (2)(b)1.a., and (2)(b)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 examination requirements and passing scores for veterinarians and veterinary technicians for applicants to qualify for licensure by the board.

Section 1. National Exam Qualifications for Veterinarians.

(1) The board shall require a passing score on a board-approved national veterinary medical examination as one (1) requirement~~required~~ for licensure by the board as a veterinarian.

(2) The required qualifying national veterinary medical examination for veterinarian licensure shall be determined by the date of the completed examination, and shall be approved by the board as listed in this subsection.

(a) Applicants for licensure who tested during or after May 2000 shall be required to successfully complete and achieve a passing score on~~the successful completion of~~ the North American Veterinary Licensing Examination (NAVLE) as administered by~~[-]~~

~~[(2)] Candidates shall apply to the board for verification of eligibility to take the NAVLE.~~

~~[(3)] Candidates seeking to take the NAVLE shall apply directly to~~ the International Council for Veterinary Assessment (ICVA), its designee, or current administrator of the NAVLE for admission to the examination. A passing score shall be established by the ICVA or current examination administrator at the time of testing.

(b) New applicants for licensure who tested between 1954 and April 2000 shall have successfully completed and achieved a passing score on the National Board Examination (NBE). A passing score on the NBE shall be seventy-five (75); or

(c) Applicants for licensure who tested prior to 1954 shall have successfully completed and achieved a passing score on a state level competency exam, if one was available.

(3) Exam Qualification and Registration.

(a) Applicants for licensure shall apply to the board for verification of eligibility to take or retake the NAVLE through the spring 2024 testing window. For all future testing windows, the ICVA shall conduct examination eligibility review.

(b) Candidates seeking to take the NAVLE shall apply directly to the ICVA, its designee, or current administrator of the NAVLE for admission to the examination.

(c) Candidates seeking to take or retake the NAVLE may:

1. Sit for the examination up to twelve (12) months in advance of the applicant's anticipated graduation date from an approved veterinary medical program if the veterinary student is in good academic standing with the approved veterinary medical program; and

2. Candidates seeking to retest after five (5) attempts may make a request to the board to sit for the examination additional times beyond five (5) attempts.

a. A candidate request to retest after five (5) attempts shall include a detailed remediation plan, including the process by which the applicant proposes to improve their performance on the NAVLE, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction, and any other information requested by the board.

b. Upon approval of the remediation plan by the board, the board shall petition ICVA or current examination administrator for the candidate to have the opportunity to sit for the exam again.

(4) Applicants for veterinarian licensure to the board shall request and pay all necessary fees~~[a fee]~~ directly to the ICVA, its designee, the American Association of Veterinary State Boards (AAVSB), or current official records custodian, to have examination~~[test]~~ scores sent directly to the board. Unofficial copies of scores from applicants or other sources shall not be accepted.

(5) Candidates for the NAVLE who designate Kentucky as their chosen state for a score report, and who do not receive a passing score shall apply to the board to retake the NAVLE~~[NALVE]~~ on the Application for Special Permit~~[Retake of the NAVLE]~~ form or online equivalent form through the spring 2024 testing window. For all future testing windows, the ICVA shall conduct examination eligibility review.

~~[(6)] [In addition to achieving a passing score on the NAVLE, applicants for licensure shall be required to achieve a score of eighty (80) percent or higher on the Commonwealth of Kentucky State Board Examination, which shall cover the specific requirements of KRS Chapter 321 and 201 KAR Chapter 16.]~~

~~[(7)] [The board shall recognize passing scores on the National Board Examination (NBE) and the Clinical Competency Test (CCT) in lieu of a NAVLE test score if the applicant for licensure completed both examinations prior to May, 2000.]~~

~~[(8)] [Graduates of veterinary schools or programs not approved by the American Veterinary Medical Association (AVMA) shall also submit proof of successful completion of one (1) of the following programs:]~~

~~[(a)] [The Educational Commission for Foreign Veterinary Graduates (ECFVG) program offered by the AVMA; or]~~

~~[(b)] [The Program for the Assessment of Veterinary Education Equivalence (PAVE) program offered by the American Association of Veterinary State Boards (AAVSB).]~~

Section 2. State Jurisprudence Exam Requirements for Veterinarians.

(1) The board shall require a passing score on a board-approved state jurisprudence examination as one (1) requirement for licensure by the board as a veterinarian.

(2) Candidates seeking a veterinarian license shall pay a state examination fee pursuant to 201 KAR 16:510.

(3) Candidates shall complete the Kentucky Board of Veterinary Examiners Jurisprudence Examination for Veterinarians, which shall cover the specific requirements of KRS Chapter 321 and 201 KAR Chapter 16, in either paper or electronic format.

(4) Applicants for a veterinarian license shall be required to achieve a score of eighty (80) percent or higher on the Kentucky Board of Veterinary Examiners Jurisprudence Examination for Veterinarians.

Section 3. National Exam Qualifications for Veterinary Technicians.

(1)

(a) Except as provided by paragraph (b) of this subsection, the examination required for licensure by the board as a veterinary technician shall be the successful completion of the Veterinary Technician National Exam (VTNE). A passing score for the VTNE

shall be established by the AAVSB or current examination administrator at the time of testing.

(b) If the applicant for licensure as a veterinary technician graduated from an approved veterinary technology program prior to 1990, and successfully completed and passed one (1) of the following examinations[tests] prior to 1990, the board shall, as qualification for board approved licensure, accept official score report results showing a passing score on:

1. ~~The [board shall also accept official results showing a passing score from the]Animal Technician National Exam (ATNE) if taken during the years 1986 – 1989; or~~

2. ~~A [The board shall also accept official results showing a passing score from a] jurisdictional level competency exam if taken prior to 1986.~~

(2) Candidates seeking to take the VTNE shall apply directly to the AAVSB, its designee, or current administrator of the VTNE for verification of eligibility and admission to the examination.

(3) Candidates seeking to take the VTNE may:

(a) Apply to sit for the exam up to two (2) months in advance of graduation from an approved veterinary technology program provided the student is in good academic standing with the program, and a resident of Kentucky; and

(b) Candidates seeking to retest after five (5) attempts may make a request to the board to sit for the examination additional times beyond five (5) attempts.

(c) A candidate request to retest after five (5) attempts shall include a detailed remediation plan, including the process by which the applicant proposes to improve their performance on the VTNE, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction, and any other information requested by the board.

(d) Upon approval of the remediation plan by the board, the board shall petition AAVSB or current examination administrator for the candidate to have the opportunity to sit for the exam again.

(4) Applicants for veterinary technician licensure to the board shall request and pay any required fees[a fee] directly to the AAVSB, the current exam service provider[PSI Services], one of their designees, or to the current official records custodian to have examination[test] scores sent directly to the board. Copies of scores from applicants or other sources shall not be accepted.

Section 4. [Section 3.] Incorporation by Reference.

(1) "Application for Special Permit", 08/2024 ["Application for Retake of the NAVLE", 3/2020], 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[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 examination requirements for persons seeking a veterinary license or veterinary technician license.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the examinations and passing scores that the KBVE board approves as a requirement for licensure.

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

KRS 321.193(5) requires an applicant for a veterinary license to achieve a passing score on a board approved national exam for veterinarians. KRS 321.441(1)(b) and (d) requires an applicant for a veterinary technician license to achieve a passing score on a board approved national exam for veterinary technicians. KRS 321.235(1)(a)-(c) requires the board to evaluate candidates qualifications for licensure, promulgate administrative regulations, and establish fees to carry out its functions. KRS 321.235 (2)(b)1.a. requires the board to ensure the competence of licensees. KRS 321.235(2)(b)3.b. requires the board to administer a licensing program for board credentials, and KRS 321.190 requires licensure for veterinarians and veterinary technicians.

(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 defining which examinations have been approved by the KBVE.

(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:

The amendment to this administrative regulation reorganizes the requirements so they are grouped better for clarity and provides additional details to clarify ambiguities. The amendment moves the responsibility for the examination screening process from the board staff to the national exam provider, reducing administrative burden for the KBVE. A limit on the number of times a candidate may test is established, as well as procedures for how to petition the board for additional attempts. Additionally, the amendment removes the materials incorporated by reference, "Application for the Retake of the NAVLE" form, and incorporates new material "Application for Special Permit".

(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 include more detail to provide clarity to constituents on clear requirements for licensure and examinations.

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

KRS 321.193(5) requires an applicant for a veterinary license to achieve a passing score on a board approved national exam for veterinarians. KRS 321.441(1)(b) and (d) requires an applicant for a veterinary technician license to achieve a passing score on a board approved national exam for veterinary technicians. KRS

321.235(1)(a)-(c) requires the board to evaluate candidates qualifications for licensure, promulgate administrative regulations, and establish fees to carry out its functions. KRS 321.235 (2)(b)1.a. requires the board to ensure the competence of licensees. KRS 321.235(2)(b)3.b. requires the board to administer a licensing program for board credentials, and KRS 321.190 requires licensure for veterinarians and veterinary technicians.

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

By incorporating new statutory language and adding provisions, this amendment provides clarity to constituents by utilizing standard definitions and providing clear requirements for licensure.

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

Future applicants to the board for veterinarian licenses and veterinary technician licenses. The board receives about 275 applications annually for these credentials.

(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 applicants will be required to achieve a passing score on a board approved national competency exam to qualify for licensure as a veterinarian in Kentucky. Veterinary technician applicants will be required to achieve a passing score on a board approved national competency exam to qualify for licensure as a veterinary technician in Kentucky.

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

There will not be any additional costs to the applicant associated with the changes in the regulation.

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

Benefits include a uniform standard for applicants so that individuals interested in applying will know prior to application if they are eligible for licensure. Further, enforcement of this standard will ensure title protections for qualified veterinarians and veterinary technicians, protecting the public in the process by ensuring competency and ability to provide veterinary services.

(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 run the licensing program for 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, with the exception of military applicants. Pursuant to public law Public Law No 117-333, the board provides reduced or waived fees for active-duty military. Discharged and retired military servicemembers are also provided reduced or waived fees associated with licensure as a veterinary technician. For all other applicants, the fees 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 321.190, 321.193(5), 321.235(1)(a)-(c), (2)(b)1.a., (2)(b)3.b., 321.441(1)(b) and (d).

(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 candidates for licensure as a veterinarian or veterinary technician in the commonwealth. This

amendment simply updates the administrative regulation to conform with the modernized Kentucky Veterinary Medicine Practice Act.

(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.