

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

201 KAR 16:737. Responsibilities for AAHP providers; limitations on practice.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.203, 321.205, 321.235

STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to establish conditions for permitting and limitations upon allied animal health professional (AAHP) permittees. This administrative regulation establishes the responsibilities for AAHP providers permitted by the board and limitations on their practice on animal patients.

Section 1. Prohibitions on Practicing Veterinary Medicine.

(1) Except as provided for in KRS 321.200 and this administrative regulation, an allied animal health professional permittee shall be prohibited from practicing veterinary medicine.

(2) An AAHP provider shall be held to the same standard of care as a veterinarian when the provider performs the procedure allowed by the scope of work described in this administrative regulation.

Section 2. Communications with Veterinarians.

(1) An allied animal health professional permit holder shall communicate with an animal patient's veterinarian prior to any clinical encounters, as defined by 201 KAR 16:701, Section 1(1), on an animal to ensure:

(a) Appropriate treatments are provided, and

(b) No concerns exist related to an animal patient's condition and medicines.

(2) Should a veterinarian be non-responsive to communication from an AAHP permittee within three (3) business days, the permittee shall not be prevented from proceeding with appropriate treatment with the informed consent of the client.

(3) After each clinical encounter, AAHP permittees shall communicate findings, treatments, or relevant information to the client and the client's veterinarian within an appropriate timeframe according to the condition, but no more than three (3) business days after identification.

(4) Communication between an AAHP permittee and a veterinarian shall be recorded in the medical record.

Section 3. Limitations on Practice.

(1) An AAHP permittee shall be limited in their practice on animal patients, as established in this section, or the practice shall be considered the practice of veterinary medicine and subject to penalty for practicing without a veterinarian license from the board.

(2) An AAHP permittee's practice shall not be construed to allow any of the following on animals:

(a) Performance of radiographs or other medical imaging;

(b) Performance of surgery;

(c) Performance of shockwave, laser, ultrasound, electrotherapy, or similar therapies;

(d) Rehabilitation activities;

- (e) Prescription, dispensation, or administration of medications, supplements, or neutraceuticals; or
 - (f) Practice of veterinary medicine outside the scope of the allied animal health professional's permitted practice area.
- (3) For AAHP permittees specializing in animal chiropractic, the applicant shall:
- (a) Conform with applicable requirements of the Horseracing Integrity and Safety Authority (HISA) and the Kentucky Horse Racing and Gaming Corporation; and
 - (b) Comply with other state and federal laws.

Section 4. Record Keeping. An AAHP permittee shall keep medical records on all animal patients on which they practice their profession pursuant to KRS 321.187 and this section of this administrative regulation.

(1) The AAHP permittee's animal patient medical records shall contain sufficient information to justify and describe the course of care on the patient. The records shall contain, at a minimum:

- (a) Name, address, and telephone number of the client, as defined in KRS 321.181(21);
- (b) Identity of the animal patient, including name, age, sex, and breed;
- (c) Name, address, and telephone number of the animal patient's veterinarian;
- (d) Dates of consultations, examinations, or treatments;
- (e) Brief history of the condition of each animal treated;
- (f) Working allied animal health professional diagnosis;
- (g) Treatment plan including expected duration and frequency;
- (h) Daily treatments, including areas adjusted or otherwise treated;
- (i) Progress and disposition of the case;
- (j) Name of practitioner(s) providing service to the patient;
- (k) Name and contact information of any person consulted for medical advice on the treatment of the patient; and
- (l) Communication attempts of the AAHP permittee to the veterinarian of record.

(2) Patient medical records shall be complete and accurate.

(3) Patient medical records shall be maintained in the AAHP permittee's office for at least five (5) years past the date of the last patient visit. Cessation from practice, either temporarily or permanently, does not relieve the practitioner from compliance with this section.

(4) An AAHP permittee shall not violate the confidential relationship between the permittee and the client, pursuant to KRS 321.187(6). Consultation by the permittee with another AAHP permittee or veterinarian for the benefit of the patient shall not constitute a violation of confidentiality.

- (a) An AAHP permittee shall not release information concerning a client or care of a client's animal, except as authorized by KRS 321.187(6):
- (b) An AAHP permittee shall, if requested by the client, communicate their findings, treatment plan, or records with the client's designated veterinarian.

Section 5. Duty to Report. AAHP permittees shall report to the board:

- (1) Any change of name, address, phone, or email within thirty (30) days;
- (2) Provide a written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610; and
- (3) Disciplinary action or conviction in any jurisdiction.

Section 6. Compliance and Disciplinary Action.

- (1) AAHP permittees shall be subject to disciplinary action for violation of:
 - (a) KRS Chapter 321 and 201 KAR Chapter 16; and
 - (b) Other applicable federal, state, and local laws.

(2) The board shall report any grievance or disciplinary action received against an AAHP permittee to the professional licensing board in the human area of specialty and may consult with that board as experts in their professional field.

*MICHELLE M. SHANE, Executive Director on behalf of
JOHN C. PARK, DVM, Board Chair*

APPROVED BY AGENCY: October 14, 2024

FILED WITH LRC: October 15, 2024 at 8:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2024, at 10:00 am 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 December 31, 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.