

## **BOARDS AND COMMISSIONS**

### **Board of Veterinary Examiners (New Administrative Regulation)**

#### **201 KAR 16:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.**

RELATES TO: KRS 321.203, 321.205, 321.235, 321.236

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.236(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers.

#### Section 1. Definitions.

- (1) "Fixed facility" is defined by KRS 321.181(38).
- (2) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).
- (3) "Practice of veterinary medicine" is defined by KRS 321.181(50).
- (4) "Practice of veterinary technology" is defined by KRS 321.181(51).
- (5) "Registered responsible party" is defined by KRS 321.181(57).
- (6) "Veterinarian manager" is defined by KRS 321.181(68)
- (7) "Veterinary facility" is defined by KRS 321.181(71).

#### Section 2. Duties of Registered Responsible Parties. A registered responsible party shall

- (1) Be responsible for maintaining minimum standards as promulgated by the board in administrative regulation;
- (2) Designate a veterinarian manager for the registered veterinary facility;
- (3) Comply with the requirements of and ensure employees and volunteers at the veterinary facility comply with the provisions of KRS Chapter 321 and 201 KAR Chapter 16 are met in addition to all local, state, and federal laws governing operations at the veterinary facility; and
- (4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation, including the timely designation of a veterinarian manager for the facility.

#### Section 3. Duties of Veterinarian Managers.

- (1) A veterinarian manager shall:
  - (a) Be responsible for maintaining minimum standards as promulgated by the board in administrative regulation;
  - (b) Maintain a Kentucky Board of Veterinary Examiners veterinarian license;
  - (c) Comply with all provisions of the Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16, in addition to all local, state, and federal laws governing operations at the veterinary facility; and
  - (d) Ensure the current board approved veterinary facility registration is posted in the registered facility and viewable by the public.
- (2) The veterinarian manager shall be:
  - (a) The individual who oversees veterinary services at a veterinary facility;
  - (b) Knowledgeable about the veterinary facility and its:
    1. Daily operations,
    2. Standard protocols,

3. Drugs and supplies,
4. Patient areas,
5. Storage structures,
6. Other organizational spaces, and
7. Parts and spaces, both indoors and outdoors;

(c) Present at the veterinary facility with enough frequency to have knowledge of and control over the facility's methods for complying with minimum standards and the degree to which the minimum standards are being met; and

(d) Available and responsive to the board, its staff, inspectors, or other board designees, in the event of a facility inspection or any inquiry or investigation by the board.

Section 4. Duty to Report. Either the registered responsible parties or veterinarian managers shall report to the board:

(1) Within thirty (30) days, any change of name, address, phone, or email to the registered facility by completing and submitting to the board the Request for Facility Information Change form or online equivalent form provided by the board, including all required attachments;

(2) Within ten (10) days, a change in the veterinarian manager for the registered veterinary facility on the Request for a New Veterinarian Manager form or online equivalent form, including all required attachments; and

(3) A written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Request for Facility Information Change", 10/2024; and

(b) "Request for a New Veterinarian Manager", 10/2024.

(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, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at [kbve.ky.gov](http://kbve.ky.gov)

*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](mailto: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 responsibilities for registered responsible parties and veterinarian managers at registered facilities as approved by the board.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to ensure clear requirements regarding expectations and duties of registered responsible parties and veterinarian managers.

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

KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This new administrative regulation will assist in effective administration by clearly expressing the responsibilities for registered responsible parties and veterinarian managers approved by the 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:**

N/A. This is a new administrative regulation.

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

N/A. This is a new administrative regulation.

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

N/A. This is a new administrative regulation.

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

N/A. This is a new administrative regulation.

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

An estimated 500 businesses in Kentucky offering veterinary services are estimated to be affected.

**(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:**

Veterinary facility registered responsible parties and veterinarian managers will be required to provide timely and current contact information to the board, provide oversight in specific areas at the registered facility identified by the board, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16.

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

No costs are associated with compliance, as this administrative regulation simply establishes the duties of veterinary facility registered responsible parties and veterinarian managers, as approved by the board.

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

Administrative ease of clear communications of the fees associated with registration.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

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 is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an inspection program to ensure compliance.

**(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 this new administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200.

## 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 321.235(1)(b), 321.236(1)(b)

**(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:**The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

**Revenues:**There is no revenue generated by this filing.

**Cost Savings:**There will be no cost savings; this 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.

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

Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite.

**(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. This filing only impacts veterinary facility registrants in Kentucky.

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

A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

**(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 new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

**(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.