

BOARDS AND COMMISSIONS
Kentucky Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:732. Application requirements for AAHP permits -- reinstatement.

RELATES TO: KRS 321.175, 321.181(1)-(4), **321.189, 321.200,** 321.235

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

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) ~~requires~~~~authorizes~~ the board to promulgate administrative regulations to implement **and enforce** KRS Chapter 321. KRS 321.235(2)(b)2. ~~authorizes~~~~provides~~ the board ~~authority~~ to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved application to qualify for a permit from the board. This administrative regulation establishes application requirements for individuals applying for an AAHP permit from the board in the Commonwealth of Kentucky.

Section 1. Definitions.

- (1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).
- (2) "Allied animal health professional facility" or "AAHP facility" is defined ~~by~~ KRS 321.181(2).
- (3) "Allied animal health professional manager" or "AAHP manager" is defined by KRS 321.181(3).
- (4) "Allied animal health professional permit" or "AAHP permit" is defined by KRS 321.181(4).
- (5) "Fixed facility" is defined by KRS 321.181(38).
- (6) "Legacy candidate" means a candidate for permitting that did not complete the board approved allied animal health professional program or board approved qualifying exam for an AAHP permit, but holds significant experience as defined in Section 3 of this administrative regulation which shall qualify the person for consideration of an AAHP permit from the board.
- (7) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).
- (8) "Registered responsible party" is defined by KRS 321.181(57).
- (9) "Veterinarian" is defined by KRS 321.181(67).

Section 2. Allied animal health professional provider practice falls under the scope and meaning of the practice of veterinary medicine.

- (1) A veterinarian shall not be subject to the **scope of practice** limitations **established for**~~proscribed to~~ an allied animal health professional permittee~~regarding the scope of practice~~.
- (2) Pursuant to KRS 321.200(1)(o), after receiving a permit from the board, an ~~AAHP~~~~AAP~~ provider shall be limited to providing services for animal patients within the scope designated within 201 KAR 16:737.
- (3) Practice on animals without a board credential shall be prohibited. Except as provided for in KRS 321.200, ~~a~~~~no~~ person **shall not**~~may~~ provide veterinary or allied animal health professional services to any animal without holding a valid credential in active status issued by the board.

Section 3. Legacy **Candidate Pathway for the AAHP Animal Chiropractic Provider (ACP) Permit**~~Candidates~~.

(1) In lieu of proof of completion of a board approved allied animal health professional program and board approved qualifying exam for an AAHP permit, legacy candidates may submit application materials in accordance with the provisions of this section.

(2) For AAHP ~~ACP[animal chiropractor provider (ACP)]~~ applicants, legacy candidates shall be eligible until June 30, 2026. ACP legacy candidates shall submit:

(a) Proof of employment or 1099 showing self-employment as an ACP for a minimum of ten (10) years prior to the date of application;

(b) Identification of school where trained and hours of training;

(c) Letters of recommendation from at least two (2) licensed veterinarians;

(d) Letters of recommendation from at least two (2) licensed chiropractors;

(e) Details regarding the duration of experience and times during which practice occurred, including:

1. Length of time of practice; and

2. Average number of hours practicing per year;

(f) Letter of Good Standing from any other jurisdictions in which they are credentialed; and

(g) Information about CE earned each year (number of hours, etc.).

(3) The board shall conduct a mandatory interview of each legacy candidate to confirm their eligibility and experience.

(4) Legacy candidates awarded an AAHP ~~permit[certificate]~~ by the board shall be required to comply with all ~~provisions[terms]~~ of ~~an AAHP permit[permitting]~~, including earning continuing education requirements as established ~~in 201 KAR 16:730, Section 4[by the board in administrative regulation]~~.

Section 4. Approval of an Allied Animal Health Professional **Provider Permit Application**~~[provider permit application]~~. The board shall issue a permit as an AAHP provider in a specific area of practice, as defined in KRS 321.181, to an applicant who meets the following requirements:

(1) Has completed an Application for Allied Animal Health Professional **Provider** Permit form or online equivalent form, including all required attachments;

(2) Has paid the appropriate fees as established in 201 KAR 16:513;

(3) Is a person of good moral character. As one (1) element of good moral character, the board shall require each applicant for licensure to submit a full set of the applicant's fingerprints for the purpose of obtaining criminal records checks, pursuant to applicable law and KRS 321.189. All good moral character information, including the information obtained through the criminal background checks, shall be relevant to permit eligibility determinations to the extent permitted by law;

(4) Has graduated and received a degree or certificate from an approved allied animal health professional program, as approved by the board in 201 KAR 16:730, or qualifies as a legacy candidate **according to the provisions established in Section 3 of this administrative regulation** during the legacy application window;

(5) Has achieved passing examination scores, on examinations required by the board, as established in 201 KAR 16:731, or qualifies as a legacy candidate during the legacy application window;

(6) Holds licensure in the AAHP practice area as established in 201 KAR 16:730, Section 2, or qualifies as a legacy candidate;~~[-]~~

(7) Has been approved for permitting by the board; and

(8) Has complied with any other requirement of the board.

Section 5. New Application for an Allied Animal Health Professional Permit.

(1) A new application to the board for an allied animal health professional permit shall include the following components:

- (a) A completed application on an Application for Allied Animal Health Professional (AAHP) Provider Permit form or online equivalent form, including all required attachments;
 - (b) Designation of one ~~(1)~~ or more qualified AAHP scopes as listed in the application, and designated as available scope of practice in KRS 321.181 and 201 KAR 16:730;
 - (c) A current color photograph of the applicant not smaller than 2 in. x 2 in., or a color copy of the applicant's current valid driver's license or passport with photo;
 - (d) An official licensure verification letter from the professional licensing board in Kentucky in the human AAHP discipline, if required by the application;
 - (e) An official copy of the certificate of completion or diploma showing graduation from an approved allied animal health professional program established in 201 KAR 16:730;
 - (f) A copy of any court documents, final orders, settlement agreements, or other documents required by the board in support of the application;
 - (g) The completed Kentucky Board of Veterinary Examiners Jurisprudence Examination for ~~AAHPs~~~~[Allied Animal Health Professionals]~~ Exam Answer Sheet; and
 - (h) Payment for the application fee required by 201 KAR 16:513.
- (2) In addition to the requirements listed in subsection (1) of this section, requirements for AAHP permit endorsement applications shall include: Verifications of good standing from all jurisdictions in which an applicant once held or currently holds a permit or equivalent credential by the jurisdictional entities which regulate the applicant's profession in both human and animal practice.

Section 6. Permit Renewal Required. An AAHP permit holder of the board shall renew their permit pursuant to 201 KAR 16:735.

Section 7. Inactive Status for an AAHP Permit. An AAHP permit holder may place their permit into an inactive status in accordance with 201 KAR 16:580.

Section 8. An allied animal health professional may apply for reinstatement of an expired permit if not more than five (5) years have elapsed since the last date of permit expiration.

- (1) A reinstatement application shall be required during this period; an application for a new permit shall not be accepted until five (5) years after the last date of expiration. Legacy candidates five (5) years after the last date of expiration shall be required to meet the current requirements of the Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16 and shall no longer qualify for the legacy candidate pathway.
- (2) Reinstatement applications to the board for a permit as an allied animal health professional shall include the following components:
 - (a) A completed application on a Reinstatement Application for AAHP Permits form or online equivalent form, including all required attachments;
 - (b) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;
 - (c) Proof of current certification in the allied animal health profession, including any required continuing education by the board-approved allied animal health professional program;
 - (d) Payment for the reinstatement application fee pursuant to 201 KAR 16:513;~~;~~~~and~~
 - (e) If the permit is in expired status for more than one (1) year since the date of expiration, an official licensure verification letter from the professional licensing board in Kentucky in the human AAHP discipline, if required by the application; **and**
 - (f) If the permit is in expired status for more than two (2) years since the date of expiration;~~;~~~~;~~

- ~~1. (g)~~ A background check pursuant to Section 9 of this administrative regulation; and
- ~~2. (h)~~ Verifications of good standing from all jurisdictions in which an applicant once held or currently holds a permit or equivalent credential by the jurisdictional entities which regulate the profession.~~;~~

Section 9. Background checks. Pursuant to KRS 321.189, the board may:

- (1) Conduct a national or jurisdictional level background check on each applicant for licensure. The check shall be processed by a board-approved background check provider, and may include a copy of the applicant's fingerprints captured at a board-approved location;
- (2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and
- (3) Impose additional requirements as a condition of licensure or deny licensure following the board's review of findings from a background check.

Section 10. Denial. If any of the requirements of this regulation are not met by the applicant, the board shall deny the permit application.

Section 11. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Allied Animal Health Professional (AAHP) Provider Permit", ~~2/2025~~~~10/2024~~; and
 - (b) "Reinstatement Application for AAHP Permits", ~~2/2025~~~~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, 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.

(201 KAR 016:732. 51 Ky.R. 1022, 1676; eff. 7-1-2025.)

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

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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 application requirements for allied animal health professionals (AAHPs) applying for an AAHP permit from the board in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the application requirements for individuals to apply for an AAHP permit from the board.

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

KRS 321.235(1)(b) authorizes the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved application to qualify for a permit from the board.

(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 the application requirements for AAHP permittees as 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:

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:

Future applicants to the board for an AAHP permit. The board anticipates receiving approximately 20 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

(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:

Applicants will be required to complete a board approved application to apply for an AAHP permit 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. This administrative regulation simply clarifies the application requirements needed to obtain an AAHP permit and provide public protection related to competency to perform services.

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

Applicants who complete the required AAHP application shall have met one of the requirements of the board for permitting as an AAHP.

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

(a) Initially:

The KBVE currently runs licensing and certificate programs for other credentials to ensure competency to practice for public protections. This program will be added to the current operations. 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 enforcement 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 entities holding an AAHP permit.

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 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

(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 a new program, but will not generate much revenue. 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 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 permitting as an allied animal health professional (AAHP).

(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.