

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

(Amended After Comments)

201 KAR 16:765. Veterinary facilities -- Renewal notice -- Requirements for renewal and reinstatement.

RELATES TO: KRS ~~321.189~~, 321.203, 321.205, 321.235

STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.203~~{(1), (2), (5), 321.203}~~, 321.205, 321.235(1)(b), (2)(e), ~~{(2)}~~(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively **implement**~~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. This administrative regulation establishes requirements for the renewal and reinstatement of veterinary facility registrations.

Section 1. Renewal Notices and Timeliness of Renewal Applications.

(1) The board shall, not later than **August 31**~~July 1~~ of each odd-numbered year, email or mail to each registered **veterinary**~~allied animal health professional~~ facility a biennial renewal notice.

(2) The renewal application shall be completed by the permittee and returned to the board, including all required attachments and, if required by the board, proof of course completion for the required continuing education.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of **not later than** September 30 **of every odd numbered year beginning in 2027 and each odd numbered year thereafter**~~or earlier~~ shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, **on or after October 1 of every odd year shall be considered late and shall cause the registration status to be changed to expired. There shall be no grace period for registered facility renewal**~~between October 1 and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:513~~.

(4) **Renewal fee.**

(a) The renewal fee shall be paid pursuant to 201 KAR 16:515; and

(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form ~~{The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online}~~.

Section 2. Renewal application.

(1) The renewal application for a veterinary facility shall be completed by the registered responsible party or veterinarian manager and returned to the board, including all required attachments.

(2) A renewal application to the board for a veterinary facility registration shall include the following components:

(a) A completed application on a Renewal Application for Registered Veterinary Facilities form or online equivalent form, including all required attachments and fees **pursuant to 201 KAR 16:515;**

(b) Identification of any changes to the registered responsible party;

(c) Identification of the veterinarian manager;

(d) Identification of the name, phone, or email address of the registered facility;

(e) A current copy of the business registration from the Kentucky Secretary of State;

- (f) Identification of the species served from one (1) or more in a list provided by the board;
 - (g) Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;
 - (h) A complete list of veterinarians working at the facility, excluding veterinarians providing locum services on a temporary basis to the facility;
 - (i) A complete list of licensed veterinary technicians working at the facility;
 - (j) A complete list of allied animal health professional (AAHP) permittees working at the facility;
 - (k) A complete list of mobile units affiliated with the veterinary facility;
 - (l) Disclosure of afterhours care arrangements;
 - (m) For fixed facilities, county of facility location and counties served;
 - (n) If the facility offers a haul-in installation for livestock~~instillation~~;
 - (o) For mobile units, a list of the counties served by the mobile unit;
 - (p) Hours of operation;
 - (q) A copy of any court documents, final orders, settlement agreements, or other information~~documents~~ requested by the board in support of the application; and
 - (r) Any other information requested by the board in support of the application.
- (3) A change in fifty (50) percent~~50%~~ or more of ownership or of the registered responsible parties shall be cause for the board to deny the renewal for a veterinary facility registration and require a new veterinary facility registration application.

Section 3. **Failure to Renew.** ~~Timely receipt of renewal application.~~

- (1) ~~Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 of every odd numbered year beginning in 2027 and each odd numbered year thereafter shall be considered received on time.~~
- ~~(2) Renewals bearing a postmark or, if an online renewal, a timestamp, after September 30 of the renewal period shall be considered late and shall cause the facility registration status to be changed to expired. There shall be no grace period for registered facility renewal.~~
- ~~(3) Renewal fee.~~
 - ~~(a) The renewal fee shall be paid in accordance with 201 KAR 16:515; and~~
 - ~~(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form.~~
- ~~(4) Applicants for renewal that miss the veterinary facility registration renewal deadline shall immediately:~~
 - ~~(a) Immediately cease operations offering veterinary services.; and~~
- (2) ~~(b)~~ If the registered responsible party desires to continue offering veterinary services on the fixed premises or from a mobile unit~~operations~~, they shall submit a complete ~~a~~ reinstatement application in accordance with Section 4 of this administrative regulation.

Section 4. Reinstatement. A registered responsible party or veterinarian manager shall apply for reinstatement of an expired veterinary facility registration if not more than five (5) years have elapsed since the last date of registration expiration pursuant to KRS 321.203.

- (1) A reinstatement application to the board for a veterinary facility registration shall include the following components:
 - (a) A completed application on a Reinstatement Application for Registered Veterinary Facilities form or online equivalent form, including the following components, all required attachments, and fees pursuant to 201 KAR 16:515;
 - (b) Identification of any changes to the registered responsible party;
 - (c) Identification of the veterinarian manager;

- (d) Identification of the name, phone, and email address of the registered facility;
 - (e) A copy of the business registration from the Kentucky Secretary of State;
 - (f) Identification of the species served from one **(1)** or more in a list provided by the board;
 - (g) Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;
 - (h) A complete list of veterinarians working at the facility, excluding veterinarians providing locum services on a temporary basis to the facility;
 - (i) A complete list of licensed veterinary technicians working at the facility;
 - (j) A complete list of AAHP permittees working at the facility;
 - (k) A complete list of all mobile units affiliated with the veterinary facility;
 - (l) Disclosure of afterhours care arrangements;
 - (m) For fixed facilities, county of location and counties served;
 - (n) If the facility offers a haul-in **installation for livestock**~~instillation~~;
 - (o) For mobile units, a list of the counties served by the mobile unit;
 - (p) Hours of operation;
 - (q) A copy of any court documents, final orders, settlement agreements, or other **information**~~documents~~ requested by the board in support of the application; and
 - (r) Any other information requested by the board in support of the application.
- (2) Reinstatement fee.
- (a) The reinstatement fee shall be paid in accordance with 201 KAR 16:515; and
 - (b) The reinstatement fee shall be attached to the completed reinstatement form when it is returned to the board or paid online with the completion of the online reinstatement form, if available.

Section 5. Background checks. Pursuant to KRS 321.189, the board may:

- (1) Conduct a national or jurisdictional level background check on each veterinarian manager applicant for veterinary facility registration. 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 registration or deny registration following the board's review of findings from a background check.

Section 6. Incorporation by reference.

- (1) The following material is incorporated by reference:
 - (a) "Renewal Application for Registered Veterinary Facilities", ~~2/2025~~~~10/2024~~; and
 - (b) "Reinstatement Application for Registered Veterinary Facilities", ~~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, 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.

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

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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 requirements approved by the board for the renewal and reinstatement of veterinary facility registrations.

(b) The necessity of this administrative regulation:

This new administrative regulation is necessary to establish requirements for renewal and reinstatement of veterinary facility registration applications.

(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.

(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 application requirements approved by the board for veterinary facility registration applicants.

(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:

Applicants will be required to complete the appropriate application to petition the board for registration, renewal, or reinstatement of a veterinary facility registration.

(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 is a prerequisite for application, renewal, and reinstatement.

(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 321.175(2)(c), (5), 321.203(1), (2), (5), 321.203, 321.205, 321.235(1)(b), (2)(e), and (2)(f).

(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:N/A

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?

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. This filing only impacts applicants for a veterinary facility registration 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.