

BOARDS AND COMMISSIONS

Board of Veterinary Examiners

(Amended After Comments)

201 KAR 16:777. Registered AAHP facilities – Duties of registered responsible parties and AAHP managers.

RELATES TO: KRS ~~321.181~~, 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 allied animal health professional (AAHP) facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered AAHP facility to identify both an AAHP manager and each registered responsible party who shall be responsible for the operation and management of the AAHP facility. This administrative regulation establishes the responsibilities for registered responsible parties and AAHP managers.

Section 1. Definitions.

- (1) "Allied animal health professional" or "AAHP" **is defined by**~~has the same meaning as~~ KRS 321.181(1).
- (2) "Allied animal health professional facility" or "AAHP facility" **is defined by**~~has the same meaning as~~ KRS 321.181(2).
- (3) "Fixed facility" **is defined by**~~has the same meaning as~~ KRS 321.181(38).
- (4) "Mobile facility" or "mobile unit" **is defined by**~~has the same meaning as~~ KRS 321.181(46).
- (5) "Registered responsible party" **is defined by**~~has the same meaning as~~ KRS 321.181(57).

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 **201 KAR Chapter 16**~~administrative regulation~~;
- (2) Designate an AAHP manager for the registered AAHP facility;
- (3) Ensure the requirements 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 an AAHP manager for the facility.~~;~~ **and**

Section 3. Duties of AAHP Managers.

- (1) An AAHP manager shall:
 - (a) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR Chapter 16**~~administrative regulation~~;
 - (b) Maintain a Kentucky Board of Veterinary Examiners AAHP permit in good standing;
 - (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 AAHP facility; and
 - (d) Ensure the current board approved AAHP facility registration is posted in the registered facility and viewable by the public.
- (2) The AAHP manager shall be:
 - (a) The individual who oversees AAHP services at the AAHP facility;

(b) Knowledgeable about the AAHP facility, its:

1. Daily operations;
2. Standard protocols;
3. Drug supplies;
4. Patient areas;
5. Storage structures;
6. Other organizational spaces; and
7. Parts and spaces, both indoors and outdoors;

(c) Present at the AAHP 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, ~~if in the event of~~ a facility inspection or any inquiry or investigation by the board occurs.

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

- (1) Within thirty (30) days, any change of name, address, phone, or email to the registered AAHP facility by completing and submitting to the board the Request for Facility Information Change form incorporated by reference~~as found~~ in 201 KAR 16:767, or online equivalent form, including all required attachments, provided by the board;
- (2) Within ten (10) days, a change in the AAHP manager for the registered facility by completing and submitting to the board a Request for a New AAHP Manager form or online equivalent form, including all required attachments, provided by the board; and
- (3) A written response to a grievance or inquiry from the board pursuant to 201 KAR 16:610.

Section 5. Registration and Inspection of Allied Animal Health Professional Facilities.

- (1) Each AAHP permittee and AAHP facility or mobile facility shall be subject to KRS Chapter 321 and 201 KAR Chapter 16.
- (2) During a facility inspection or investigation, the board or its designee shall be provided unrestricted access to animal use areas.
- (3) Inspections of an AAHP facility shall be limited to the animal treatment areas unless the board or its designee is accompanied by at least one (1) representative from the professional licensing board or certifying body in the human area of specialty.

Section 6. Separate Human and Animal Treatment Areas Required. An AAHP permittee who treats both animal and human patients in the same registered facility shall:

- (1) Post a conspicuous sign in the reception area of that facility informing customers that nonhuman patients are treated on the premises;
- (2) Maintain a separate, non-carpeted room for the purpose of practicing on animal patients;
- (3) Utilize separate furniture and equipment for use with animal patients which shall not be used for human patients;
- (4) Apply appropriate biosecurity measures to prevent contamination and the spread of zoonotic disease; and
- (5) ~~If in the event of~~ an animal bite occurs, report to the local health department within twelve (12) hours and comply with state law regarding required actions and, if necessary, quarantine the animal.

Section 7. Incorporation by Reference.

- (1) "Request for a New AAHP Manager", 2/2025~~10/2024~~, 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, 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*

APPROVED BY AGENCY: January 30, 2025

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

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 administrative regulation establishes the responsibilities for registered responsible parties and AAHP managers at registered facilities as approved by the board.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to communicate clear requirements regarding expectations and duties of registered responsible parties and AAHP 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 allied animal health professional (AAHP) facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered AAHP facility to identify both an AAHP manager and each registered responsible party who shall be responsible for the operation and management of the AAHP 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 AAHP 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 ten (10) businesses in Kentucky offering AAHP 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:

AAHP 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 AAHP facility registered responsible parties and AAHP 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 responsibilities for registered responsible parties and AAHP managers at AAHP facilities.

(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 entities holding an AAHP facility registration.

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 AAHP 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):

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 AAHP 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.