

## BOARDS AND COMMISSIONS

### Board of Veterinary Examiners

#### (Amended After Comments)

#### **201 KAR 16:775. AAHP facilities -- Renewal notice -- Requirements for renewal and reinstatement.**

RELATES TO: KRS 321.175, 321.181(1)-(4), ~~321.189~~, 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), (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. KRS 321.235(2)(b)2. ~~authorizes~~**provides** the board ~~authority~~ to promulgate administrative regulations to establish conditions for applications and permitting of allied animal health professional (AAHP) facilities. This administrative regulation establishes requirements for AAHP facility registration renewal and reinstatement applications.

#### 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 AAHP facility a biennial renewal notice.

(2) The renewal application shall be completed by the AAHP manager or registered responsible party 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-**numbered** 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.

(4) **Renewal fee.**

**(a) The renewal fee shall be paid pursuant to 201 KAR 16:517; 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.** ~~Applicants for renewal that miss the deadline will be required to complete a reinstatement application in accordance with Section 4 of this administrative regulation.~~

#### Section 2. Renewal Application.

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

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

(a) A completed application on the Renewal Application for Registered AAHP Facilities form or online equivalent form, including all required attachments and fees **pursuant to 201 KAR 16:517;**

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

(c) Identification of the AAHP manager;

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

(e) Identification of the type of AAHP facility from one **(1)** or more in a list provided by the board;

- (f) Identification of the species served by the facility from one (1) or more in a list provided by the board;
  - (g) Identification of the patient services offered at the ~~AAHP~~~~veterinary~~ facility from one (1) or more in a list provided by the board;
  - (h) A complete list of AAHP permittees working at the facility;
  - (i) A complete list of all mobile units affiliated with the AAHP facility;
  - (j) Disclosure of afterhours care arrangements;
  - (k) For fixed facilities, county of location and counties served;
  - (l) For mobile units, a list of the counties served by the mobile unit;
  - (m) Hours of facility operation; and
  - (n) A copy of any court documents, final orders, settlement agreements, or other ~~information~~~~documents~~ requested by the board in support of the application.
- (3) A change in fifty (50) percent or more of ownership or of the registered responsible parties shall be cause for the board to deny an AAHP facility renewal and require a new AAHP facility application.

**Section 3. Failure to Renew.**

- (1) Applicants for renewal that miss the AAHP facility registration renewal deadline shall immediately cease operations offering AAHP services.**
- (2) If the registered responsible party desires to continue offering AAHP services on the premises or from a mobile unit, they shall submit a complete reinstatement application in accordance with Section 4 of this administrative regulation. ~~Renewal fee.~~**
- ~~**(1) The renewal fee shall be paid in accordance with 201 KAR 16:517; and**~~
- ~~**(2) 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.**~~

Section 4. Reinstatement. A registered responsible party or AAHP manager may apply for reinstatement of an expired AAHP facility registration if not more than five (5) years have elapsed since the last date of registration expiration pursuant to KRS 321.203. Applications to the board for reinstatement of a AAHP facility registration shall include the following components:

- (1) A completed application on a Reinstatement Application for Registered AAHP Facilities form or online equivalent form, including the following components and all required attachments and fees pursuant to 201 KAR 16:517;
- (2) Identification of any changes to the registered responsible party;
- (3) Identification of the AAHP manager;
- (4) A copy of the business registration from the Kentucky Secretary of State;
- (5) Identification of the type of AAHP facility from one (1) or more in a list provided by the board;
- (6) Identification of the type of AAHP facility from one (1) or more in a list provided by the board;
- (7) Identification of the species served by the facility from one (1) or more in a list provided by the board;
- (8) Identification of the patient services offered at the ~~AAHP~~~~veterinary~~ facility from one (1) or more in a list provided by the board;
- (9) A complete list of AAHP permittees working at the facility;
- (10) A complete list of all mobile units affiliated with the AAHP facility;
- (11) Disclosure of afterhours care arrangements;
- (12) For fixed facilities, county of location and counties served;
- (13) For mobile units, a list of the counties served by the mobile unit;
- (14) Hours of facility operation; and

(15) A copy of any court documents, final orders, settlement agreements, or other **information[documents]** requested by the board in support of the application.

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

- (1) Conduct a national or jurisdictional level background check on each AAHP manager applicant for AAHP 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 the AAHP facility application or the designated **AAHP[veterinarian]** manager 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 AAHP Facilities", ~~2/2025~~~~10/2024~~; and
  - (b) "Reinstatement Application for Registered AAHP 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*

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 requirements for allied animal health professional (AAHP) facility registration renewal and reinstatement applications.

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

This new administrative regulation is necessary to establish clear requirements for renewal and reinstatement applications for AAHP facility registrations.

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

KRS 321.235(1)(b) requires 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 establish conditions for applications and permitting of AAHP facilities.

**(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 the renewal and reinstatement of AAHP facility registrations.

**(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:**

Applicants will be required to complete the appropriate application to apply to the board for renewal or reinstatement of an AAHP 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 renewal and reinstatement applications.

**(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 entities seeking to renew or reinstate 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 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., and 321.236.

**(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 applicants for an AAHP 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.