

## BOARDS AND COMMISSIONS

### Board of Veterinary Examiners

#### (Amendment)

#### **201 KAR 16:762. Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties.**

RELATES TO: KRS 258.043, 321.175, 321.181, 321.189, 321.203, 321.236

STATUTORY AUTHORITY: KRS 321.203, 321.235(1)(b), (2)(b)1.c., 3.b., (2)(e), 321.236(1)(a)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) authorizes the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. 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. This administrative regulation establishes application requirements for veterinary facilities and minimum requirements for operation as a registered veterinary facility.

#### Section 1. Definitions.

(1) "Dedicated Veterinary Services Space" or "DVSS" is defined as a clearly distinct, purpose-built area that is physically and operationally separate from non-veterinary spaces and retail shopping areas, and that is designed to support the safe, private, and professional delivery of veterinary medical care while maintaining compliance with applicable regulations and ensuring client and patient comfort and preventing harm to the public.

(2) "Fixed facility" is defined by KRS 321.181(38).

(3) ~~{(2)}~~ "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).

(4) ~~{(3)}~~ "Practice of veterinary medicine" is defined by KRS 321.181(50).

(5) ~~{(4)}~~ "Practice of veterinary technology" is defined by KRS 321.181(51).

(6) ~~{(5)}~~ "Premises" is defined by KRS 321.181(52).

(7) ~~{(6)}~~ "Registered responsible party" is defined by KRS 321.181(57).

(8) ~~{(7)}~~ "Veterinarian manager" is defined by KRS 321.181(68).

(9) ~~{(8)}~~ "Veterinary facility" is defined by KRS 321.181(71).

Section 2. General Requirements. Each veterinary facility that is located in Kentucky where the practice of veterinary medicine or practice of veterinary technology occurs shall possess a veterinary facility registration issued by the Kentucky Board of Veterinary Examiners. Pursuant to KRS 321.236(2), all existing veterinary facilities in Kentucky shall be registered by June 30, 2025.

(1) A veterinary facility registration shall not be issued without a physical facility, either a fixed facility or mobile unit.

(2) A veterinary facility shall be a dedicated space equipped for, staffed, and primarily devoted to the practice of veterinary medicine or the practice of veterinary technology.

(3) Premises primarily devoted to activities other than the practice of veterinary medicine or the practice of veterinary technology that still offer veterinary services to the public at a fixed facility shall be registered as a veterinary facility subject to the following requirements:

- (a) The Dedicated Veterinary Services Space (DVSS) shall be physically and operationally distinct from areas of other use;
- (b) The DVSS shall be confined and enclosed with walls floor to ceiling so that, at a minimum, patients are fully contained and separated from persons who are not veterinary personnel or an owner or owner's agent;
- (c) The DVSS shall exclude individuals who are not veterinary personnel or an owner or owner's agent;
- (d) To ensure public and patient safety, the provision of veterinary services in a DVSS shall be physically separate from other retail activity and public services offered;
- (e) If the registered facility offers surgery services within the DVSS, the space shall conform to the requirements of KRS Chapter 321 and 201 KAR 16:702; and
- (f) Veterinary facilities registered under this subsection shall be subject to inspection by the board to verify compliance with the provisions of this subsection to ensure both public and patient safety.
- (4) ~~(3)~~ A mobile facility shall be registered as an affiliate unit on a fixed facility registration, or independently under a unique veterinary facility registration with a designated physical location for parking and storage.
- (5) ~~(4)~~ A registered facility shall have no more than two (2) mobile units under its registration without incurring additional registration and renewal fees as established in 201 KAR 16:515.
- (6) ~~(5)~~ Registration Documentation.
- (a) A fixed registered veterinary facility shall prominently display the current registration certificate in a public area of the registered facility.
- (b) A mobile unit registered veterinary facility shall retain within the mobile unit the current registration certificate which may be produced upon demand.
- (c) The registration certificate shall:
1. ~~(a)~~ Be legible; and
  2. ~~(b)~~ Show the current dates of registration.

### Section 3. Exemptions from Requirements for Veterinary Facility Registration.

- (1) The following premises shall be exempt from the requirements of this administrative regulation:
- (a) Premises identified in KRS 321.181(71)(b);
  - (b) An expert who provides consulting services only to other veterinarians, who does not engage in the practice of veterinary medicine on a patient directly, and who does not have a physical facility, either fixed or mobile, where the consultant practices on animal patients;
  - (c) Public rabies vaccine-only clinics held in accordance with KRS 258.043; and
  - (d) Government sponsored vaccine clinics for animals solely to prevent infectious disease and that do not include diagnostics, surgery, or the dispensation of prescription medications.
- (2) The exception to register a premises as a veterinary facility as identified in subsection (1)(c) and (d) of this section does not alleviate a veterinarian from creating and maintaining medical records in accordance with 201 KAR 16:701.

### Section 4. Registered Responsible Party.

- (1) Each application for a veterinary facility registration shall name the facility and identify each registered responsible party.
- (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including the timely designation of a veterinarian manager for the veterinary facility in accordance with the provisions of 201 KAR 16:767.

(3) If it is determined that a registered responsible party has violated any provisions of the Kentucky Veterinary Medicine Practice Act or 201 KAR Chapter 16, the board may take disciplinary action equal to that for a licensed veterinarian as provided by the Kentucky Veterinary Medicine Practice Act.

#### Section 5. Veterinarian Manager.

(1) Each application for a veterinary facility registration shall designate a veterinarian manager. The application shall include the veterinarian manager's original signature, or, if completed online, an equivalent digital signature.

(2) A veterinarian manager shall be responsible for meeting the requirements of KRS Chapter 321 and 201 KAR Chapter 16, including ensuring the requirements for minimum standards are met and maintained.

#### Section 6. New Application Requirements. A new application to the board for registration as a veterinary facility shall include the following components:

(1) A completed application on an Application for Veterinary Facility Registration form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:515;

(2) A complete list of persons or entities who shall be the registered responsible party;

(3) Identification of the veterinarian manager;

(4) Identification of the legal business name and the doing-business-as (D.B.A) name of the facility;

~~(5)~~ Identification of the ~~{name, }~~phone, address, and email address of the registered facility;

~~(6)~~ ~~{5}~~ A copy of the Secretary of State business registration;

~~(7)~~ ~~{6}~~ Identification of the species served from one (1) or more in a list provided by the board;

~~(8)~~ ~~{7}~~ Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;

~~(9)~~ ~~{8}~~ A complete list of veterinarians working at the facility, excluding veterinarians providing locum services less than fourteen (14) days in a calendar year to the facility;

~~(10)~~ ~~{9}~~ A complete list of licensed veterinary technicians working at the facility;

~~(11)~~ ~~{10}~~ A complete list of allied animal health professional (AAHP) permittees working at the facility;

~~(12)~~ ~~{11}~~ A complete list of mobile units affiliated with the veterinary facility;

~~(13)~~ ~~{12}~~ Disclosure of after-hours care arrangements;

~~(14)~~ ~~{13}~~ For fixed facilities, county of facility location and counties served;

~~(15)~~ ~~{14}~~ If the facility offers a haul-in installation for livestock;

~~(16)~~ ~~{15}~~ For mobile units, a list of the counties served by the mobile unit;

~~(17)~~ ~~{16}~~ Hours of operation;

~~(18)~~ ~~{17}~~ A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application; and

~~(19)~~ ~~{18}~~ Any other information requested by the board in support of the application.

#### Section 7. 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 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;

(3) Impose additional requirements as a condition of registration or deny registration following the board's review of findings from a background check; and

(4) Waive the background check requirement for a veterinarian manager who is already licensed in Kentucky and if a background check was previously conducted as a condition of licensure.

Section 8. Renewal and Reinstatement of Veterinary Facility Registrations. Pursuant to 201 KAR 16:765, a registered responsible party or veterinarian manager shall:

- (1) Ensure the timely renewal of the veterinary facility registration; and
- (2) If applicable, ensure an appropriate reinstatement application is made to the board.

Section 9. The veterinary facility registration certificate shall be posted in a publicly viewable area on the facility premises or on the mobile unit.

Section 10. Incorporation by Reference.

- (1) "Application for Veterinary Facility Registration", 07/2025~~[2/2025]~~, 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](http://kbve.ky.gov).

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

APPROVED BY AGENCY: July 10, 2025

FILED WITH LRC: July 15, 2025 at 8:40 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, September 29, 2025, at 1:00 p.m. EDT, at Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, 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 September 30, 2025. 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, KBVE Executive Director, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-573-1458, 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 application requirements for registered veterinary facilities and minimum requirements for registered veterinary facilities.

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

This administrative regulation is necessary to establish requirements approved by the board for veterinary facility registration applications and minimum requirements for registered veterinary facilities.

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

KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.

**(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 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:**

The amendment clarifies that fixed veterinary facilities are required to have a Dedicated Veterinary Services Space (DVSS) where veterinary services are provided and that the DVSS shall be confined and enclosed with walls floor to ceiling so that, at a minimum, patients are fully contained and separated from persons who are not veterinary personnel or an owner or owner's agent. The board has determined that providing veterinary services to patients in a space that does not meet these requirements is a danger to the public and animal patients due to 1) an inability to maintain control of a patient, 2) opportunity for fractious patients which may become aggressive to people during the provision of veterinary services, and 3) the need to appropriately contain sharps instruments so that no accidental injuries occur. The requirements stated in this amendment address those concerns. Further this amendment differentiates requirements for fixed and mobile facilities so that mobile facilities need not permanently display the registration in a public area. The Board has determined that such a display on a mobile unit may make the unit a target for theft or drug diversion, and because some units are mixed use personal / business vehicles

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

The Kentucky Board of Veterinary Examiners has determined that the current regulation is unclear and does not adequately protect the public from inappropriate exposures or possible serious harm to sharps with animal vaccine residues or to animals that are not confined and that may be fearful or aggressive toward members of the public.

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

KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.

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

This amendment will assist in effective administration by clearly expressing the application requirements approved by the board for veterinary facility registration applicants.

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

Approximately 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 request approval from 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 completing an application is a prerequisite for registration with the Board, as well as registration 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 application requirements associated with registration.

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

**(a) Initially:**

Enforcement of this regulation will be accomplished using current funding.

**(b) On a continuing basis:**

The KBVE expects that, on an ongoing basis, it will enforce the provisions of this regulation using the current funding available to the agency.

**(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 application fees, service fees, and administrative disciplinary 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 administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200 and 201 KAR 16:762, Section 3.

## 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 321.203, 321.235(2)(b)1.c., 3.b., and (2)(e), 321.236(1)(a).

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

The General Assembly expressly authorized the regulation of veterinary facilities by the Kentucky Board of Veterinary Examiners in Acts Chapter 95.

**(3)(a) 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.

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:**The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first year.

**For subsequent years:**The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.

**2. Revenues:**

**For the first year:**There is no revenue generated by this filing.

**For subsequent years:**There is no revenue generated by this filing.

**3. Cost Savings:**

**For the first year:**There will be no cost savings; this administrative regulation simply codifies application requirements, making them easily accessible for regulated entities.

**For subsequent years:**There will be no cost savings; this administrative regulation simply codifies the application requirements.

**(4)(a) 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 for publicly owner animals.

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:**There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is \$100.

**For subsequent years:**As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of \$200 to maintain the registration for operation.

**2. Revenues:**

**For the first year: There is no revenue generated by this filing.**

**For subsequent years: There is no revenue generated by this filing.**

**3. Cost Savings:**

**For the first year: There will be no cost savings; this administrative regulation simply codifies application requirements, making them easily accessible for regulated entities.**

**For subsequent years: There will be no cost savings; this administrative regulation simply codifies application requirements.**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

Regulated entities not identified in questions (3)(a) or (4)(a) include all veterinary facilities in Kentucky.

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is \$100.**

**For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of \$200 to maintain the registration for operation.**

**2. Revenues:**

**For the first year: There is no revenue generated by this filing.**

**For subsequent years: There is no revenue generated by this filing.**

**3. Cost Savings:**

**For the first year: There will be no cost savings; this administrative regulation simply codifies application requirements, making them easily accessible for regulated entities.**

**For subsequent years: There will be no cost savings; this administrative regulation simply codifies application requirements.**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(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 reach this conclusion:**

Budget reports and licensure reports were inputted into a large spreadsheet 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.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):**

The amendment to this 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 as a part of this administrative regulation.