

## BOARDS AND COMMISSIONS

### Board of Veterinary Examiners

#### (Amendment)

#### **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, ~~321.251, 321.255~~

STATUTORY AUTHORITY: KRS ~~321.175(2)(c), (4), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(b), 321.236(1)(b), 321.236~~

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(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 KRS 321.181(1).
- (2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).
- (3) "Fixed facility" is defined by KRS 321.181(38).
- (4) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).
- (5) "Registered responsible party" is defined by 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;
- (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 ~~AAHP [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.

#### 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;
  - (b) Maintain a Kentucky Board of Veterinary Examiners AAHP ~~license[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) Physically present ~~Present~~ at the AAHP facility with enough frequency during each month to have sufficient knowledge of and control over the facility's methods for complying with minimum standards as established in KRS Chapter 321 and 201 KAR Chapter 16 and the degree to which the minimum standards are being met; and

(d) An AAHP manager shall be limited to the management of no more than five (5) registered AAHP facilities. Multiple mobile units registered under a single facility registration shall count as one (1) registered facility.

(e) Available and responsive to the board, its staff, inspectors, or other board designees, if 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 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 licensee ~~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 licensee ~~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 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", 8/2025~~[3/2025]~~, 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 31, 2025

FILED WITH LRC: August 14, 2025 at 3:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2025, at 1:30 p.m. EDT, at KBVE, 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 October 31, 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 Shane

**Subject Headings:**Animals: Domestic, Chiropractic, Equine and Horses, Occupations and Professions, Veterinary Services

**(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 of registered facilities.

**(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 administrative regulation assists in effective administration by clearly expressing the responsibilities for registered responsible parties and AAHP managers of registered facilities.

**(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:**

This amendment clarifies that fixed AHP facilities are required to have an AAHP manager physically present onsite for a minimum amount of time during operating hours to ensure the manager has 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. Further, the Board determined that an AAHP manager cannot reasonably manage more than five (5) AAHP facilities and still be able to spend the required amount of time on location to have a working knowledge of operations.

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

The Kentucky Board of Veterinary Examiners has determined that the regulation is necessary to clarify the standards to protect the public from inappropriate and substandard practices, because such practices have the potential to bring harm to the public or animal patients.

**(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 AAHP facilities and mobile facilities where and from which AAHP services are provided. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements for AAHP facility registrations. 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 requirements for AAHP managers of registered facilities.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? This administration implements legislation by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.**

**(4) 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 facility registration. The board anticipates receiving approximately 45 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

**(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:**

Applicants for an AAHP facility will need to identify appropriate registered responsible parties and AAHP managers, and ensure those managers are onsite with sufficient frequency to understand operations 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 (4):**

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 (4):**

Administrative ease of clear communications of the responsibilities and duties associated with facility registration and management.

**(6) 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, the agency will enforce the provisions of this regulation using the current funding available to the agency.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative fines.

**(8) 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.

**(9) 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.

**(10) TIERING: Is tiering applied?**

Tiering is not applied because this administrative regulation applies to all premises at which the AAHP services occur, except those entities excluded under KRS 321.200, KRS 321.181(2), and 201 KAR 16:772, 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 321.175(2)(c), (4), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(b), 321.236(1)(b), 321.236

**(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 AAHP facilities by the Kentucky Board of Veterinary Examiners in Acts Chapter 95, and changed the AAHP "permit" to a "license" in Acts Chapter 87.

**(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 the provisions of this regulation 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 requirements, making them easily accessible for regulated entities.

**For subsequent years:**There will be no cost savings; this administrative regulation simply codifies the requirements for AAHP managers and registered responsible parties.

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

The Board does not anticipate that any local entities will be impacted.

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

**1. Expenditures:**

**For the first year:**N/A

**For subsequent years:**N/A

**2. Revenues:**

**For the first year:**N/A

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(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 Allied Animal Health Professional (AAHP) 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 an AAHP facility; as established in KRS 321.236(2) and 201 KAR 16:517, initial registration for regulated AAHP facilities is \$100.**

**For subsequent years:As established in 201 KAR 16:517, renewal for regulated AAHP 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 an AAHP 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(14):**

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.

