

BOARDS AND COMMISSIONS
Kentucky Board of Veterinary Examiners
(Amendment)

201 KAR 16:772. Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.189, 321.203, 321.205, 321.235, 321.253, 321.255

STATUTORY AUTHORITY: KRS 321.175(2)(c), ~~(4)~~, (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 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 321.175(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 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS 321.235(2)(b)2. authorizes the board to promulgate administrative regulations to establish conditions for applications and licensing~~permitting~~ of allied animal health professional (AAHP) facilities. This administrative regulation establishes application requirements for AAHP facilities, registered responsible parties at AAHP facilities, and AAHP managers and minimum requirements for operation as a registered AAHP facility.

Section 1. Definitions.

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

(2) ~~{(1)}~~ "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

(3) ~~{(2)}~~ "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).

(4) ~~{(3)}~~ "Fixed facility" is defined by KRS 321.181(40)~~{KRS 321.181(38)}~~.

(5) ~~{(4)}~~ "Mobile facility" or "mobile unit" is defined by KRS 321.181(48)~~{KRS 321.181(46)}~~.

(6) ~~{(5)}~~ "Registered responsible party" is defined by KRS 321.181(59)~~{KRS 321.181(57)}~~.

Section 2. General Requirements. Each AAHP facility located in Kentucky at which an AAHP licensee~~permittee~~ practices on animal patients shall possess an AAHP facility registration issued by the Kentucky Board of Veterinary Examiners, unless the AAHP licensee~~permittee~~ is practicing at a registered veterinary facility.

(1) An AAHP facility registration shall not be issued without a physical facility, either a fixed facility or mobile facility.

(2) An AAHP facility shall contain a dedicated space equipped for staffed, and primarily devoted to the provision~~practice~~ of the allied animal health professional services~~profession~~ on animal patients.

(3) Premises primarily devoted to activities other than AAHP services that still offer AAHP services to the public at a fixed facility shall be registered as an AAHP facility subject to the following requirements:

(a) The Dedicated AAHP Services Space (DASS) shall be physically and operationally distinct from areas of other use;

(b) The DASS 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 AAHP personnel or an owner or owner's agent;

(c) The DASS shall exclude individuals who are not AAHP personnel or an owner or owner's agent;

(d) To ensure public and patient safety, the provision of AAHP services in a DASS shall be physically separate from other retail activity and public services offered; and

(e) AAHP 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 AAHP 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 16:517.

~~(6) (5)~~ Registration Documentation.

(a) A fixed registered AAHP facility shall prominently display the current registration certificate in a public area of the registered facility. The registration certificate shall:

(b) A mobile unit registered AAHP 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 AAHP Facility Registration. The following premises shall be exempt from the requirements of this administrative regulation:

(1) Premises identified in KRS 321.181(2)(c);

(2) An expert who provides consulting services only to ~~other~~ veterinarians or other AAHP licensees~~permittees~~, who does not engage in practice on a patient directly, and who does not have a regular physical facility where the ~~expert~~~~consultant~~ practices on animal patients; and

(3) Rental vehicles or vehicles used on a temporary basis while a registered mobile unit is not operational. ~~[An AAHP Permittee who utilizes their personal vehicle for transport provided the equipment for AAHP services being transported is limited to an aide for height. Transportation of any other equipment for services or pharmaceuticals shall trigger the requirement for registration of the vehicle as an AAHP facility or mobile unit.]~~

Section 4. Registered Responsible Party.

(1) Each application for an AAHP 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 an allied animal health professional manager for the facility, in accordance with 201 KAR 16:737.

(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. AAHP Manager.

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

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

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

(1) A completed application on an Application for AAHP Facility Registration form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:517;

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

(3) Identification of the AAHP manager;

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

(5) Identification of the phone, address, and email address of the registered facility;

(6) ~~(4)~~ A copy of the business registration from the Kentucky Secretary of State, county registration, or similar business registration, if one exists;

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

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

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

(10) ~~(8)~~ A complete list of AAHP ~~licensees~~permittees working at the facility;

(11) ~~(9)~~ A complete list of all mobile units being registered under the~~affiliated with the~~ AAHP facility;

(12) ~~(10)~~ Disclosure of afterhours care arrangements;

(13) ~~(11)~~ For fixed facilities, county of location and counties served;

(14) ~~(12)~~ For mobile units, a list of the counties served by the mobile unit;

(15) ~~(13)~~ Hours of facility operation; and

(16) ~~(14)~~ A copy of any court documents, final orders, settlement agreements, or other documents 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 AAHP ~~licensee~~permit applicant. 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 the application following the board's review of findings from a background check; and

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

Section 8. Renewal and Reinstatement of AAHP Facility Registrations. Pursuant to 201 KAR 16:775, a registered responsible party or AAHP manager shall:

(1) Ensure the timely renewal of the AAHP facility registration; and

(2) If applicable, ensure an appropriate reinstatement application is made to the board.

Section 9. Incorporation by Reference.

(1) "Application for AAHP Facility Registration", ~~8/2025~~^{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.

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, 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 application requirements for registered Allied Animal Health Profession (AAHP) facilities.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish requirements for AAHP facility registration applications as approved by the board.

(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 Allied Animal Health Professional (AAHP) providers and the facilities and mobile facilities where and from which AAHP services occur. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements for AAHP 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 assists in effective administration by clearly expressing the application requirements approved by the board for AAHP 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:

This amendment updates the administrative regulation for conformity with Acts Chapter 87; changes the "permit" to a "license". The amendment clarifies that fixed AAHP facilities are required to have a "Dedicated AAHP Services Space" (DASS) where AAHP services are provided and that the DASS 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 AAHP personnel or an owner or owner's agent. The board has determined that providing AAHP 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 and 2) opportunity for fractious patients which may become aggressive to people during the provision of AAHP services. 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. This amendment also establishes requirements on the maximum

number of facilities an AAHP manager may oversee to ensure they have sufficient knowledge to ensure compliance with regulatory standards at each location, and the materials needed for applications.

(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 animals that are not confined and that may be fearful or aggressive toward members of the public. Further, the Board was receiving multiple questions and concerns from applicants for registered facilities related to the business name, dedicated spaces, and registration display. The amendments clarify these issues.

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

(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 will be required to complete the appropriate application to request approval from the board for registration, 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 (4):

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 (4):

Administrative ease of clear communications of the application requirements associated with facility registration.

(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)(a)-(c) and (2)(b)2., 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 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):

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.