

## BOARDS AND COMMISSIONS

### Board of Veterinary Examiners

#### (Amended After Comments)

#### 201 KAR 16:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian 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), ~~(5)~~.

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 veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers.

#### Section 1. Definitions.

- (1) ~~["Fixed facility" is defined by KRS 321.181(38).]~~
- ~~[(2)]~~ "Mobile facility" or "mobile unit" is defined by KRS 321.181(48)~~[(46)]~~.
- ~~[(3)]~~ ~~["Practice of veterinary medicine" is defined by KRS 321.181(50).]~~
- ~~[(4)]~~ ~~["Practice of veterinary technology" is defined by KRS 321.181(51).]~~
- (2) ~~[(5)]~~ "Registered responsible party" is defined by KRS 321.181(59)~~[(57)]~~.
- (3) ~~[(6)]~~ "Veterinarian manager" is defined by KRS 321.181(70)~~[(68)]~~.
- (4) ~~[(7)]~~ "Veterinary facility" is defined by KRS 321.181(73)~~[(71)]~~.

#### 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 a veterinarian manager for the registered veterinary facility;
- (3) Comply with the requirements of and ensure employees and volunteers at the veterinary facility comply with the provisions of KRS Chapter 321 and 201 KAR Chapter 16, 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 a veterinarian manager for the facility.

#### Section 3. Duties of Veterinarian Managers.

- (1) A veterinarian manager shall:
  - (a) Be responsible for maintaining minimum standards as established~~promulgated~~ by the board in 201 KAR Chapter 16;
  - (b) Maintain a Kentucky Board of Veterinary Examiners veterinarian license;
  - (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 veterinary facility; and
  - (d) Ensure the current board-approved~~board-approved~~ veterinary facility registration is posted in the registered facility and viewable by the public.
- (2) The veterinarian manager shall be:
  - (a) The individual who oversees veterinary services at a veterinary facility;
  - (b) Knowledgeable about the veterinary facility and its:

1. Daily operations;
2. Standard protocols;
3. Drugs and 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 veterinary facility with enough frequency during business hours each calendar year 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) Limited ~~A veterinarian manager shall be limited~~ to the management of no more than five (5) registered veterinary facilities. Multiple mobile units registered under a single facility registration shall count as one (1) registered facility. ; and ~~;~~

(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 parties or veterinarian managers shall report to the board:

- (1) Within thirty (30) **calendar** days, any change of name, address, phone, or email to the registered facility by completing and submitting to the board the Request for Facility Information Change form or online equivalent form provided by the board, including all required attachments;
- (2) Within ten (10) **business** days, a change in the veterinarian manager for the registered veterinary facility on the Request for a New Veterinarian Manager form or online equivalent form, including all required attachments; and
- (3) A written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610.

Section 5. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Request for Facility Information Change", ~~7/2025~~~~[2/2025]~~; and
  - (b) "Request for a New Veterinarian Manager", ~~11/2025~~~~[7/2025]~~~~[3/2025]~~.
- (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*

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## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Michelle M. Shane

**Subject Headings:**Boards and Commissions, Licensing, 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 veterinarian managers at registered veterinary facilities as approved by the board.

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

This administrative regulation is necessary to ensure clear requirements regarding expectations and duties of registered responsible parties and veterinarian 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 veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility.

**(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 responsibilities for registered responsible parties and veterinarian managers as 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:**

The amendment clarifies that fixed veterinary facilities are required to have a veterinarian 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 a veterinarian manager cannot reasonably manage more than five (5) veterinary 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 Board has determined that the regulation is necessary to clarify the standards to protect the public from dangerous exposures and potentially inappropriate and substandard practices, all of which bring risk of harm to the public or animal patients. The requirements established for a veterinarian manager are essential to ensuring public protection.

**(c) How the amendment 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 veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify one or more veterinarian managers and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. KRS 321.181(70) defines "Veterinarian manager" means at least one (1) Kentucky-licensed veterinarian who registers to assume responsibility for the registration, management, and operation of a registered veterinary facility, including compliance with KRS Chapter 321 and 201 KAR Chapter 16.

**(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 registered veterinary facility managers and responsible parties.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation implements legislation from 2023 RS HB 167, in Acts Chapter 95.**

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

Approximately 650 businesses in Kentucky offering veterinary services are estimated to be affected.

**(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:**

Veterinary 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. Veterinarian managers shall be required to spend a minimum amount of time onsite, in-person to ensure working knowledge of operations, ensure adequate controls are in place, and compliance with the statutes and regulations are achieved.

**(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 veterinary facility registered responsible parties and veterinarian 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 minimum requirements for veterinarian managers and registered responsible parties for veterinary facility registrations.

**(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 disciplinary 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 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 321.235(1)(b), 321.236(1)(b), (5)

**(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 requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.

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

**(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 requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.**

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

**(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 requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.**

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

**(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 registered responsible parties and veterinarian managers for registered veterinary facilities 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):**

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 or collected as a part of this administrative regulation.