

321.235 Powers and duties of board -- Personal immunity.

- (1) The board shall:
 - (a) Administer and enforce this chapter and set and evaluate the qualifications of applicants for licensure, certification, permitting, and registration;
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of this chapter;
 - (c) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish the fee amounts for all fees required by this chapter and the fees for services provided by the board. Fees may not exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of this chapter, including costs related to administration; overhead; staffing; information technology; investigations; inspections; administrative procedures; court costs; supplies; equipment; travel; educational awards; reserve funds for capital, operational, and programmatic expenses; and education and outreach efforts;
 - (d) Promulgate a code of conduct governing the practice of veterinary medicine that shall be based upon generally recognized principles of professional conduct; and
 - (e) Maintain jurisdiction over persons and premises, regardless of their licensure, certificate, permit, or registration status relative to acts, omissions, complaints, grievances, and investigations which occurred during the licensure, certification, permit, or registration period. The board shall also maintain jurisdiction over registered facilities, irrespective of their registration status, relative to acts, omissions, complaints, grievances, and investigations which occurred during the registration period. This jurisdiction shall be for purposes of enforcement of this chapter and any administrative regulations promulgated under this chapter, including the assessment and collection of fines, costs, and attorneys' fees. Jurisdiction of the board shall also extend to persons engaging in the unauthorized practice of veterinary medicine, unauthorized practice of veterinary technology, unauthorized practice of animal euthanasia, or unauthorized practice of an allied animal health professional on animals. Licensees, certificate holders, permittees, and registrants shall not divest the board of jurisdiction by changing or relinquishing licensure, certificate, permit, or registration status.
- (2) The board may:
 - (a) Issue subpoenas, compel the attendance of witnesses and the production of accounts, books, and records, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating this chapter;
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A:
 1. To establish and enforce minimum standards for:
 - a. Criteria of programs or other mechanisms to ensure the continuing competence of licensees, certificate holders, permittees, and registrants;

- b. Codes of conduct for its licensees, certificate holders, permittees, and registrants; and
 - c. The registration of veterinary facilities, mobile facilities, and AAHP facilities;
 - 2. Regarding the limited scopes of allied animal health professional practices or procedures on animals and the permitting thereof, including:
 - a. Minimum requirements;
 - b. Examination requirements and passing scores;
 - c. Board oversight;
 - d. Conditions for application, permitting, renewal, renewal grace periods, and reinstatement;
 - e. Limitations on practice; and
 - f. Minimum standards; and
 - 3. To establish:
 - a. Specific duties and responsibilities of the board;
 - b. Administration of licensure, certification, permitting, or registration;
 - c. Standards in veterinary medicine, medical records, and other matters pertaining to veterinarians, veterinary technicians, animal control agencies, animal euthanasia specialists, designated on-site managers, allied animal health professionals, veterinary facilities, AAHP facilities, veterinarian managers, AAHP managers, registered responsible parties, or unlicensed persons; and
 - d. A code of conduct for each license, certificate, permit, or registration class issued by the board;
- (c) Conduct investigations, inspections, and hearings, and keep records and minutes necessary to carry out the function of this chapter;
- (d) Enter and inspect any property or premises for the purpose of investigating either actual or suspected veterinary practices, including practice vehicles and mobile facilities, at any time for the purpose of ascertaining compliance or noncompliance with this chapter, or any administrative regulation that may be promulgated under this chapter, in accordance with protocols established in this chapter and by the board in an administrative regulation;
- (e) Evaluate the qualifications for and authorize the issuance of licenses, certificates, permits, and registrations to qualified candidates and premises;
- (f) Renew or deny licenses, certificates, permits, and registrations, require continuing education as a condition for renewal, and promulgate administrative regulations regarding the issuance and renewal of retired and inactive licenses, certificates, permits, and registrations;
- (g) Limit, reprimand, suspend, or revoke licenses, certificates, permits, and registrations, or impose supervisory or probationary conditions upon licensees, certificate holders, permittees, or registrants, or impose administrative disciplinary fines, issue written reprimands, or any

combination thereof;

- (h) Issue a notice to comply or a notice of violation to any person for violations of any provision of this chapter or administrative regulations promulgated pursuant to this chapter. A "notice to comply" or "NC" may be issued during the inspection process to request additional information needed to determine compliance or as a notice to correct a minor violation found during the inspection. Failure to take corrective action may lead to the issuance of a "notice of violation" or "NOV." A notice of violation means that a business or person is operating in violation of the law and subject to penalty pursuant to this chapter. Each day or part of a day that the violation continues is a separate violation subject to daily penalties. A notice of violation shall contain:
 - 1. A citation to the statutory or regulatory requirement that has been or is being violated;
 - 2. A description of the circumstances surrounding the violation, set forth in common and concise language;
 - 3. Measures required to correct the violation;
 - 4. A reasonable time for correction, if the respondent cannot take measures to correct the violation immediately; and
 - 5. Notice of rights of appeal;
- (i) Advise, consult, and cooperate with other agencies of the Commonwealth, other states, the federal government, interstate and interlocal agencies, and affected persons, groups, and industries;
- (j) Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary medicine or practice of veterinary technology by unlicensed persons, or against any person for the enforcement of this chapter or any administrative regulations promulgated pursuant to this chapter;
- (k) Appoint from its own membership or staff one (1) or more members or personnel to act as representatives of the board at any meeting within or outside the Commonwealth; and
- (l) Implement an educational award program to award scholarships or educational awards as determined by the board, to a person in the act of advancing toward, or having completed a degree in, veterinary medicine or veterinary technology from an approved veterinary medical program or approved veterinary technology program, and may take any other appropriate action to effectuate the Veterinary Medicine Practice Act in accordance with the following:
 - 1. The selected awardee or awardees shall agree to sign an award contract guaranteeing to provide food animal or rural veterinary services or to protect public health in a veterinary resource shortage area identified by the board. Failure of an awardee to comply with the terms of the award contract shall be cause for the board to seek reimbursement of the award;
 - 2. The board shall establish the required members of an educational award review committee through an administrative regulation and may contract

with other state agencies, entities, and nonprofit organizations for the endowment, management, and administration of the educational award program. The requirements for the educational awards program, including application requirements, criteria for selecting applicants, criteria for identifying veterinary resource shortage areas, and criteria for prioritizing underserved areas, shall be determined by the board in administrative regulation. However, nothing contained in this section shall be construed as requiring the board to endow or award any scholarship or educational award; and

3. Educational award monies shall be collected as a portion of veterinarian and veterinary technician renewal fees. No more than fifteen percent (15%) of the monies collected during a single veterinarian renewal period may be applied to the educational awards program.
- (3) As a part of any board investigation under this section or KRS 321.351, the board may require an applicant, credential holder, or any other person engaging in a veterinary practice or activity regulated by the board under this chapter to submit to a criminal background investigation conducted in accordance with KRS 321.189.
 - (4) Members of the board, its agents, and employees shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed by them in good faith.

Effective: June 29, 2023

History: Repealed and reenacted 2023 Ky. Acts ch. 95, sec. 21, effective June 29, 2023. -- Amended 2016 Ky. Acts ch. 116, sec. 11, effective July 15, 2016. -- Amended 1998 Ky. Acts ch. 126, sec. 3, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 299, sec. 14, effective July 14, 1992.