

1 AN ACT relating to veterinarian licensing and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
4 READ AS FOLLOWS:

5 *Within the context of veterinary practice:*

6 *(1) "Telehealth" means all uses of technology to remotely gather and deliver health*
7 *information, advice, education, and care. Veterinary telehealth is divided into*
8 *categories based on who is involved in the communication. For communication*
9 *between veterinarians and other persons, there are distinctions in practice related*
10 *to whether a VCPR, as defined in Section 11 of this Act, has been established*
11 *with the patient.*

12 *(2) (a) "Telemonitoring," also known as "mHealth" or "mobile health," means*
13 *remote monitoring of patients who are not at the same location as the*
14 *health care provider. Some mHealth applications and wearables are*
15 *designed to augment animal health care within VCPRs, while others are*
16 *designed and marketed directly to consumers for their education and for*
17 *animal monitoring without clinical input and outside the context of a*
18 *VCPR.*

19 *(b) "Telesupervision" means the supervision of individuals using media such*
20 *as audio or audio/video conference, text messaging, and e-mail.*

21 *(3) Telehealth that provides the delivery of information specific to a particular*
22 *patient shall be conducted within the context of an established VCPR to ensure*
23 *protection for the patient. Practitioners providing this type of telehealth to*
24 *patients in the Commonwealth shall be licensed to practice by the board in*
25 *Kentucky and shall comply with all state and federal statutes and regulations.*
26 *Telehealth that requires an established VCPR includes the following defined*
27 *terms:*

1 (a) "Connected care" means the integration of digital technologies to enhance
2 and support the VCPR and facilitate proactive and ongoing care through
3 improved communication, diagnosis, and monitoring. It is an approach to
4 veterinary practice that is patient- and client-centered, and actively engages
5 the entire veterinary healthcare team; and

6 (b) "Telemedicine" means telehealth that involves use of a tool to exchange
7 medical information electronically from one site to another to improve a
8 patient's clinical health status, which may be utilized to augment the
9 practice of veterinary medicine. The appropriate application of telemedicine
10 can enhance animal care by facilitating communication, diagnostics,
11 treatments, client education, scheduling, and other tasks. Telemedicine
12 targeting patients in Kentucky shall only be conducted within an existing
13 VCPR as defined in Section 11 of this Act, with an exception for advice
14 given in an emergency care situation until a patient can be seen by or
15 transported to a veterinarian.

16 (4) Telehealth conducted without a VCPR may include only the delivery of general
17 advice, educational information, and teletriage. Telehealth which may be
18 conducted without a VCPR includes the following defined activities:

19 (a) "Teleadvice" means the provision of any health information, opinion,
20 guidance, or recommendation concerning prudent future actions that are
21 not specific to a particular patient's health, illness, or injury. This is general
22 advice that is not intended to diagnose, prognose, treat, correct, change,
23 alleviate, or prevent animal disease, illness, pain, deformity, defect, injury,
24 or other physical, dental, or mental conditions. If the practitioner providing
25 the teleadvice is a qualified veterinarian or veterinary technician, the
26 practitioner shall be required to hold a valid license from the Kentucky
27 board, except as authorized by Section 15 of this Act, and shall comply with

1 all state and federal statutes and regulations;

2 (b) "Teleconsulting" means telehealth in which a veterinarian uses telehealth
3 tools to communicate with a specialist to gain insights and advice on the
4 care of a patient; and

5 (c) "Triage" means the safe, appropriate, and timely assessment and
6 management of animal patients via electronic consultation with their
7 owners, regardless of whether there is an immediate referral to a
8 veterinarian, where a diagnosis is not rendered. In assessing patient
9 condition electronically, the assessor determines urgency and the need for
10 immediate referral to a veterinarian, based on the owner's or responsible
11 party's report of history and clinical signs, sometimes supplemented by
12 visual information, such as photographs or video. Practitioners providing
13 this type of telehealth to patients in the Commonwealth shall be licensed to
14 practice by the board in Kentucky, shall comply with all state and federal
15 statutes and regulations, and shall disclose the Kentucky license number to
16 the person receiving the assessment on behalf of the patient.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) Each veterinarian who provides veterinary medical services shall maintain
20 accurate electronic or legibly written medical records that include the identity of
21 the veterinarian or authorized representative who makes the entry.

22 (2) Veterinary medical records are the property of the client. The veterinary practice
23 where the records were prepared shall be the official records custodian. Original
24 patient records shall be retained by the veterinary practice or veterinarian who
25 prepared them and be readily retrievable for a period of five (5) years following
26 the last patient encounter.

27 (3) The client is entitled to a copy of the veterinary medical records.

- 1 (a) The veterinarian may require that the request be in writing and may charge
2 a reasonable fee for copying or the staff time in preparing the requested
3 veterinary medical records.
- 4 (b) Copies of the records shall be provided to the client, designated
5 veterinarian, or duly authorized representative within seven (7) calendar
6 days after receipt of a proper request, or sooner in accordance with the
7 patient's medical condition.
- 8 (c) Failure to provide the medical records in a timely fashion upon proper
9 request shall be considered unprofessional conduct.
- 10 (4) All records required by law to be kept by a veterinarian shall be open to
11 inspection by the board or its authorized representatives during a routine
12 inspection or investigation of a complaint, and a copy shall be provided
13 immediately upon request.
- 14 (5) Veterinary medical records shall be safeguarded against loss, tampering, or use
15 by unauthorized persons, be readily available, and contain sufficient information
16 to permit any authorized veterinarian to proceed with the care and treatment of
17 the patient by reading the medical record. Veterinary medical records shall
18 include but are not limited to the following information:
- 19 (a) Patient or herd identification;
- 20 (b) Client identification;
- 21 (c) A record of every encounter and consultation regarding the patient;
- 22 (d) All written records and notes, including diagnosis, treatment, surgery,
23 prescriptions, or recommendations;
- 24 (e) Radiographs, sonographic images, video recordings, photographs, or other
25 imaging and laboratory reports;
- 26 (f) Any information received as the result of a consultation, including the date,
27 name, and contact information of the consultant; and

1 (g) Any authorizations, details of conversations, releases, waivers, patient
2 discharge instructions, or other related documents.

3 (6) A patient's veterinary medical record and medical condition is confidential and
4 may not be furnished to or discussed with any person other than the client or
5 other veterinarians, veterinary technicians, veterinary assistants, aides, veterinary
6 practice staff, or consultants involved in the care or treatment of the patient,
7 except upon authorization of the client or under the following circumstances:

8 (a) Access to the records is specifically required by law, or as described in
9 Sections 11 and 12 of this Act;

10 (b) In response to a court order or subpoena with notice given to the client or
11 the client's legal representative;

12 (c) For statistical and scientific research, if the information is abstracted in a
13 way as to protect the identity of the patient and the client;

14 (d) As part of an inspection or investigation conducted by the board or an agent
15 of the board;

16 (e) To verify the rabies vaccination status of an animal; and

17 (f) In the course of a consultation as defined in Section 10 of this Act.

18 (7) A veterinarian shall not intentionally create a false record, make a false
19 statement, or alter or modify any medical record, document, or report concerning
20 treatment of a patient. When correcting a medical record, the original content
21 should be readable, and the alteration shall be clearly identified with the
22 correction, reason for correction, date, and author's name.

23 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) Each person who is licensed as a veterinary technician shall submit a completed
26 renewal application by the renewal deadline and pay to the board an annual
27 renewal fee for the renewal of the person's license.

- 1 (2) A sixty (60) day grace period shall be allowed after the renewal deadline, during
2 which time individuals may renew their licenses upon submission of a completed
3 renewal application and payment of the renewal fee plus a late fee to the board.
4 All licenses not renewed by the grace period deadline shall expire based on the
5 failure of the individual to renew in a timely manner. Upon expiration, the
6 veterinary technician licensee is no longer eligible to practice in the
7 Commonwealth.
- 8 (3) After the sixty (60) day grace period, individuals with an expired veterinary
9 technician license may have their licenses reinstated upon submission of a
10 completed reinstatement application and payment of a reinstatement fee to the
11 board. No person who applies for reinstatement after expiration of the person's
12 license shall be required to submit to an examination as a condition for
13 reinstatement if a reinstatement application is made within five (5) years from the
14 date of expiration.
- 15 (4) A suspended license is subject to expiration and termination and shall be renewed
16 as provided in this chapter. Renewal or reinstatement shall not entitle the licensee
17 to engage in the practice until the suspension has ended, or is otherwise removed
18 by the board and the right to practice is restored by the board.
- 19 (5) A revoked license is subject to expiration or termination but may not be renewed.
20 If it is reinstated, the licensee shall pay the reinstatement fee.
- 21 (6) A person who fails to reinstate a license within five (5) years after its expiration
22 or termination may not have it renewed, restored, reissued, or reinstated. A
23 person may apply for and obtain a new license by meeting the requirements of
24 this chapter.
- 25 (7) The board may require that a person applying for renewal or reinstatement of
26 licensure show evidence of completion of continuing education as prescribed by
27 the board in administrative regulation.

1 (8) The board may grant retired or inactive licensure status and may establish
2 conditions under which retired or inactive licenses may be renewed as set forth by
3 administrative regulations promulgated by the board.

4 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) Each person who is certified as an animal euthanasia specialist shall submit a
7 complete renewal application by the renewal deadline and pay to the board an
8 annual renewal fee for the renewal of the person's certificate.

9 (2) Each animal shelter that is certified as an animal control agency shall submit a
10 completed renewal application by the renewal deadline and pay to the board an
11 annual renewal fee for the renewal of the animal control agency certificate.

12 (3) A sixty (60) day grace period shall be allowed after the renewal deadline, during
13 which time individuals and agencies may renew their certificates upon
14 submission of a completed application, and payment of the renewal fee plus a late
15 renewal fee to the board. Any certificate that was not renewed prior to the grace
16 period deadline shall expire. Upon expiration, the holder of that certificate is no
17 longer eligible to practice animal euthanasia in the Commonwealth or maintain
18 a United States Drug Enforcement Administration controlled substances
19 registration.

20 (4) After the sixty (60) day grace period, individuals and agencies with an expired
21 certificate may have their certificates reinstated upon submission of a completed
22 reinstatement application and payment of a reinstatement fee to the board if the
23 reinstatement application is made within five (5) years from the date of
24 expiration. Animal control agencies may be subject to inspection prior to
25 reinstatement.

26 (5) A suspended certificate is subject to expiration and termination and shall be
27 renewed as provided in this chapter. Renewal or reinstatement shall not entitle

1 the certificate holder to engage in the practice until the suspension has ended or
2 is otherwise removed by the board, and the right to practice is restored by the
3 board.

4 (6) A revoked certificate is subject to expiration or termination but may not be
5 renewed. If it is reinstated, the certificate holder shall pay the reinstatement fee.

6 (7) A person or agency that fails to reinstate its certificate within five (5) years after
7 its expiration or termination shall not have it renewed, restored, reissued, or
8 reinstated. A person or agency may apply for and obtain a new certificate by
9 meeting the requirements of this chapter.

10 (8) The board may require that a person or agency applying for renewal or
11 reinstatement of the certificate show evidence of completion of additional
12 training or continuing education as promulgated in administrative regulation by
13 the board.

14 (9) The board may grant retired or inactive certificate status for certified animal
15 euthanasia specialists and may establish conditions under which retired or
16 inactive certificates may be renewed as set forth by administrative regulations
17 promulgated by the board.

18 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) The board may obtain a fingerprint-supported criminal record check conducted
21 by the Department of Kentucky State Police or equivalent state police body in the
22 applicant's home state, and a Federal Bureau of Investigation criminal record
23 check, on each applicant for initial licensing, certification, permitting, or
24 registration, and reinstatement of the credential to practice veterinary medicine,
25 to practice as a veterinary technician, or on individuals identified as veterinarian
26 managers at the time of notification of this designation to the board.

27 (2) The board shall not grant a license to practice veterinary medicine or to practice

1 as a veterinary technician, or approve of the veterinarian manager until it has
2 received and reviewed the criminal background investigations by both the state
3 police and the Federal Bureau of Investigation for that applicant.

4 (3) For good cause shown, the board may require a fingerprint-supported criminal
5 record check conducted by the Department of Kentucky State Police or equivalent
6 state police body in the applicant's home state and the Federal Bureau of
7 Investigation, on a current or former licensee, certificate holder, permittee, or
8 registrant.

9 (4) For good cause shown, the board may deny an applicant's petition for licensure,
10 certificate, permit, registration, or reinstatement based on the contents of the
11 background check results.

12 (5) The board may exchange fingerprint data and other background check related
13 communications, including the transfer of results, directly with the Federal
14 Bureau of Investigation and state or local law enforcement.

15 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
16 READ AS FOLLOWS:

17 (1) The board may obtain a fingerprint-supported criminal record check conducted
18 by the Department of Kentucky State Police or equivalent state police body in the
19 applicant's home state and the Federal Bureau of Investigation, on each
20 applicant for initial certification and reinstatement as a certified euthanasia
21 specialist, or on individuals identified as designated on-site managers at the time
22 of notification to the board.

23 (2) The board shall not grant certification as a certified euthanasia specialist or
24 approve the designated on-site manager until it has received and reviewed the
25 criminal background investigations by both the state police and the Federal
26 Bureau of Investigation for that applicant.

27 (3) For good cause shown, the board may require a fingerprint-supported criminal

1 record check conducted by the Department of Kentucky State Police or equivalent
2 state police body in the applicant's home state and the Federal Bureau of
3 Investigation, on a currently or formerly certified euthanasia specialist.

4 (4) For good cause shown, the board may deny an applicant's petition for
5 certification or reinstatement based on the contents of the background check
6 results.

7 (5) The board may exchange fingerprint data and other background check related
8 communications, including the transfer of results, directly with the Federal
9 Bureau of Investigation and state or local law enforcement.

10 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) The board may promulgate administrative regulations defining application and
13 renewal requirements and fees for veterinary facilities.

14 (2) The board may promulgate administrative regulations defining minimum
15 standards for a veterinary facility and for mobile facilities, including
16 requirements for application, inspection, sanitation, and other factors.

17 (3) All existing veterinary facilities shall be registered with the board not later than
18 June 30, 2027.

19 (4) After June 30, 2027, all new facilities shall submit a completed application for
20 registration to the board, including fees as promulgated by the board in
21 administrative regulation.

22 (a) A new veterinary facility shall not begin operation in the Commonwealth
23 until the completed application and fee have been accepted by the board.

24 (b) A new veterinary facility shall be inspected within the first one hundred
25 twenty (120) days of operation.

26 (5) A mobile facility that is affiliated with a veterinary facility shall be exempted from
27 the requirement to register independently, provided the affiliated veterinary

- 1 facility's registration identifies that unit as its affiliate.
- 2 (6) Each application to register a veterinary facility shall identify the veterinarian
3 manager who is responsible for its operation, management, and meeting the
4 minimum requirements established by this chapter and by the board in
5 administrative regulation.
- 6 (7) The veterinarian manager shall be a Kentucky-licensed veterinarian with an
7 active license in good standing with the board.
- 8 (8) The veterinarian manager is responsible for notifying the board of any change in
9 the veterinarian manger's association with the veterinary facility within fourteen
10 (14) calendar days.
- 11 (9) An application for registration renewal shall be completed and submitted to the
12 board periodically after the initial registration deadline in 2027, in accordance
13 with Section 8 of this Act and as defined in administrative regulations
14 promulgated by the board.
- 15 (10) Veterinary facilities shall be inspected at least once every five (5) years by the
16 board to ensure compliance with this chapter. Veterinary facilities that maintain
17 current American Animal Hospital Association accreditation shall be exempted
18 from periodic board inspections. This subsection shall not prevent the board from
19 conducting inspections at the veterinary facility in response to a complaint or
20 upon suspicion of a violation of this chapter.
- 21 (11) The board may revoke, suspend, or take other disciplinary action deemed
22 appropriate against the registration, including ordering closure of the veterinary
23 facility, in accordance with Sections 26 and 27 of this Act on any of the following
24 grounds:
- 25 (a) The board or its agents are denied access to conduct an inspection or
26 investigation;
- 27 (b) The holder of a registration does not pay all prescribed fees or monetary

1 penalties;

2 (c) There is no veterinarian manager identified; or

3 (d) Failure to comply with minimum standards defined in administrative
4 regulation by the board for the veterinary facility.

5 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) Each veterinary facility registered with the board shall submit a completed
8 renewal application by the renewal deadline and pay a biennial renewal fee for
9 the renewal of the registration.

10 (2) A veterinary facility with an expired registration may have its registration
11 reinstated upon submission of a completed reinstatement application and
12 payment of a reinstatement fee to the board.

13 (3) A suspended veterinary facility registration is subject to expiration and
14 termination and shall be renewed as provided in this chapter. Renewal or
15 reinstatement shall not entitle the registrant to allow the practice of veterinary
16 medicine on the premises or from the mobile facility until the suspension has
17 ended, or is otherwise removed by the board, and the right to operate or practice
18 is restored by the board.

19 (4) A revoked registration is subject to expiration or termination but may not be
20 renewed. If it is reinstated, the registration holder shall pay the reinstatement fee
21 to the board.

22 (5) A veterinary facility that fails to reinstate its registration within five (5) years
23 after its expiration or termination shall not have it renewed, restored, reissued, or
24 reinstated. A veterinary facility may apply for and obtain a new registration by
25 meeting the requirements of this chapter.

26 (6) The board may require that a veterinary facility applying for renewal or
27 reinstatement of registration show evidence of completion of continuing

1 education by the veterinarian manager as prescribed by administrative regulation
 2 of the board.

3 (7) The board may grant inactive registration status and may establish conditions
 4 under which inactive registrations may be renewed and reinstated as set forth by
 5 administrative regulations promulgated by the board.

6 ➔Section 9. KRS 321.175 is amended to read as follows:

7 It is hereby declared that the practices~~[practice]~~ of veterinary medicine, veterinary
 8 technology, and animal euthanasia, and the operation of registered veterinary facilities
 9 and board-certified animal control agencies, are privileges which are~~[is a privilege~~
 10 ~~which is]~~ granted by legislative authority in the interest of public health, safety, and
 11 welfare, and are subject to regulation and control in the public interest. To protect the
 12 public from being misled by incompetent, unscrupulous, and unauthorized practitioners,~~[~~
 13 ~~and]~~ from unprofessional or illegal practices by persons licensed to practice veterinary
 14 medicine and veterinary technology, from substandard care, and from unlicensed
 15 persons, this chapter is enacted in the interest of the health, safety, and welfare of the
 16 animal population and the citizens of Kentucky.

17 (1) It is declared to be a matter of public interest and concern that the practices of
 18 veterinary medicine, veterinary technology, and animal euthanasia, as described
 19 in this chapter, merit and receive the confidence of the public and that only
 20 qualified individuals be permitted to practice these professions in the
 21 Commonwealth. This chapter shall be liberally construed to carry out these
 22 objectives and purposes.

23 (a) It is further declared that the intent of this chapter is to regulate the
 24 professions of veterinary medicine, veterinary technology, and animal
 25 euthanasia, and establish standards for veterinary premises, both fixed and
 26 mobile, and shall result in displacing competition by restricting licensure,
 27 permitting, certification, and registration to practice these professions, as

1 this practice is defined and interpreted by the board, to persons and
2 premises determined by the board to be qualified under this chapter.

3 (b) It is further declared that any resulting restriction on competition is
4 outweighed by the broader interest in protection of the public health, safety,
5 and welfare. It is understood that the regulatory structure calls for
6 veterinarians, veterinary technicians, and citizens-at-large to serve on the
7 board and this chapter recognizes the need for professional expertise
8 provided by veterinarians and veterinary technicians serving the public
9 interest.

10 (2) This chapter is intended to provide active oversight and supervision through its
11 legislative enactment, the promulgation of administrative regulations, the
12 appointment of board members by the Governor, legal representation of the
13 board by competent counsel, legislative appropriation of moneys and spending
14 authority to support the board, and engagement in the administrative regulation
15 review process under the auspices of the Legislative Research Commission.

16 (3) It is the purpose of this chapter to promote, preserve, and protect the public
17 health, safety, and welfare by and through the licensure, permitting, certification,
18 registration, and regulation of individuals, whether physically located within or
19 outside of the Commonwealth, who practice veterinary medicine, veterinary
20 technology, and animal euthanasia within Kentucky, and the registration of
21 veterinary facility locations and mobile facilities where veterinary medicine is
22 being practiced. In furtherance of this purpose, this chapter creates the Kentucky
23 Board of Veterinary Examiners, whose members, functions, and procedures shall
24 be established in accordance with this chapter.

25 (4) The purpose of this chapter is to establish a comprehensive scheme to fully
26 occupy the fields of veterinary medicine, veterinary technology, and animal
27 euthanasia, and provide a uniform regulatory scheme to be enforced by the

1 Kentucky Board of Veterinary Examiners as defined in the scopes of practice.

2 ➔SECTION 10. KRS 321.181 IS REPEALED AND REENACTED TO READ
3 AS FOLLOWS:

4 As used in this chapter:

- 5 (1) "Animal" means any member of the animal kingdom other than humans,
6 whether living or dead;
- 7 (2) "Animal shelter" means a public agency or private humane society, society for
8 the prevention of cruelty to animals, animal protection shelter or control agency,
9 or other facility that provides shelter and care for homeless, stray, unwanted, or
10 injured animals;
- 11 (3) "Applicant" means a person who submits an application for licensure,
12 certification, permit, or registration, whether complete or not, to the board;
- 13 (4) "Approved program of continuing education" means an educational program
14 approved by the board or offered by an approved provider of continuing
15 education;
- 16 (5) "Approved provider of continuing education" means any person that has met the
17 requirements of the board to provide educational courses that are designed to
18 ensure continued competence in the practice of veterinary medicine or practice of
19 veterinary technology or animal euthanasia;
- 20 (6) "Approved veterinary medical program" means a school of veterinary medicine
21 or a veterinary medical education program that has been approved by the board
22 under standards established by the board through the promulgation of an
23 administrative regulation;
- 24 (7) "Approved veterinary technology program" means a school of veterinary
25 technology or a veterinary technology education program that has been approved
26 by the board under standards established by the board through the promulgation
27 of an administrative regulation;

- 1 (8) "Background check" means an inquiry within a system for the collection,
2 processing, preservation, or dissemination of criminal history records maintained
3 by one or more local, state, or federal agencies;
- 4 (9) "Board" means the Kentucky Board of Veterinary Examiners created under this
5 chapter;
- 6 (10) "Certificate holder" means a person duly certified by the board under this
7 chapter;
- 8 (11) "Certified animal control agency" means an animal shelter that is certified
9 under this chapter;
- 10 (12) "Certified animal euthanasia specialist" means a person employed by a certified
11 animal control agency who is authorized by the board, under this chapter, to
12 humanely euthanize animals by administering drugs designated by the board for
13 euthanasia and sedation of animals for euthanasia on animals owned by the
14 certified animal control agency or animals in emergency circumstances;
- 15 (13) "Chemical restraint" means the use of any controlled substance, prescription, or
16 legend drug that restrains or tranquilizes the animal;
- 17 (14) "Client" means a person, either the owner, owner's agent, or other person
18 presenting the patient for care, who has entered into an agreement with a
19 veterinarian on behalf of a patient for the purposes of obtaining veterinary
20 medical services in person or by any means of communication;
- 21 (15) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of
22 value;
- 23 (16) "Complementary and alternative veterinary medicine therapies" means a
24 heterogeneous group of preventive, diagnostic, and therapeutic philosophies and
25 practices that are not considered part of conventional veterinary medicine. These
26 therapies include but are not limited to:
- 27 (a) Veterinary acupuncture, acuthery, and acupressure;

- 1 (b) Veterinary homeopathy;
- 2 (c) Veterinary manual or manipulative therapy, such as therapies based on
- 3 techniques practiced in osteopathy, chiropractic medicine, or physical
- 4 medicine and therapy;
- 5 (d) Veterinary nutraceutical therapy; and
- 6 (e) Veterinary phytotherapy;
- 7 (17) "Consent" means the veterinarian has informed the client, or the client's
- 8 authorized representative, in a manner understood by the client or the client's
- 9 authorized representative, of the diagnostic and treatment options, potential
- 10 outcomes, risk assessment, and prognosis, and the client has consented to the
- 11 recommended services or treatment;
- 12 (18) "Consultation" means a veterinarian's receipt of advice or assistance in person,
- 13 or by any method of communication, from a veterinarian or other person whose
- 14 expertise, in the opinion of the veterinarian, would benefit a patient. Under any
- 15 circumstance, the responsibility for the welfare of the patient remains with the
- 16 veterinarian receiving consultation;
- 17 (19) "Continuing education" means training that is designed to ensure continued
- 18 competence in the practice of veterinary medicine or the practice of veterinary
- 19 technology;
- 20 (20) "Continuing education contact hour" means a fifty (50) minute clock hour of
- 21 instruction, not including breaks or meals;
- 22 (21) "Conviction" means a formal declaration that someone is guilty of a crime by a
- 23 court of competent jurisdiction and shall include a finding or verdict of guilt, an
- 24 admission of guilt, a no contest plea, a plea of nolo contendere, or a guilty plea;
- 25 (22) "Credential holder" means a person who holds an approved credential issued by
- 26 the board in accordance with this chapter, which may be one (1) or more of the
- 27 following:

1 (a) Certificate;

2 (b) License;

3 (c) Permit;

4 (d) Registration; or

5 (e) Special permit;

6 (23) "Designated on-site manager" means a person who registers with the board to
7 assume responsibility for controlled substances at a board-certified animal
8 control agency;

9 (24) "Discipline" means any final order, settlement agreement, reprimand, fine, or
10 other adverse consequence assessed against a person by the board or any of its
11 counterparts in other jurisdictions;

12 (25) "Embryo transfer" means to remove any embryo from any animal for the
13 purpose of transplanting the embryo into another animal or for the purpose of
14 cryopreserving the embryo, or to implant the embryo into any animal, including
15 food and companion animals;

16 (26) "Emergency" means the animal has been placed in a life-threatening condition
17 and immediate treatment is necessary to sustain life or end suffering;

18 (27) "Examination" means a qualifying examination approved by the board as a
19 condition for certification, licensure, permit, or registration;

20 (28) "Expired" is a licensure status whereby the licensee or certificate holder failed to
21 renew the license or certificate in a timely manner, by the deadlines set by the
22 board through the promulgation of an administrative regulation;

23 (29) "Extralabel use" means actual use or intended use of a drug in an animal in a
24 manner that is not in accordance with the approved labeling. This includes but is
25 not limited to:

26 (a) Use in species or production class not listed in the labeling;

27 (b) Use for indications such as disease or other conditions not listed in the

1 labeling;

2 (c) Use at dosage levels, frequencies, or routes of administration other than
3 those stated in the labeling; and

4 (d) Deviation from the labeled withdrawal time based on these different uses;

5 (30) "Felony" means a criminal act as defined by any jurisdiction or by definition
6 under federal law;

7 (31) "Impaired" means that a credential holder, designated on-site manager, or
8 veterinarian manager is unable to perform that person's duties with reasonable
9 skill and safety because of a physical or mental disability as evidenced by a
10 written determination from a competent authority or written consent based on
11 clinical evidence, including deterioration of mental capacity, loss of motor skills,
12 or substance use disorder of sufficient degree to diminish the person's ability to
13 deliver competent patient care;

14 (32) "Jurisdiction" means any Commonwealth, state, or territory, including the
15 District of Columbia, of the United States of America, any province of Canada, or
16 a regulatory organization, including international bodies, which issues licenses,
17 registrations, permits, or certificates related to the professional fields of
18 veterinary medicine;

19 (33) "Licensee" means a person duly licensed by the board under this chapter;

20 (34) "Livestock" means cattle, horses, sheep, goats, swine, poultry, captured or
21 cultivated aquatic species, farm-raised cervidae and camelidae, bees, and any
22 other species used in the production of fiber, meat, eggs, honey, milk, and other
23 animal food products;

24 (35) "Mobile facility" is described in Section 17 of this Act;

25 (36) "Patient" means any animal or group of animals receiving veterinary care from
26 a veterinarian, veterinary technician, veterinary assistant, or animal euthanasia
27 specialist;

- 1 (37) "Permittee" means a person permitted by the board under this chapter;
- 2 (38) "Person" means any individual, firm, partnership, association, joint venture,
3 cooperative, corporation, governmental body, or any other group, legal entity, or
4 combination acting in concert, and whether or not acting as a principal, trustee,
5 fiduciary, receiver, or as any kind of legal or personal representative, or as the
6 successor in interest, assignee, agent, factor, servant, employee, director, officer,
7 or any other representative of the person;
- 8 (39) "Practice of veterinary medicine" means any person who practices veterinary
9 medicine when performing any one (1) or more of the following on an animal:
- 10 (a) Directly or indirectly diagnoses, prognoses, corrects, changes, relieves,
11 prevents, supervises, recommends, or performs medical or surgical
12 treatment, including complementary and alternative veterinary medicine
13 therapies, obstetrics, dentistry, oral surgery, acupuncture, laser therapy,
14 manipulation, and all other branches or specialties of veterinary medicine,
15 for the diagnosis, prevention, cure, or relief of a wound, defect, deformity,
16 fracture, bodily injury, disease, or dental, physical, behavioral, or mental
17 condition;
- 18 (b) Prescribes, dispenses, or administers any drug, medicine, anesthetic,
19 biologic, appliance, apparatus, application, treatment, or other therapeutic
20 or diagnostic substance or technique for veterinary purposes, in accordance
21 with the applicable federal statutes and regulations governing controlled
22 prescription and legend drugs;
- 23 (c) Performs any manual procedure for the diagnosis, treatment, or both of
24 pregnancy, sterility, or infertility, including embryo transfer;
- 25 (d) Determines the health, fitness, or soundness of an animal;
- 26 (e) Represents oneself directly or indirectly, as engaging in the practice of
27 veterinary medicine; or

1 (f) Uses any words, letters, or titles under the veterinary practice as to induce
2 the belief that the individual using them is authorized to practice veterinary
3 medicine under this chapter. This use shall be prima facie evidence of the
4 intention to represent oneself as engaged in the practice of veterinary
5 medicine;

6 (40) "Practice of veterinary technology" means:

7 (a) The practices of veterinary technology when performing patient care,
8 professional medical care, monitoring, treatment, or other services on an
9 animal that require a technical understanding of veterinary medicine on the
10 basis of written or oral instruction of a board-licensed veterinarian, or
11 under supervision of a board-licensed veterinarian;

12 (b) Representation of oneself directly or indirectly, as a licensed veterinary
13 technician or "LVT"; or

14 (c) Use of any words, letters, or titles under the circumstances that would
15 induce the belief that the individual using them is authorized to practice as
16 a veterinary technician under this chapter. This use shall be prima facie
17 evidence of the intention to represent oneself as engaged in practice as a
18 board-licensed veterinary technician;

19 (41) "Premises" means any place where an animal is located when veterinary
20 medicine is being practiced;

21 (42) "Prescription" means an order for a drug or medicine, or combination or
22 mixture of drugs or medicines, or proprietary preparation, that is signed, given,
23 or authorized and intended for use in the diagnosis, cure, mitigation, treatment,
24 or prevention of disease;

25 (43) "Registrant" means a person or premises duly permitted by the board under this
26 chapter;

27 (44) "Registered veterinary facility" means a veterinary facility that is registered with

1 the board under this chapter;

2 (45) "Supervision" pertains to any of the following:

3 (a) "Supervising veterinarian" means a veterinarian who assumes
4 responsibility for the veterinary care given to a patient by an individual
5 working under the veterinarian's direction. The supervising veterinarian
6 shall have examined the patient pursuant to currently acceptable standards
7 of care;

8 (b) "Immediate supervision" means the supervising veterinarian is physically
9 in the immediate area and within audible and visual range of the patient
10 and the individual treating the patient;

11 (c) "Direct supervision" means the supervising veterinarian is readily available
12 on the premises where the patient is being treated; and

13 (d) "Indirect supervision" means the supervising veterinarian need not be on
14 the premises but has given either written or oral instructions for the
15 treatment of the patient and is readily available for communication;

16 (46) "Telehealth" and associated terms are defined in Section 1 of this Act;

17 (47) "Veterinarian" means an individual who is licensed to engage in the practice of
18 veterinary medicine under this chapter;

19 (48) "Veterinarian manager" is a veterinarian who registers to assume responsibility
20 for the registration, management, and operation of a registered veterinary
21 facility;

22 (49) "Veterinarian-client-patient relationship" or "VCPR" is defined in Section 11 of
23 this Act;

24 (50) "Veterinary assistant" means a layperson who is employed by a licensed
25 veterinarian in accordance with Section 30 of this Act;

26 (51) "Veterinary facility" means any building, place, premises, mobile facility, or
27 mobile unit from which the practice of veterinary medicine and practice of

1 veterinary technology are conducted or performed, including but not limited to a
2 mobile clinic or facility, outpatient clinic, veterinary hospital or clinic, emergency
3 facility, specialty facility, referral facility, or center, temporary health clinic or
4 spay/neuter location, but does not include the premises of a veterinary client, a
5 research facility, a federal military base, or an American Veterinary Medical
6 Association-accredited college of veterinary medicine or veterinary technology;

7 (52) "Veterinary specialist" means a veterinarian that has been awarded and
8 maintains certification from an American Veterinary Medical Association-
9 recognized veterinary specialty organization, program, or college, and is
10 registered in this specialty with the board;

11 (53) "Veterinary student" means:

12 (a) A person enrolled in any veterinary school or college approved by the
13 American Veterinary Medical Association while pursuing a degree in
14 veterinary medicine; or

15 (b) A person in a post-Doctor of Veterinary Medicine temporary private
16 internship, residency, or veterinary hospital-based program, not to exceed
17 thirty (30) days in a calendar year;

18 (54) "Veterinary technician" means a person who has completed an approved
19 veterinary technology program, and who is licensed in accordance with this
20 chapter. The board may further define subcategories of veterinary technicians in
21 accordance with Section 29 of this Act;

22 (55) "Veterinary wellness committee" means a committee appointed by the board that
23 shall be composed of individuals who have expertise in the areas of alcohol
24 abuse, chemical dependence, drug abuse, or physical or mental condition
25 designated by the board to perform activities related to the veterinary wellness
26 program; and

27 (56) "Veterinary wellness program" means the board-sponsored program for the

1 identification, intervention, and monitoring of credential holders or applicants
 2 who may be impaired as a result of alcohol abuse, chemical dependence, drug
 3 abuse, or any physical or mental condition.

4 →Section 11. KRS 321.185 is amended to read as follows:

5 (1) In order for a veterinarian to practice veterinary medicine, a relationship among the
 6 veterinarian, the client, and the patient shall be established and maintained.
 7 "Veterinarian-client-patient relationship" or "VCPR" is the basis for veterinary
 8 care and means that:

9 (a) The veterinarian and the client or other caretaker of the patient both agree
 10 for the veterinarian to assume~~[has assumed the]~~ responsibility for making
 11 medical judgments regarding the health of the animal~~[and the need for~~
 12 ~~veterinary treatment, and the client, whether owner or other caretaker, has~~
 13 ~~agreed to follow the instructions of the veterinarian];~~

14 (b) There is sufficient knowledge of the animal by the veterinarian to initiate at
 15 least a general or preliminary diagnosis of the medical condition of the animal.
 16 This means that within the previous twelve (12) months the veterinarian
 17 either physically examined the animal or made a medically appropriate in-
 18 person visit~~[has recently seen and is personally acquainted with the keeping~~
 19 ~~and care of the animal by virtue of an examination of the animal or by~~
 20 ~~medically appropriate and timely visits]~~ to the premises where the animal is
 21 kept; and

22 (c) The~~[practicing]~~ veterinarian has assumed responsibility for providing
 23 follow-up care to the patient, except in cases where the veterinarian has
 24 arranged for:

25 1. Emergency or urgent care coverage by another veterinarian who has
 26 access to the patient's medical records or who can provide reasonable
 27 and appropriate medical care; or

1 **2. Continuing care and treatment by another veterinarian who has**
 2 **access to the patient's medical records or who can provide reasonable**
 3 **and appropriate medical care**~~[is readily available or shall provide~~
 4 ~~medical service for follow up in case of adverse reactions or failure of~~
 5 ~~the regimen of therapy. A new regimen of therapy shall be contingent~~
 6 ~~only upon cooperation of the client and availability of the subject~~
 7 ~~animal].~~

8 (2) The veterinarian shall maintain records which document patient visits, diagnosis,
 9 treatment, and other relevant information, **as required by Section 2 of this Act.**

10 (3) (a) A veterinarian shall not violate the confidential relationship between the
 11 veterinarian and the veterinarian's client, **Consultation by the veterinarian**
 12 **with another veterinarian or professional expert for the benefit of the**
 13 **patient shall not constitute a violation of confidentiality.**

14 (b) A veterinarian shall not release information concerning a client or care of a
 15 client's animal, except:

16 1. On the veterinarian's receipt of:

17 a. A written authorization or other form of waiver executed by the
 18 client; or

19 b. An appropriate court order or subpoena;~~[-or]~~

20 2. In cases of animal abuse, pursuant to KRS 321.188; **or**

21 **3. In cases of reportable diseases as they relate to public health pursuant**
 22 **to KRS 257.080 and 258.075 and the administrative regulations**
 23 **promulgated under the authority of those statutes.**

24 (c) A veterinarian who releases information under paragraph (b) of this
 25 subsection shall not be liable to any person, including the client, for an action
 26 resulting from the disclosure.

27 (d) The privilege provided by this subsection is waived by the client or the owner

1 of an animal treated by the veterinarian to the extent the client or owner places
2 at issue in a civil or criminal proceeding:

- 3 1. The nature and extent of the animal's injuries; or
- 4 2. The care and treatment of the animal provided by the veterinarian.

5 (e) This subsection shall not apply to:

- 6 1. An inspection or investigation conducted by the board or an agent of the
7 board; or
- 8 2. The veterinary reporting requirements and regulatory authority of the
9 Kentucky Horse Racing Commission to inspect, investigate, and
10 supervise horses and other participants in horse racing as provided by
11 KRS Chapter 230 and the administrative regulations promulgated under
12 KRS Chapter 230, or any other law applicable to the regulation of horse
13 racing in the Commonwealth.

14 (4) Veterinarians providing copies of records under this section may charge no more
15 than the actual cost of copying, including reasonable staff time.

16 **(5) A licensed veterinarian who in good faith engages in the practice of veterinary**
17 **medicine by rendering or attempting to render emergency or urgent care to an**
18 **animal when a client cannot be identified shall not be subject to penalty based**
19 **solely on the veterinarian's inability to establish a VCPR with an owner or the**
20 **owner's representative.**

21 **(6) A VCPR cannot be established solely by telehealth means. Without a VCPR, any**
22 **advice provided through telehealth shall be general and not specific to a patient,**
23 **diagnosis, or treatment. Veterinary telemedicine shall only be conducted within**
24 **an existing VCPR, with the exception for advice given in an emergency until that**
25 **patient can be seen in person by a licensed veterinarian.**

26 ➔Section 12. KRS 321.188 is amended to read as follows:

27 If a veterinarian finds that an animal with which **the veterinarian**~~[he or she]~~ has a

1 veterinarian-client-patient relationship has been abused in violation of KRS 525.125,
2 525.130, 525.135, or 525.137, the veterinarian may make a report to:

- 3 (1) The Office of the State Veterinarian for any animal for which an on-farm livestock
4 or poultry care standard has been promulgated under KRS 257.196; or
- 5 (2) Law enforcement for any other animal.

6 ➔SECTION 13. KRS 321.190 IS REPEALED AND REENACTED TO READ
7 AS FOLLOWS:

8 *(1) The practice of veterinary medicine and the practice of veterinary technology in*
9 *the Commonwealth are subject to enforcement by the board. Except as otherwise*
10 *provided in this chapter, it shall be unlawful for any person to engage in the*
11 *practice of veterinary medicine or the practice of veterinary technology in the*
12 *Commonwealth through any means, unless duly licensed under the applicable*
13 *provisions of this chapter, except as provided in Sections 15 and 30 of this Act.*

14 *(2) (a) No person shall use the designation "veterinarian," "licensed*
15 *veterinarian," or any other designation indicating licensure status,*
16 *including abbreviations, or hold himself or herself out as a veterinarian*
17 *unless duly licensed for that profession.*

18 *(b) No person shall use the designation "veterinary technician," "licensed*
19 *veterinary technician," or any other designation indicating licensure status,*
20 *including abbreviations, or hold himself or herself out as a veterinary*
21 *technician unless duly licensed for that profession.*

22 *(3) The practice of veterinary medicine by telephonic, videoconference, or other*
23 *means shall constitute the practice of veterinary medicine subject to licensure*
24 *and enforcement by the board.*

25 *(4) A veterinarian shall utilize the services of a licensed veterinary technician or*
26 *veterinary assistant in accordance with this chapter and the administrative*
27 *regulations promulgated under the authority of this chapter. Unauthorized*

1 utilization of any person's services in violation of this chapter shall be considered
 2 as aiding and abetting any unlicensed person to practice veterinary medicine as
 3 described in Section 26 of this Act.

4 (5) Nothing in this chapter shall be construed to prevent members of other
 5 professions from performing functions for which they are duly licensed.
 6 However, these persons shall not hold themselves out or refer to themselves by
 7 any title or description stating or implying that they are licensed or otherwise
 8 entitled to engage in the practice of veterinary medicine or the practice of
 9 veterinary technology.

10 (6) Nothing in this chapter shall be construed to permit any person who is not a
 11 veterinarian to perform any of the following activities relating to animals:

12 (a) Surgery;

13 (b) Diagnosis;

14 (c) Prognosis; and

15 (d) Prescription.

16 ➔Section 14. KRS 321.193 is amended to read as follows:

17 The board shall issue a license as a "veterinarian" to an applicant who meets the
 18 following requirements:

19 (1) Has completed an application for licensure approved by the board in
 20 administrative regulation;

21 (2) Has paid the application fee and the appropriate examination fee;

22 ~~(3)~~(2) Is a person of good moral character. As one (1) element of good moral
 23 character, the board shall require each applicant for licensure to submit a full set
 24 of the applicant's fingerprints for the purpose of obtaining criminal records
 25 checks, pursuant to applicable law. All good moral character information,
 26 including the information obtained through the criminal background checks,
 27 shall be relevant to licensure eligibility determinations to the extent permitted by

1 law;

2 ~~(4)~~⁽³⁾ Has graduated and received a doctorate degree in veterinary medicine or
 3 equivalent degree in veterinary medicine from a board-approved veterinary
 4 medical program~~[Has received a degree from a veterinary college approved by the~~
 5 ~~board];~~

6 ~~(5)~~⁽⁴⁾ Has achieved a passing score~~[, as set by the board by administrative~~
 7 ~~regulation,]~~ on examinations required by administrative regulation promulgated by
 8 the board;~~[and]~~

9 **(6) Has been approved for licensure by the board; and**

10 ~~(7)~~⁽⁵⁾ Has complied with any other requirement of the board by administrative
 11 regulation.

12 ➔Section 15. KRS 321.200 is amended to read as follows:

13 (1) No provision of this chapter shall be construed to prohibit any of the following:

14 (a) Any persons from gratuitously treating animals in cases of emergency,
 15 provided they do not use the word "veterinarian," "veterinary," "veterinary
 16 technician," "veterinary nurse," or any title, words, abbreviation, or letters
 17 in a manner or under circumstances which may induce the belief that the
 18 person using them is qualified to engage in the practice of veterinary
 19 medicine or the practice of veterinary technology as described in KRS
 20 321.181~~(5)~~;

21 (b) The owner of any animal or animals and the owner's full-time, or part-time,
 22 regular employees from caring for and treating, including administering drugs
 23 that are obtained and used in accordance with applicable state and federal
 24 statutes and regulations to, any animals belonging to the owner. With the
 25 exception of paragraph (c) of this subsection, treatment shall not include
 26 surgery. Transfer of ownership or a temporary contract shall not be used for
 27 the purpose of circumventing this provision;

- 1 (c) Any person from castrating **and dehorning** food animals~~[and dehorning~~
2 ~~eattle]~~, as long as any drugs or medications are obtained and used in
3 accordance with applicable **state and** federal statutes and regulations
4 governing controlled **substances** and legend drugs;
- 5 (d) Any **veterinary** student as defined in KRS 321.181 from working under the
6 direct supervision of a veterinarian who is duly licensed under **this**
7 **chapter**~~[the laws of this Commonwealth];~~
- 8 (e) **Unlicensed**~~[Nonlicensed]~~ graduate veterinarians in the United States Armed
9 Services or employees of the Animal and Plant Health Inspection Service of
10 the United States Department of Agriculture or the Kentucky Department of
11 Agriculture, Division of Animal Health, **from engaging**~~[while engaged]~~ in
12 the performance of their official duties~~[, or other lawfully qualified~~
13 ~~veterinarians residing in other states, from meeting licensed veterinarians of~~
14 ~~this Commonwealth in consultation];~~
- 15 (f) **Other lawfully qualified veterinarians residing in and duly licensed in other**
16 **jurisdictions, from discussing or meeting, either in person or virtually, with**
17 **licensed veterinarians of this Commonwealth in consultation about a**
18 **patient so long as the Kentucky-licensed veterinarian has established and**
19 **maintains a current VCPR with the patient;**
- 20 (g) A trainer, sales agent, or herdsman from caring for animals, upon instruction
21 from a Kentucky-licensed veterinarian, provided there is a **current**
22 **VCPR**~~[veterinary-client-patient relationship]~~, as defined in KRS 321.185;
- 23 (h)~~(g)~~ A university faculty member from teaching veterinary science or related
24 courses, or a faculty member or staff member from engaging in veterinary
25 research, including drug and drug testing research, provided that research is
26 conducted in accordance with applicable **state and** federal statutes and
27 regulations governing controlled **substances, prescription drugs,** and legend

1 drugs;

2 ~~(i)(h)~~ Any person who holds a postgraduate degree in reproductive physiology
3 or a related field, and who has performed embryo transfers in Kentucky during
4 the five (5) years immediately preceding July 14, 1992, from performing
5 embryo transfers **on animals**;

6 ~~(j)(i)~~ Volunteer health practitioners providing services under KRS 39A.350 to
7 39A.366;~~or~~

8 ~~(k)(j)~~ A retailer or its agent from providing information and suggestions
9 regarding the over-the-counter products it sells to treat animals so long as the
10 information and suggestions are consistent with the product label;

11 **(l) A Kentucky-licensed veterinarian from inspecting an animal, or an**
12 **animal's radiographs or other medical records, on behalf of a potential**
13 **buyer or potential seller, without regard to the existence of a VCPR;**

14 **(m) Any persons from implanting a microchip in an animal for the purposes of**
15 **identification or the establishment of ownership; or**

16 **(n) A veterinarian who is licensed in another jurisdiction, and is in good**
17 **standing in that jurisdiction, and meets the criteria for licensure in**
18 **Kentucky, and who has an active application on file with the board pending**
19 **for less than ninety (90) days, from working as a veterinarian in Kentucky**
20 **under the supervision of a Kentucky-licensed veterinarian while the board**
21 **application for licensure is being processed, so long as the place of**
22 **employment and contact information where the applicant works are**
23 **disclosed in the application.**

24 (2) (a) **An unlicensed veterinarian who does not qualify for licensure in Kentucky**
25 **and who is** a nonresident of the United States may be employed in this
26 **Commonwealth**~~[state]~~ to **engage in the** practice **of** veterinary medicine for
27 not more than thirty (30) days **in a calendar**~~[of each]~~ year, provided **the**

1 person~~[he or she]~~:

- 2 1. Holds a valid, current license as a veterinarian in the person's~~[his or her]~~
 3 home country;
- 4 2. Practices under the direct supervision of a veterinarian licensed in
 5 Kentucky;
- 6 3. Registers with the board prior to commencing practice in the
 7 Commonwealth~~[state]~~; and
- 8 4. Agrees to practice and follow all the rules and administrative regulations
 9 of this chapter and be subject to discipline for violations of those rules
 10 and administrative regulations by the Kentucky Board of Veterinary
 11 Examiners.

12 (b) This subsection shall not apply to a nonresident of the United States who is
 13 otherwise eligible for a Kentucky license under this chapter.

14 (3) Nothing in this chapter shall interfere with the professional activities of any licensed
 15 pharmacist.

16 ➔Section 16. KRS 321.201 is amended to read as follows:

17 (1) The board may issue a special permit to practice veterinary medicine to an
 18 unlicensed~~[a nonlicensed]~~ veterinarian who is a qualified applicant to become a
 19 licensed veterinarian and who is awaiting the pending results of a board-approved
 20 national examination or the final examination stage of a board-approved foreign
 21 education equivalency program.~~[by examination.]~~

22 (2) Individuals seeking to obtain a special permit shall apply to the board for
 23 licensure and shall be~~[who is]~~ employed by and working under the direct
 24 supervision of a Kentucky~~[]~~ licensed veterinarian. The application shall include a
 25 letter of recommendation and acknowledgement of supervisory responsibilities
 26 from the supervising licensed veterinarian.

27 (3) The special permit shall not be issued until~~[after]~~ the application has been

1 ~~submitted~~^{made} to take the next examination given by a board-approved
 2 examination provider~~[the board and the required fees paid. A letter of~~
 3 ~~recommendation from the supervising licensed veterinarian shall be submitted with~~
 4 ~~the application].~~

5 **(4)** The special permit shall expire seven (7) business days~~[the day]~~ after the notice of
 6 results of the first examination given after the permit was issued.

7 ~~(5)~~~~(2)~~ A special permit holder may be subject to the disciplinary procedures as set
 8 forth in KRS 321.351.

9 ➔Section 17. KRS 321.205 is amended to read as follows:

10 **(1)** A veterinarian may utilize a "mobile facility" or "mobile unit" to conduct
 11 business and engage in the practice of veterinary medicine.

12 **(2)** The mobile facility shall be registered under a current veterinary facility
 13 registration with the Kentucky Board of Veterinary Examiners in accordance
 14 with Sections 7 and 8 of this Act and the administrative regulations promulgated
 15 under the authority of this chapter.

16 **(3)** The mobile facility and its operators shall comply with all applicable local, state,
 17 and federal laws.

18 **(4)** The mobile facility may:

19 ~~(a)~~~~(1)~~ Make farm or house calls in a motor vehicle or utilize a motor vehicle
 20 equipped with special medical or surgical equipment if the veterinarian has a
 21 permanent base of operations with a published address and telephone number~~[~~
 22 ~~recorded with the board]~~ where the veterinarian may be contacted. The
 23 published contact information shall be on file with the board;

24 ~~(b)~~~~(2)~~ Apply the principles of environmental sanitation, food inspection,
 25 animal nutrition, artificial insemination, environmental pollution control,
 26 zoonotic disease control, and disaster medicine in the promotion and
 27 protection of public health; and

1 ~~(c)(3)~~ Engage in the collection of hazardous biological specimens and the use
 2 of vaccine which may be injurious to humans, in accordance with applicable
 3 state and federal statutes and regulations.

4 ➔Section 18. KRS 321.207 is amended to read as follows:

5 (1) The Kentucky Board of Veterinary Examiners, upon submission of a complete
 6 application and payment of a fee established by the board, shall issue to any animal
 7 shelter~~[control agency]~~ that it determines to be qualified, an authorization to apply
 8 to the United States~~[federal]~~ Drug Enforcement Administration (DEA)~~[Agency,~~
 9 ~~including any successor entity,]~~ for a controlled substance registration~~[restricted~~
 10 ~~controlled substance registration certificate]~~ for the purchase, possession, storage,
 11 and administration~~[use]~~ of the specific~~[sodium pentobarbital or other]~~ drugs
 12 approved~~[as authorized]~~ by the board~~[for administration by a certified animal~~
 13 ~~ethanasia specialist]~~ to euthanize or sedate animals for euthanasia for animals
 14 owned by the board-certified animal control agency, or in the case of an
 15 emergency, of injured, sick, or abandoned animals.

16 (a) A certified animal control agency that successfully obtains a DEA
 17 controlled substance registration shall comply with all state and federal
 18 laws related to the ordering, purchase, storage, tracking, and disposal of the
 19 drugs obtained under the controlled substance registration.

20 (b) A certified animal control agency shall comply with certification renewal
 21 requirements as set forth in Section 4 of this Act or the certificate shall
 22 expire.

23 (2) A certified animal control agency~~[To satisfy the board's authorization, the~~
 24 ~~applicant]~~ shall comply with administrative regulations promulgated by the board
 25 which contain standards for proper storage and handling of the drugs the board has
 26 approved~~[authorized]~~ for this use, and any other provisions as may be necessary to
 27 ensure that the drugs are used safely and solely for the purpose set forth in this

1 section.

2 (3) **The requirements for inspections shall include the following:**

3 **(a) A certified animal control agency shall submit to periodic inspections to**
4 **ensure compliance with DEA controlled substance registration and board**
5 **requirements;**

6 **(b) An applicant for certification as a certified animal control agency shall**
7 **submit to an inspection prior to certification by the board to ensure**
8 **adequate security for controlled substances storage; and**

9 **(c) A previously certified animal control agency with an expired certificate**
10 **shall submit to inspections by the board to ensure proper log updates,**
11 **removal, and disposal of all drugs obtained under the DEA controlled**
12 **substance registration.**

13 **(4)** Upon submission of a complete application, payment of a fee established by the
14 board, and successful completion of a board-approved animal euthanasia specialist
15 training course by the applicant, the **Kentucky** Board of Veterinary Examiners shall
16 issue to ~~a~~any person whom it determines to be qualified, a certificate for the
17 person to function as a certified animal euthanasia specialist, **subject to the**
18 **following restrictions:**

19 **(a) A certified animal euthanasia specialist shall comply with certification**
20 **renewal requirements as set forth in Section 4 of this Act or the certificate**
21 **shall expire;**

22 **(b) A certified animal euthanasia specialist shall maintain an employment**
23 **relationship with a certified animal control agency to be qualified to**
24 **practice animal euthanasia;**

25 **(c) A certified animal euthanasia specialist is authorized to perform euthanasia**
26 **only on the premises of the certified animal control agency, except in case**
27 **of an emergency;**

1 (d) A certified animal euthanasia specialist shall euthanize only animals that
 2 are owned by the certified animal control agency, or in cases of emergency.

3 Transfer of ownership or a temporary contract shall not be used for the
 4 purpose of circumventing this subsection;

5 (e) A certified animal euthanasia specialist shall not perform euthanasia at a
 6 private residence; and

7 (f) A certified animal euthanasia specialist shall not perform euthanasia for a
 8 fee or other personal gain.

9 ~~(5)~~~~(4)~~ Euthanasia of animals in a certified animal control agency shall only be
 10 performed by:

11 (a) A licensed veterinarian;~~including~~

12 (b) A licensed veterinary technician~~employed by and~~ functioning under the~~fe~~
 13 ~~direct~~ supervision of a licensed veterinarian;~~or~~

14 (c) A certified animal euthanasia specialist as provided for in subsection ~~(4)~~~~(3)~~
 15 of this section.

16 (6) A certified animal control agency that employs a certified animal euthanasia
 17 specialist may purchase, possess, and administer the specific~~sodium pentobarbital~~
 18 ~~or other~~ drugs approved by~~that~~ the board~~approves~~ for the euthanasia or
 19 sedation of animals for euthanasia. The specific~~Sodium pentobarbital and other~~
 20 drugs approved by the board shall be the only drugs used by certified animal
 21 euthanasia specialists for the euthanasia of animals or sedation of animals for
 22 euthanasia in a certified animal control agency.

23 ~~(7)~~~~(5)~~ Certified animal control agencies and certified animal euthanasia specialists
 24 shall be required to renew their certificates at intervals, upon conditions, and upon
 25 the payment of fees established by the board through the promulgation of
 26 administrative regulations.

27 (8) A veterinarian who is contracted or otherwise employed by an animal shelter

1 shall not store drugs obtained under the veterinarian's DEA controlled substance
 2 registration in the same location where the drugs obtained under another DEA
 3 controlled substance registration are stored.

4 (a) Separate and secure storage arrangements, drug logs, drug order forms,
 5 and secure, limited access shall be required for each separate DEA
 6 controlled substance registration.

7 (b) A veterinarian shall not store drugs ordered under the veterinarian's DEA
 8 controlled substance registration at an animal shelter unless the DEA
 9 controlled substance registration under which the drugs are ordered lists
 10 the animal shelter address as the registrant address.

11 ➔Section 19. KRS 321.211 is amended to read as follows:

- 12 (1) Each person licensed as a veterinarian shall biennially submit a completed renewal
 13 application and~~[, on or before September 30 of each even-numbered year,]~~ pay to
 14 the board a renewal fee~~[to be promulgated by administrative regulation of the~~
 15 ~~board]~~ for the renewal of the person's~~[his]~~ license~~[. All licenses not renewed by~~
 16 ~~September 30 of each even-numbered year shall expire based on the failure of the~~
 17 ~~individual to renew in a timely manner].~~
- 18 (2) A sixty (60) day grace period shall be allowed after the renewal date~~[September~~
 19 ~~30]~~, as required for renewal in subsection (1) of this section, during which time
 20 individuals may renew their licenses upon submission of a completed renewal
 21 application and payment of the renewal fee plus a late renewal fee~~[as promulgated~~
 22 ~~by administrative regulation of the board]~~. All licenses not renewed by the grace
 23 period deadline~~[November 30]~~ shall expire~~[terminate]~~ based on the failure of the
 24 individual to renew in a timely manner. Upon expiration~~[termination]~~, the licensee
 25 is no longer eligible to practice in the Commonwealth.
- 26 (3) After the sixty (60) day grace period, individuals with an expired~~[a terminated]~~
 27 license may have their licenses reinstated upon submission of a completed

1 **reinstatement application and** payment of ~~the renewal fee plus~~ a reinstatement
 2 fee ~~as promulgated by administrative regulation of the board~~. No person who
 3 applies for reinstatement after **expiration**~~termination~~ of **the person's**
 4 **veterinarian**~~his~~ license shall be required to submit to **an**~~any~~ examination as a
 5 condition for reinstatement, if **the** reinstatement application is made within five (5)
 6 years from the date of **expiration**~~termination~~.

7 (4) A suspended **veterinarian** license is subject to expiration and termination and shall
 8 be renewed as provided in this chapter. Renewal **or reinstatement** shall not entitle
 9 the licensee to engage in the practice until the suspension has ended, or is otherwise
 10 removed by the board and the right to practice is restored by the board.

11 (5) A revoked license is subject to expiration or termination but may not be renewed. If
 12 it is reinstated, the licensee shall pay the reinstatement fee ~~as set forth in subsection~~
 13 ~~(3) of this section and the renewal fee as set forth in subsection (1) of this section~~.

14 (6) A person who fails to reinstate **the person's veterinarian**~~his~~ license within five (5)
 15 years after its **expiration or** termination **shall**~~may~~ not have it renewed, restored,
 16 reissued, or reinstated. A person may apply for and obtain a new license by meeting
 17 the ~~current~~ requirements of this chapter.

18 (7) The board may require that a person applying for renewal or reinstatement of
 19 licensure show evidence of completion of continuing education as prescribed by the
 20 board by administrative regulation.

21 (8) The board may grant retired or inactive licensure status and may establish
 22 conditions under which retired or inactive licenses may be renewed **and reinstated**
 23 as set forth by **the board in** administrative regulations ~~promulgated by the board~~.

24 ➔Section 20. KRS 321.221 is amended to read as follows:

25 (1) The board may issue a license by endorsement to any applicant who, upon
 26 **submitting a completed application**~~applying~~ to the board and remitting a fee
 27 **established in administrative regulation**~~set by the board~~, demonstrates to the

1 board that the applicant~~[he]~~ has met the following requirements:

2 (a) The applicant is a graduate of an approved~~[a]~~ veterinary medical
3 program~~[college approved by the board]~~;

4 (b) The applicant is of good moral character. As one (1) element of good moral
5 character, the board shall require each applicant for licensure to submit a
6 full set of fingerprints for the purpose of obtaining criminal records checks,
7 pursuant to applicable law. All good moral character information,
8 including the information obtained through the criminal background
9 checks, shall be relevant to licensure eligibility determinations to the extent
10 permitted by law;

11 (c) The applicant holds a valid license to practice veterinary medicine and has
12 engaged in the practice of~~[practiced]~~ veterinary medicine in another state~~[of~~
13 ~~the United States]~~, the District of Columbia,~~[or]~~ a territory of the United
14 States, or a province of Canada for at least one (1) year immediately
15 preceding application, if the requirements for licensure in the issuing state or
16 province are equal to or higher than the standards required for the issuance of
17 a new license under the provisions of this chapter;~~[and]~~

18 (d) The applicant has passed an examination given by the board on the laws and
19 administrative regulations of the Commonwealth~~[of Kentucky]~~ governing the
20 practice of veterinary medicine; and

21 (e) The applicant has been approved for licensure by the board.

22 (2) The board shall not issue a license by endorsement to any applicant who is under
23 investigation in another state, territory,~~[or]~~ the District of Columbia, Canadian
24 province, or any jurisdiction for an act which could result in disciplinary action in
25 that jurisdiction until the investigation and disciplinary proceedings have been
26 completed.

27 ➔Section 21. KRS 321.230 is amended to read as follows:

1 There hereby is created a board to be known as the "Kentucky Board of Veterinary
2 Examiners."

3 **(1)** The board shall consist of **ten (10) members:**

4 **(a)** Nine (9) members **shall be** appointed by the Governor, **as follows:**~~and the~~
5 ~~Commissioner of Agriculture or the Commissioner's designee.~~

6 **1.** Seven (7) members shall be citizens of the Commonwealth~~—of~~
7 ~~Kentucky~~ and shall **be veterinarians,** each~~—have been~~ lawfully
8 engaged in the practice of veterinary medicine in this Commonwealth
9 for at least two (2) years **immediately**~~next~~ preceding the date of the
10 member's appointment;~~—~~

11 **2.** One (1) member shall be a **citizen of the Commonwealth and shall be a**
12 **citizen at large** who is not associated with or financially interested in the
13 practice or business regulated; **and**~~—~~

14 **3.** One (1) member shall be a citizen of the Commonwealth and a licensed
15 veterinary technician who has been employed in the veterinary field in
16 the Commonwealth for at least two (2) years preceding the date of **the**
17 **member's**~~his or her~~ appointment; **and**

18 **(b) One (1) member shall be the Commissioner of Agriculture or designee.**

19 **(2) Whenever possible, the Governor shall ensure that appointments to the board**
20 **maintain a composition that includes diverse representation from each of the**
21 **following areas:**

22 **(a) Species of animals served, including food animals, equines, small animals,**
23 **and other species; and**

24 **(b) Regional areas, including eastern Kentucky, western Kentucky, central**
25 **Kentucky, northern Kentucky, and all regional areas of the Commonwealth.**

26 **(3)** All appointed members shall be appointed for a term of four (4) years and shall
27 serve until the member is reappointed or a **qualified** successor is appointed. **The**

1 terms shall be evenly staggered, so that no more than three (3) members are
2 appointed to full terms in any given calendar year.

3 (4) Any vacancy in the appointed membership of the board shall be filled for the
4 unexpired term by appointment by the Governor.

5 (5) Each member of the board shall receive one hundred dollars (\$100) per day for each
6 day or substantial part of a day of service actually given in carrying out the
7 member's^[his] duties under this chapter, in addition to the member's^[his] necessary
8 traveling, hotel, and contingent expenses incurred in attending the meetings of the
9 board and in the performance of the member's^[his] duties.

10 (6) Each member shall be required to swear the constitutional oath of office and sign
11 a board-adopted code of ethics agreement within six (6) months of initial
12 appointment, or the member may be removed.

13 (7) A board member may be removed by the Governor, or removed by a three-fourths
14 (3/4) majority vote of the board upon one (1) or more of the following grounds:

15 (a) A poor attendance record, neglect of duty, or malfeasance in office;

16 (b) The refusal or inability for any reason of a board member to perform the
17 duties as a member of the board in an efficient, responsible, and
18 professional manner;

19 (c) The misuse of office by a member of the board to obtain financial or
20 material gain or advantage personally or for another through the office;

21 (d) A final adjudication by a recognized body including the courts that the
22 board member is in violation of the laws governing the practice of
23 veterinary medicine or the practice of veterinary technology; or

24 (e) Other just and reasonable causes as determined solely by the board
25 pursuant to applicable law. In these cases, removal of a member of the
26 board shall be in accordance with KRS Chapters 13A and 13B, or other
27 applicable laws.

1 ➔SECTION 22. KRS 321.235 IS REPEALED AND REENACTED TO READ
2 AS FOLLOWS:

3 (1) The board shall:

4 (a) Administer and enforce this chapter and set and evaluate the qualifications
5 of applicants for licensure, certification, permitting, and registration;

6 (b) Promulgate administrative regulations in accordance with KRS Chapter
7 13A to effectively carry out and enforce the provisions of this chapter;

8 (c) Promulgate administrative regulations to establish the fee amounts for all
9 fees required by this chapter. Fees may not exceed amounts necessary to
10 generate sufficient funds to effectively carry out and enforce the provisions
11 of this chapter, including costs related to administration, overhead, staffing,
12 information technology, investigations, inspections, supplies, equipment,
13 travel, and education and outreach efforts;

14 (d) Promulgate a code of conduct governing the practice of veterinary medicine
15 that shall be based upon generally recognized principles of professional
16 ethical conduct; and

17 (e) Maintain jurisdiction over persons and premises, regardless of their
18 licensure, certificate, permit, or registration status relative to acts,
19 omissions, complaints, and investigations which occurred during the
20 licensure, certification, permit, or registration period. The board shall also
21 maintain jurisdiction over registered facilities, irrespective of their
22 registration status, relative to acts, omissions, complaints, and
23 investigations which occurred during the registration period. This
24 jurisdiction shall be for purposes of enforcement of this chapter and any
25 administrative regulations promulgated under this chapter, including the
26 assessment and collection of fines, costs, and attorneys' fees. Jurisdiction of
27 the board shall also extend to persons engaging in the unauthorized

1 practice of veterinary medicine, unauthorized practice of veterinary
2 technology, or unauthorized practice of animal euthanasia. Licensees,
3 certificate holders, permittees, and registrants shall not divest the board of
4 jurisdiction by changing or relinquishing licensure, certificate, permit, or
5 registration status.

6 (2) The board may:

- 7 (a) Issue subpoenas, examine witnesses, pay appropriate witness fees,
8 administer oaths, and investigate allegations of practices violating this
9 chapter;
- 10 (b) Establish in administrative regulation and enforce standards or criteria of
11 programs or other mechanisms to ensure the continuing competence of
12 licensees, certificate holders, permittees, and registrants;
- 13 (c) Establish in administrative regulation and enforce minimum standards and
14 codes of conduct for its licensees, certificate holders, permittees, and
15 registrants;
- 16 (d) Establish in administrative regulation and enforce minimum standards for
17 the registration of veterinary facilities and mobile facilities;
- 18 (e) Promulgate administrative regulations stating that certain practices or
19 procedures within the practice of veterinary medicine may be conducted by
20 non-veterinarian persons trained by board-approved programs in these
21 practices or procedures. The board shall establish in administrative
22 regulation minimum requirements, board oversight, and permitting and
23 renewal conditions;
- 24 (f) Promulgate administrative regulations to establish:
- 25 1. Specific duties and responsibilities of the board;
- 26 2. Administration of licensure, certification, permitting, or registration;
- 27 and

- 1 3. Other matters pertaining to veterinarians, veterinary technicians,
2 animal control agencies, animal euthanasia specialists, veterinary
3 facilities, or unlicensed persons consistent with this chapter;
- 4 (g) Conduct investigations, inspections, and hearings, and keep records and
5 minutes necessary to carry out the function of this chapter;
- 6 (h) Inspect veterinary premises and equipment, including practice vehicles and
7 mobile facilities, at any time in accordance with protocols established in this
8 chapter and by the board in administrative regulation;
- 9 (i) Evaluate the qualifications for and authorize the issuance of licenses,
10 certifications, permits, and registrations to qualified candidates and
11 premises;
- 12 (j) Renew or deny licenses, certifications, permits, and registrations, require
13 continuing education as a condition for renewal, and promulgate
14 administrative regulations regarding the issuance and renewal of retired
15 and inactive licenses, certifications, permits, and registrations;
- 16 (k) Limit, reprimand, suspend, or revoke licenses, certificates, permits, and
17 registrations, or impose supervisory or probationary conditions upon
18 licensees, certificate holders, permittees, or registrants, or impose
19 administrative disciplinary fines, issue written reprimands, or any
20 combination thereof;
- 21 (l) Seek injunctive relief in Franklin Circuit Court to stop the unlawful
22 practice of veterinary medicine or practice of veterinary technology by
23 unlicensed persons, or against any person for the enforcement of this
24 chapter or any administrative regulations promulgated pursuant to this
25 chapter;
- 26 (m) Appoint from its own membership or staff one (1) or more members or
27 personnel to act as representatives of the board at any meeting within or

1 outside the Commonwealth; and
 2 (n) Award scholarships or educational awards, as determined by the board, to a
 3 person in the act of advancing toward, or having completed a degree in,
 4 veterinary medicine or veterinary technology from an approved veterinary
 5 medical program or approved veterinary technology program, and may take
 6 any other appropriate action to effectuate the Veterinary Medicine Practice
 7 Act. The board may contract with other state agencies and nonprofit
 8 corporations for the endowment, management, and administration of
 9 scholarships and educational awards. The requirements of these
 10 scholarships and educational awards shall be determined by the board.
 11 However, nothing contained in this section shall be construed as requiring
 12 the board to endow or award any scholarship or educational award.

13 (3) Members of the board, its agents, and employees shall be immune from personal
 14 liability in any action, civil or criminal, which is based upon any official act or
 15 acts performed by them in good faith.

16 ➔Section 23. KRS 321.237 is amended to read as follows:

17 (1) The board may~~[shall have the authority to]~~ establish a veterinary wellness
 18 committee to undertake the functions and responsibilities of a veterinary wellness
 19 program. The functions and responsibilities may include any of the following:

- 20 (a) Receiving and evaluating reports of suspected impairment from any source;
- 21 (b) Issuing an order directing an applicant, certificate holder, licensee, on-site
 22 designated manager, permittee, registrant, or veterinarian manager to
 23 undergo a mental or physical examination or chemical dependency
 24 evaluation, when probable cause exists that the credential holder has
 25 engaged in conduct prohibited by this chapter or a statute or administrative
 26 regulation enforced by the board. For the purpose of this section, every
 27 credential holder is considered to have consented to undergo a mental or

1 physical examination or chemical dependency evaluation when ordered to
 2 do so, in writing, by the board and to have waived all objections to the
 3 admissibility of the examiner's or evaluator's testimony or reports on the
 4 grounds that the testimony or reports constitute a privileged
 5 communication;

6 (c) Intervening in cases of verified impairment; or

7 (d)~~(e)}~~ Referring impaired credential holders, on-site designated managers,
 8 veterinarian managers, or applicants~~[veterinarians]~~ to treatment programs as
 9 a requirement of initial or continued licensure, certification, registration, or
 10 permitting.

11 (2) Other provisions of law notwithstanding, all board and committee records
 12 pertaining to the veterinary wellness program shall be kept confidential. No person
 13 in attendance at any meeting of the committee shall be required to testify as to any
 14 committee discussions or proceedings.

15 (3) Other provisions of law notwithstanding, no member of the board or the veterinary
 16 wellness committee shall be liable for damages to any person for any acts,
 17 omissions, or recommendations made by the member in good faith while acting
 18 within the scope of the member's responsibilities in accordance with this section.

19 ➔Section 24. KRS 321.240 is amended to read as follows:

20 (1) The board shall annually elect a chair and a vice chair from the appointed members
 21 of the board, Officers of the board serve for terms of one (1) year and until a
 22 successor is elected, without limitation on the number of terms an officer may
 23 serve as long as he or she holds a current appointment to the board.

24 (2) The board shall hold at least five (5)~~[two (2)]~~ meetings annually and additional
 25 meetings as the board may deem necessary. The additional meetings may be held
 26 upon call of the chair or upon written request of three (3) members of the board.

27 (3) Six (6)~~[Five (5)]~~ members of the board shall constitute a quorum to conduct

1 business.

2 ~~(4)~~~~(3)~~ The board may employ *its own executive director and staff, or employ* or
 3 contract with any other persons it deems necessary to carry on the work of the board
 4 and shall define their duties and fix their compensation. *Should the board prefer*
 5 *not to directly employ or contract with persons to serve as its executive director or*
 6 *staff, the board may enter into a contract with another state agency in which the*
 7 *board shall pay to the agency a sum sufficient to offset that agency's costs in the*
 8 *salary and benefits of one (1) or more employees who will be assigned to serve the*
 9 *board as its executive director and staff.*

10 ~~(4)~~ Upon recommendation of the board, the Governor may remove any member of the
 11 board for a poor attendance record, neglect of duty, or malfeasance in office.

12 ~~(5)~~ The board shall promulgate administrative regulations as it may deem necessary and
 13 proper to effectively carry out and enforce the provisions of this chapter, including
 14 regulations to establish authorized fees. Fees may not exceed amounts necessary to
 15 generate sufficient funds to effectively carry out and enforce the provisions of this
 16 chapter.

17 ~~(6)~~ The board shall promulgate a code of conduct governing the practice of veterinary
 18 medicine which shall be based upon generally recognized principles of professional
 19 ethical conduct.]

20 ➔ Section 25. KRS 321.320 is amended to read as follows:

21 (1) All fees and other moneys received by the board pursuant to the provisions of this
 22 chapter shall be deposited in the State Treasury to the credit of a revolving fund for
 23 the use of the board.

24 (2) No part of this revolving fund shall revert to the general funds of this
 25 Commonwealth.

26 (3) *All expenses incurred by the board shall be paid from this revolving fund,*
 27 *including:*

- 1 (a) The compensation of members of the board;
- 2 (b) *Salaries, wages, and benefits* [~~and all~~] of the employees of the board;
- 3 (c) *Payment of contractors hired by the board;*
- 4 (d) *Administrative services provided to the board; and*
- 5 (e) *Technology expenses related to administration of this chapter* [~~and all~~
 6 ~~expenses incurred by the board shall be paid from this revolving fund].~~
- 7 (4) *Scholarships and other educational awards approved by the board for the*
 8 *purpose of promoting persons entering into the fields of veterinary medicine shall*
 9 *be paid from this revolving fund.*
- 10 (5) *The board may receive and expend funds, in addition to fees collected from*
 11 *parties other than applicants and credential holders, provided that these funds*
 12 *shall be used in the pursuit of a specific objective that the board may accomplish*
 13 *by this chapter or which the board is qualified to accomplish by reason of its*
 14 *jurisdiction or professional expertise.*

15 ➔ Section 26. KRS 321.351 is amended to read as follows:

- 16 (1) The board may refuse to issue a license, or may suspend, revoke, impose
 17 probationary or supervisory conditions upon, impose an administrative fine not to
 18 exceed five thousand dollars (\$5,000) per violation, issue a written reprimand, issue
 19 a private admonishment, or any combination of actions regarding any licensee upon
 20 proof that the licensee has:
- 21 (a) Committed any act of dishonesty or corruption, if in accordance with KRS
 22 Chapter 335B. If the act constitutes a crime, conviction in a criminal
 23 proceeding is not a condition precedent to disciplinary action. Upon
 24 conviction of the crime, the judgment and sentence are presumptive evidence
 25 at the ensuing disciplinary hearing of the guilt of the licensee or applicant.
 26 "Conviction," as used in this paragraph, shall include a finding or verdict of
 27 guilt, an admission of guilt, or a plea of nolo contendere;

- 1 (b) Misrepresented or concealed a material fact in obtaining a license, or in
2 reinstatement of a license;
- 3 (c) Committed any unfair, false, misleading, or deceptive act or practice;
- 4 (d) Been incompetent or negligent in the practice of veterinary medicine, the
5 practice of veterinary technology, or its associated professional activities;
- 6 (e) Violated any ~~state~~ statute or administrative regulation governing the practice
7 of veterinary medicine, the practice of veterinary technology, or its
8 associated professional activities ~~or any activities undertaken by a~~
9 ~~veterinarian~~;
- 10 (f) Failed to comply with an order issued by the board or an assurance of
11 voluntary compliance;
- 12 (g) Violated the code of ethical conduct as set forth by the board by
13 administrative regulation; or
- 14 (h) Violated any applicable provision of any federal or state law or regulation
15 regarding the dispensing of controlled substances or legend drugs, if in
16 accordance with KRS Chapter 335B.
- 17 (2) Five (5) years from the date of a revocation, any person whose license has been
18 revoked may petition the board for reinstatement. The board shall investigate the
19 petition and may reinstate the license upon a finding that the individual has
20 complied with any terms prescribed by the board and is again able to competently
21 engage in ~~the~~ practice ~~of veterinary medicine~~.
- 22 (3) When in the judgment of the board, an alleged violation is not of a serious nature,
23 and the evidence presented to the board after the investigation and appropriate
24 opportunity for the licensee to respond, provides a clear indication that the alleged
25 violation did in fact occur, the board may issue a written reprimand to the licensee.
26 A copy of the reprimand shall be placed in the permanent file of the licensee. The
27 licensee shall have the right to file a response to the reprimand within thirty (30)

1 days of its receipt and to have the response placed in the permanent licensure file.
 2 The licensee may alternatively, within thirty (30) days of the receipt, file a request
 3 for hearing with the board. Upon receipt of this request the board shall set aside the
 4 written reprimand and set the matter for hearing.

5 (4) At any time during the investigative or hearing processes, the board may enter into
 6 an agreed order, settlement agreement, or accept an assurance of voluntary
 7 compliance with the licensee which effectively deals with the complaint.

8 (5) The board may reconsider, modify, or reverse its probation, reprimand,
 9 suspensions, or other disciplinary action.

10 (6) Private admonishment shall not be subject to disclosure to the public under KRS
 11 61.878 and shall not constitute disciplinary action, but may be used by the board for
 12 statistical purposes or in a subsequent disciplinary action against the licensee or
 13 applicant.

14 (7) For the purposes of this section, "license" means any license, certificate, permit,
 15 registration, or other credential issued or approved by the board, or the
 16 veterinarian manager designated on a veterinary facility registration, or on-site
 17 designated manager designated for a certified animal control agency.

18 (8) For the purposes of this section, "licensee" means a person who holds any
 19 license, certificate, permit, registration, or other credential issued or approved by
 20 the board, or is the veterinarian manager designated on a veterinary facility
 21 registration, or on-site designated manager designated for a certified animal
 22 control agency.

23 ➔Section 27. KRS 321.353 is amended to read as follows:

24 (1) The board may, by a majority vote, issue an emergency order for the immediate,
 25 temporary suspension of a license, certificate, permit, or registration against which
 26 disciplinary action, an investigation, or initiating complaint is pending if the order is
 27 necessary to protect the public.

- 1 (2) The emergency order shall be made in accordance with KRS 13B.125 and shall be
2 based upon a finding by the board that the emergency order is in the public interest
3 and that there is substantial evidence of immediate danger to the health, welfare,
4 and safety of the credential holder's~~[licensee's]~~ clients,~~[or]~~ animals, or the general
5 public.
- 6 (3) A licensee, certificate holder, permittee, or registrant may appeal the emergency
7 order by filing a written request to the board for an emergency hearing in
8 accordance with KRS 13B.125 within thirty (30) days after receipt of the order.
- 9 (4) The appeal of an emergency order shall address only the necessity for the action and
10 shall not constitute an appeal of the merits of the underlying complaint or charge.
- 11 (5) The emergency order shall remain in effect until modified or vacated by the board
12 or hearing officer or superseded by final disciplinary action of the board or hearing
13 officer on the underlying complaint or charge.
- 14 (6) The board shall expedite disciplinary hearings in which a licensee, certificate
15 holder, permittee, or registrant has been suspended under subsection (1) of this
16 section.
- 17 (7) Any party aggrieved by a final order of the board may appeal to the Franklin Circuit
18 Court after a written decision is issued by the board in accordance with KRS
19 Chapter 13B.
- 20 ➔Section 28. KRS 321.360 is amended to read as follows:
- 21 (1) Except as provided in KRS 321.353, the board, before suspending, revoking,
22 imposing probationary or supervisory conditions upon, imposing an administrative
23 fine, or any combination of actions regarding any license, certificate, permit, or
24 registration, or regarding any veterinarian manager or on-site designated
25 manager under the provisions of this chapter, shall set the matter for hearing in
26 accordance with KRS Chapter 13B. After denying an application under the
27 provisions of this chapter, or issuing a written reprimand, the board shall grant a

1 hearing in accordance with KRS Chapter 13B to the denied applicant only upon
 2 written request of the applicant made within thirty (30) days of the date of the letter
 3 advising of the denial or the reprimand.

4 (2) Any party aggrieved by a final order of the board may appeal to Franklin Circuit
 5 Court in accordance with KRS Chapter 13B.

6 ➔Section 29. KRS 321.441 is amended to read as follows:

7 (1) The board shall issue a license as a veterinary technician to an applicant who:

8 (a) Is a graduate of an approved~~accredited program of~~ veterinary technology
 9 program~~for its equivalent as approved by the board~~, with an associate or
 10 bachelor's degree related to veterinary technology;

11 (b) Obtains a passing score on an examination as determined by the board to
 12 assess the qualifications and fitness of an applicant to engage in the practice;~~†~~
 13 ~~and~~

14 (c) Is a person of good moral character. As one (1) element of good moral
 15 character, the board shall require each applicant for licensure to submit a
 16 full set of the applicant's fingerprints for the purpose of obtaining criminal
 17 records checks, pursuant to applicable law. All good moral character
 18 information, including the information obtained through the criminal
 19 background checks, shall be relevant to licensure eligibility determinations
 20 to the extent permitted by law;

21 (d) Has met all the requirements of the board as established by administrative
 22 regulation of the board; and

23 (e) Has been approved for licensure by the board.

24 (2) For the purpose of this chapter, "veterinary technician," "veterinary
 25 technologist," "veterinary nurse," or any other category of veterinary technician
 26 defined by the board in administrative regulation shall have the same meaning as
 27 "veterinary technician" under this chapter.

- 1 **(3)** The board shall promulgate administrative regulations for one (1) or more
 2 categories of veterinary technicians defining the:
 3 (a) Minimum qualifications required;
 4 (b) Specific tasks that the licensee may perform under a veterinarian's
 5 supervision; and
 6 (c) Specific tasks that the licensee shall not perform.
- 7 **(4)** The practice of veterinary technology by telephonic, videoconference, or other
 8 means shall constitute the practice of veterinary technology subject to licensure
 9 and enforcement by the board.
- 10 **(5)** A veterinary technician who performs veterinary technology contrary to this
 11 chapter shall be subject to disciplinary actions in a manner consistent with this
 12 chapter applicable to licensed veterinarians~~[defining the scope of practice of the~~
 13 ~~veterinary technician as well as the delegable duties from a licensed veterinarian].~~
- 14 ~~**(6)**~~~~[(3)]~~ Each veterinary technician licensed by the board shall pay an annual fee as
 15 prescribed by the board.
- 16 **(7)** Each veterinary technician licensed by the board shall complete~~[attend]~~ annual
 17 continuing education hours to renew the license as required by the board in
 18 administrative regulation~~[to renew the license].~~
- 19 **(8)** Failure to renew shall result in the expiration~~[termination]~~ of the license~~[-If a~~
 20 ~~hearing is requested upon the rejection of an application, or upon the termination of~~
 21 ~~a license, a hearing shall be conducted in accordance with the KRS 321.360.~~
- 22 ~~(4)~~ ~~The services of a licensed veterinary technician shall be limited to the performance~~
 23 ~~of duties under the direct supervision of a licensed veterinarian, except for the~~
 24 ~~routine administration of drugs, vaccines, parasite control agents, and growth~~
 25 ~~stimulating implants for food animals prescribed by a veterinarian and under the~~
 26 ~~indirect supervision of a veterinarian where a veterinarian-client-patient relationship~~
 27 ~~exists. A licensed veterinary technician shall receive no fee or compensation for~~

1 ~~services other than salary or compensation paid by the establishment by which the~~
 2 ~~licensed veterinary technician is employed. A licensed veterinary technician shall~~
 3 ~~not participate in the operation of a branch office, clinic, or allied establishment~~
 4 ~~unless a licensed veterinarian is on the premises. A licensed veterinary technician~~
 5 ~~shall not diagnose, prescribe medication or treatment, or perform surgical~~
 6 ~~procedures other than castrating and dehorning of food animals. A licensed~~
 7 ~~veterinary technician may assist a veterinarian in all duties of veterinary medicine~~
 8 ~~and surgery].~~

9 ~~(9)~~⁽⁵⁾ A veterinarian shall utilize the services of a licensed veterinary technician in
 10 accordance with the terms and provisions of this chapter. Unauthorized utilization
 11 of licensed veterinary technicians by veterinarians shall be considered as aiding and
 12 abetting any unlicensed person to practice veterinary medicine as described in KRS
 13 321.351.

14 ~~(10)~~⁽⁶⁾ Nothing in this section shall prohibit volunteer health practitioners from
 15 providing services under KRS 39A.350 to 39A.366.

16 **(11) Except as authorized by Section 15 of this Act, no person shall practice as a**
 17 **veterinary technician or perform any of the duties usually performed by a**
 18 **veterinary technician unless the person holds a license to practice as a veterinary**
 19 **technician issued and validly existing under the laws of this Commonwealth, as**
 20 **provided in the Kentucky Veterinary Medicine Practice Act.**

21 ➔Section 30. KRS 321.443 is amended to read as follows:

22 (1) A veterinary assistant **shall only work in the Commonwealth in the following**
 23 **circumstances:**

24 **(a) Under the supervision of a board-licensed veterinarian where a VCPR**
 25 **exists; or**

26 **(b) Under the direct supervision of a board-licensed veterinary technician who**
 27 **is under the supervision of a licensed veterinarian where a VCPR**

1 ~~exists~~ [may work only under the direct supervision of a veterinarian except for
 2 the routine administration of drugs, vaccines, parasite control agents, and
 3 growth stimulating implants for food animals prescribed by a veterinarian and
 4 under the indirect supervision of a veterinarian where a veterinarian-client-
 5 patient relationship exists].

6 (2) Duties of a veterinary assistant shall exclude diagnosing, prescribing medication or
 7 treatment, and performance of surgical procedures other than castrating and
 8 dehorning of food animals.

9 (3) *A veterinary assistant and the veterinary assistant's employer shall not represent*
 10 *the veterinary assistant as a veterinary technician.*

11 (4) *A veterinary assistant who performs the duties of a veterinary assistant contrary*
 12 *to this chapter or outside the scope defined by the board shall be subject to*
 13 *disciplinary actions in a manner consistent with this chapter applicable to*
 14 *licensed veterinarians.*

15 (5) A veterinarian shall utilize the service of a veterinary assistant in accordance with
 16 the terms and provisions of this chapter. Unauthorized utilization of veterinary
 17 assistants shall be considered as aiding and abetting an unlicensed person to practice
 18 veterinary medicine as described in KRS 321.351.

19 ➔ Section 31. KRS 321.990 is amended to read as follows:

20 Any person who *violates or aids* [shall violate or aid] in the violation of KRS 321.190
 21 shall be guilty of a misdemeanor and upon conviction shall be fined not less than *one*
 22 *hundred* [ten] dollars *(\$100)* [(\$10)] nor more than *one thousand* [five hundred] dollars
 23 *(\$1,000)* [(\$500)], or sentenced to jail for not less than ten (10) nor more than ninety (90)
 24 days, or both *per violation* so fined and imprisoned in the discretion of the jury.

25 ➔ SECTION 32. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
 26 READ AS FOLLOWS:

27 *This chapter shall be known as the Kentucky Veterinary Medicine Practice Act.*

1 ➔Section 33. If any provision of this Act or the application thereof to any person
2 or circumstance is held invalid, the invalidity shall not affect other provisions or
3 applications of the Act that can be given effect without the invalid provision or
4 application, and to this end the provisions of this Act are severable.