

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(New Administrative Regulation)

201 KAR 16:612. Notice to Comply (NOC) and Notice of Violation (NOV).

RELATES TO: KRS 321.187, 321.190, 321.203, 321.205, 321.207, 321.208, 321.211, 321.221, 321.235, 321.236, 321.352, 321.441, 321.442, 321.443, 321.990

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.235(2)(h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2)(h) authorizes the board to issue a notice to comply (NOC) or a notice of violation (NOV) to any person for violations of KRS Chapter 321. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the process and effect of issuing a NOC and a NOV.

Section 1. Notice to Comply (NOC).

- (1) The board, or an employee or agent of the board, may issue a NOC to any person or business for violation of any provision of KRS Chapter 321 or administrative regulations promulgated by the board thereunder.
- (2) A NOC may also be issued during an inspection to request additional information needed to determine compliance or as a notice to correct a minor violation found during the inspection. The failure to provide the information requested or to correct the violation within the time allotted may result in a notice of violation being issued.
- (3) A NOC from the board shall contain the following items:
 - (a) The name and address of the person or business to whom it is issued;
 - (b) A description of any information that is being requested;
 - (c) A citation to any statutory or regulatory requirement has been or may be violated;
 - (d) A description of the circumstances surrounding any violation or possible violation for which additional information is requested;
 - (e) Measures required to comply with the NOC;
 - (f) A reasonable time for compliance; and
 - (g) Notice that failure to take required action may result in the issuance of a notice of violation;
 - (h) Identification of the board's agent issuing the form; and
 - (i) Date the NOC was issued.
- (4) A notice to comply may be issued in tangible or electronic form.

Section 2. Notice of Violation (NOV).

- (1) The board, or an employee or agent of the board, may issue a NOV to any person for violation of any provision of KRS Chapter 321 or administrative regulations promulgated by the board thereunder.
- (2) A NOV establishes that a violation of statute or administrative regulation exists and that a business or person is operating in violation of the law and is subject to penalty pursuant to KRS Chapter 321.
- (3) Each day or part of a day that a violation continues is a separate violation subject to daily penalties.
- (4) A NOV from the board shall contain the following items:
 - (a) The name and address of the person or business to whom it is issued;
 - (b) A citation to the statutory or regulatory requirement or requirements that have been violated;
 - (c) A description of the circumstances surrounding the violation or violations, set forth in common and concise language;
 - (d) Measures required to correct each violation;

- (e) Notice that each day or part of a day that a violation continues is a separate violation;
 - (f) Notice of the penalty for the violation or violations for which the notice was issued;
 - (g) A reasonable time for correction, if the respondent cannot take measures to correct the violation immediately;
 - (h) Identification of the board's agent issuing the notice;
 - (i) Date the NOV was issued; and
 - (j) Notice of rights of appeal.
- (5) A notice of violation may be issued in tangible or electronic form.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: September 12, 2024

FILED WITH LRC: September 12, 2024 at 1:40 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 22, 2024, at 1:00 pm EST, at the offices of the Kentucky Board of Veterinary Examiners, 4047 Iron Works Pkwy, Suite 104, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.