



Kentucky

The Kentucky Board of Veterinary Examiners' [new Practice Act](#) became effective 6/28/23.

## Modernization White Paper

### **Modernization Highlights:**

1) **Expanded Definitions.** KRS 321.181 (Definitions for chapter) contains only 17 definitions. Following work on the Practice Act, the KBVE has incorporated additional terms and refined existing definitions to better reflect national standards and provide clarification for the public, bringing the total definitions in the updated statute to more than 75 terms. This will provide a common language for discussions with all stakeholders, practitioners, and clients.

2) **Additional Clarifying Statutes.**

a) **Renewals.** The KBVE seeks to add credential renewal requirements in distinct statutes for all licenses, permits, certificates, and registrations (collectively, “credential holders”) under the board’s authority. This will clarify grace periods, expiration of credentials, requirements for reinstatement or new application, and provide for inactive and/or retired credentials.

b) **Animal Control Agencies and Animal Euthanasia Specialists.** Given both national and statewide concerns related to the abuse of controlled substances (CS), the KBVE seeks to update KRS 321.207 (Certification of animal control agencies and animal euthanasia specialists).

- • A KBVE-certified animal control agency orders and stores CS onsite; these drugs are overseen by laymen, both designated on-site managers and certified as animal euthanasia specialists (AES). This update will make clear CS oversight responsibilities.
- • Additionally, the KBVE seeks to clarify the restricted duties of the AES to ensure there is no overlap of the untrained professional’s work with the practice of veterinary medicine, as defined in KRS 321.181.

c) **Medical Records.** In response to constituent concerns and numerous complaint cases over the past several decades, the KBVE determined it is necessary to explain adequate medical records. Too often invoices are the only medical record, failing to include critical medical details of patient care; too often clients request records and are denied access. The board is proposing a new statute to help both licensees and citizens understand the basic requirements of current medical records standards.

3) **Criminal Background Checks.** In response to wellness concerns and efforts to protect the public, the board has instituted background checks as a part of the application process for new credential holders. Following the passage of these statutes, the KBVE shall seek approval from the FBI to receive background check results directly to the board, ensuring the authenticity of those results for the purpose of credentialing. Background checks will not be required for renewals.

4) **Telehealth.** At the request of the KVMA, and using the AVMA model definitions, the KBVE has added a statute to provide a framework for telehealth, clarifying when telehealth requires the establishment of an in-person veterinary-client-patient-relationship (VCPR) and when telehealth may be used without a VCPR. This statute is essential to ensure:

- Rapid and early diagnosis of high-consequence diseases that can impact the food supply or endanger the public; and
- Protections for patients and an avenue for recourse when clients/owners and their animals are ill-served or harmed by the inappropriate use of telehealth.

5) **Addition of Veterinary Facility Registrations and a Voluntary Inspection Program.**

According to the AVMA, as of October 2019, there are 35 states, including Washington, D.C., that have specific regulations governing the operation of veterinary facilities. The intent of the Kentucky board is to phase in registration of veterinary facilities by 2025. This will enable the board to:

- a) Better understand and work to lessen veterinary shortages in the Commonwealth, particularly as related to food and commodity animals (\$2.8 billion industry annually in Kentucky), equines (\$6.5 billion annually in Kentucky), and the companion animal industry (est. \$500 million annually in Kentucky), as well as rural service areas.
- b) Define responsible parties in corporate or non-licensee-owned practices, ensuring that someone can be held accountable to the public for the decisions and practices at a veterinary facility that affect patients and clients. Without a responsible party, citizens of the Commonwealth often have no recourse in these settings.
- c) Address constituent complaints about basic standards of care in fly-by-night low-cost spay/neuter and health clinics, where clients are sometimes provided substandard care and left without any options for follow-up care when the patient experiences complications from the procedures.
- d) Assist clients in locating and connecting with services in their regional areas.
- e) Provide transparent standards that are accessible to practitioners and the public.
- f) Offer a voluntary inspection program to assist and inform licensees about current standards of practice, helping elevate the practice of veterinary medicine, and reduce complaints to the board.

**Clarifying the Roles of Veterinary Technicians and Veterinary Assistants.** To alleviate a great deal of confusion in both the veterinary community and amongst citizens of the Commonwealth, the KBVE seeks to amend KRS 321.441 (Veterinary technician's license -- Qualifications -- Scope of practice -- Annual fee – Exception) and KRS 321.443 (Veterinary assistants) to allow for distinction between the college-educated, licensed veterinary technician and the trained layperson veterinary assistant. These distinctions will clarify the title protections available for licensed veterinary technician (LVT) classes and shall aid veterinarians in fully utilizing the skills of their trained LVT staff.

- a) The KVTA supports these changes. In 2021, the KVTA surveyed members and found that, besides compassion fatigue, the top reasons cited by LVTs for dissatisfaction with their profession are underutilization of their skills, as well as misconceptions of their profession by both employers and the public.
- b) Clarifying the role of LVTs and veterinary assistants will not change the ability of veterinarians to fully utilize unlicensed veterinary assistant staff under their supervision.

7) **Educational Awards.** KBVE is requesting the ability to administer an educational awards program for graduates with a degree in veterinary medicine or veterinary technology to focus on relieving shortages in the workforce, primarily in food animal medicine and rural communities. Current board demographics data shows an alarming trend in retirement age of current practitioners, affirming the existing acute shortages in available veterinary services. The intent of the KBVE is to engage awardees in their profession within the borders of the Commonwealth. An awards committee of key stakeholders shall be established in administrative regulations to administer this program.

8) **Allied Animal Health Professional Permits.** In response to requests from stakeholder groups, the board seeks to expand its scope and institute a new permit class for the “allied animal health professional” providing animal chiropractic services. The proposed statutory definition of an “allied animal health professional” or “AAHP” means “a professional who has completed an approved allied animal health professional program as defined by administrative regulation and who offers specialized, limited services as defined by administrative regulation to an animal patient in animal chiropractic.”

9) **Increased Board Authority.** Incorporated at the request of a significant majority of stakeholders, the board is seeking increased authority to take action against those in violation of the Practice Act and those offering veterinary services without a board credential. This expansion includes:

- a) Addition of the Allied Animal Health Professional Permit;
- b) Designation of “Registered Responsible Parties” (i.e., non-licensee and corporate owners) on Veterinary Facility Registrations; and
- c) The ability for the board to issue a Notice to Comply (NC) or a Notice of Violation (NOV) for violations of the Veterinary Medicine Practice Act.