

Kentucky

## **Kentucky Board of Veterinary Examiners – [May 23, 2024 Minutes](#)**

### **High Volume Spay/Neuter (HVSN) Inquiries**

- Dr. Thomas Turcotte – re VCPR requirements Members of the Board discussed Dr. Turcotte’s inquiries and offered the following determinations and cautions in response.

1. A VCPR for the purpose of HVSN surgery does not extend to other services. Individuals wishing to obtain prescriptions or other services for the patient need to establish themselves as clients at a veterinary facility. It is unsafe for the patient to be prescribed medications with the limited exam provided in an HVSN setting. The work done for the HVSN is limited in scope to only the spay or neuter, and the exam provided for that is not extensive enough to provide further services. Other tests may be needed for requested prescriptions.
2. Basic exams are still required. The Board cautioned veterinarians working in an environment where the volume is too high. The standard of care should be the same as for any other patient and needs to be completed properly.
3. Regarding records, preprinted forms or S.O.A.P. sheets are acceptable, but the form needs to be accurate. Medical records are required of the practitioner and must comply with 201 KAR 16:701.
4. The board expressed concerns about how some of the HVSN clinics mentioned in the email are providing controlled substances without apparent veterinarian involvement. How are these drugs being procured and maintained?

- Dr. Carolyn Congleton – Inquiry regarding monitoring during surgery

Medical records are required in conformity with 201 KAR 16:701. There is no double standard in Kentucky for regular clients vs. clients of HVSN.

- Dr. Caitlyn Black – monitoring, recovery, record keeping

Members of the Board referred Dr. Black to the administrative regulations under the Kentucky Veterinary Medicine Practice Act, specifically 201 KAR 16:701 (Standards for medical records) and 201 KAR 16:702 (Standards for Veterinary Surgery).

### **LVT inquiry regarding suturing support at the end of surgery**

Dr. Staton indicated that this is identified as an essential skill by the AVMA CVTEA and can occur under direct supervision. KBVE regulation 201 KAR 16:750 allows for this activity at the discretion of the supervising veterinarian.

## **American Association of Bovine Practitioners (AABP) Guidelines for LVTs**

Members of the Board discussed the AABP guidelines for licensed veterinary technicians (LVTs), also known as registered or certified VTs (RVTs or CVTs).

- Members expressed concern regarding the statement “Sedate/tranquilize using controlled drugs CVT Indirect Supervision”. If the drugs are controlled substances and the level of supervision indicated is indirect, this would mean that the veterinarian is not even required to be on the premises when the controlled drugs are in use. This is not acceptable in Kentucky.
- For all other tasks, the list seems acceptable in Kentucky so long as the veterinarian trusts and has confidence in the individual LVT for the tasks as assigned and the appropriate level of supervision is provided.
- KBVE cautions that for all the tasks listed, the individuals are required to be LVTs as defined in KRS 321.441 and that these tasks do not apply to unlicensed veterinary assistants defined in KRS 321.181(70) and 321.443.

## **Midlevel Practitioner Discussion**

Members of the Board reviewed and discussed a bulleted list of items, including:

- Scheduled increase in veterinary schools and cohorts in the next five (5) years
- Faculty shortages for both existing and future schools, which would also impact the availability for faculty at any midlevel practitioner school.
- Proposed midlevel practitioner schools lack a standardized curriculum, an accrediting body, and a national exam.
- To assist with the shortage situation, veterinarians need to fully utilize LVTs in their current training and increase their pay for retention and recognition.
- LVTs should be provided nationwide title protections before any midlevel profession is established.
- Role of Veterinary Technician Specialists (VTS) and the different specialty areas for LVTs. VTS training is rigorous and clinical in nature, whereas the current Masters programs designed for midlevel practitioners tend to be more academic and administrative in nature (i.e., practice management).

## **Specialists**

- Members of the Board discussed the need for something in regulation to govern requirements for specialists of all kinds, including both veterinarian and LVT specialists.
- Members directed that a question about specialty training be added to the licensure applications, including a requirement to have a current certification on file with the board.
- The Board discussed restrictions about individuals claiming to be specialists, what proof was needed to make such a claim, and if they had title protections.

## **GOVERNMENT AFFAIRS COMMITTEE**

Administrative Regulations Members of the Board discussed proposed edits to administrative regulations.

- 201 KAR 16:580 – Inactive status for AAHP
- The five-year period is consecutive, not cumulative.

201 KAR 16:563 - Responsibilities for allied animal health professionals; limitations on practice

- Shall vs. May
- Timeframes for communications
- Rehabilitators and various equipment (e.g., lasers, etc.)

A MOTION was made by Dr. Quammen to approve the draft administrative regulations as amended, and to direct Ms. Shane to proceed with filing with LRC after the application forms have been created to match. Further, Ms. Shane, Chairman Dr. Park, and KBVE legal counsel are authorized to work together with LRC staff on any needed edits for conformity to KRS Chapter 13A. The motion, seconded by Dr. Park, passed unanimously.

- Equine Dental Provider Discussion
  - Dr. Dawes and Ms. Shane provided an update from a meeting with Senator Robin Webb and the KVMA on May 9. Sen. Webb may propose legislation regarding nonveterinarian equine dental providers.
  - The Board discussed a summary of the equine dental laws established in other U.S. jurisdictions. Those states included Arizona, Arkansas, Minnesota, Nevada, Oklahoma, Texas, Utah, and Virginia. Members of the Board were particularly concerned about access to drugs, limits on controlled substances, and the levels of supervision required for both drug administration and the performance of equine dental procedures.
  - Members reviewed a letter from the Kentucky Association of Equine Practitioners (KAEP) concerning non-veterinarian equine dental providers. KAEP stands with the position statements of the American Association of Equine Practitioners (AAEP) and the American Veterinary Medical Association (AVMA), declaring that equine dentistry is the practice of veterinary medicine and is much more than just “floating teeth”.

- West Virginia (WV) Equine Dental Dar Stakeholders Forum to be held July 15 in Charleston, WV. Dr. Quammen plans to attend.

## **Kentucky Board of Veterinary Examiners - [June 12-13, 2024 Board Retreat Minutes](#)**

### **• Legislative Discussion**

#### ○ Building Relationships with Legislators, Key Topics:

- Xylazine and other class alpha-2-antagonist drugs
- Board's role, Does this legislation affect the public?
- Two Hats: Differentiate between public protection issues for the Board and personal/professional issues

#### ○ National Landscape and Kentucky Legislation on the Horizon

- Equine Dental
  - Position statements from AAEP and KAEP
  - Concerns related to controlled drugs used in equine sedation
- Scheduling of Alpha-2-antagonist Drugs
  - In Florida, Xylazine scheduled as Class I
  - Alternative drugs to xylazine – medetomidine (Domitor) in the same alpha-2-antagonist class, and is also likely to be scheduled nationally
- Legislative “Animal Husbandry” initiative
  - Push to carve out equine dental and reproductive work on cattle
- KBLMT and Animal Massage
  - Legislation update
- Mid-level practitioner pushes
  - National initiatives
  - Failure of backers to provide:
    - National standards
    - Accrediting body
    - National exam
    - Title protections

- Misses the need to first utilize LVTs to their fullest potential and provide this existing job class title protections nationally
- Virtual VCPR challenges
  - Targeted lobbying efforts
  - Misleading messaging does not support public protection
- Kentucky veterinarian school

### • **Proposed Revisions to Regulations**

- Discussion regarding the VCPR and its connection to AAHP scope of work and client-patient relationship Dr. Quammen initiated a conversation regarding the maintenance of communication between veterinarians, clients, and AAHPs. The Board reviewed the approved draft language in 201 KAR 16:563 to ensure that veterinarians are kept informed about treatments provided by AAHP permittees to ensure patient safety. Members of the Board discussed the comments submitted by the KAC.

A MOTION was made by Dr. Quammen, to approve the changes as discussed to 201 KAR 16:563 for filing the regulations as amended, and to direct Ms. Shane to proceed with filing with LRC after the application forms have been created to match. Further, Ms. Shane, Chairman Dr. Park, and KBVE legal counsel are authorized to work together with LRC staff on any needed edits for conformity to KRS Chapter 13A. The motion, seconded by Dr. Velasco, passed unanimously.

Mr. Brengelman led the Board in a review and discussion of two (2) new proposed administrative regulations.

- 201 KAR 16:612 - Notice of Noncompliance and Notice of Violations
- 201 KAR 16:614 - Fines

A MOTION was made by Dr. Prater to file these new regulations and to direct Ms. Shane to proceed with filing with LRC after the application forms have been created to match. Further, Ms. Shane, Chairman Dr. Park, and KBVE legal counsel are authorized to work together with LRC staff on any needed edits for conformity to KRS Chapter 13A. The motion, seconded by Dr. Kennedy, passed unanimously. • 201 KAR 16:600 - Prescription and dispensation of drugs for animal use The Board needs to revisit this regulation for possible revision and inclusion of controlled substance rules for prescribing (limitations on refills), and clients ordering under a veterinarian license. However, due to time constraints, these regulations were tabled until a follow-up with the Kentucky Board of Pharmacy (KBOP) and a later Board meeting.

## Kentucky Board of Veterinary Examiners - [August 29, 2024 Minutes](#)

### NEW BUSINESS

Questions pending from the Board's Office

o Telehealth query from United Veterinary Care Ms. Shane provided an overview of her responses to date to the above query. The Board agreed with her assessment of the situation and responses.

- Veterinarians who are licensed in another state but not licensed in Kentucky cannot have the VCPR "extended" to an out-of-state facility.
- A veterinarian licensed in another state may only provide consultation services to a Kentucky-licensed veterinarian who holds an established and valid VCPR. They may not provide services directly to a client or patient located in Kentucky unless they hold a Kentucky license and are located in Kentucky.
- KRS 321.185(2) cites that the VCPR extends only to licensed veterinarians employed at the same registered facility within the Commonwealth.
- KRS 321.181(56) defines "registered facility" as "any AAHP facility or any veterinary facility that is registered with the board".
- A Kentucky licensed veterinarian may provide veterinary services to a client in Kentucky only if they are:
  - 1) Employed with the same registered veterinary facility as the Kentucky-licensed veterinarian with the VCPR, and
  - 2) Located within the Commonwealth of Kentucky at the same registered facility. Some Members of the Board noted their understanding that United Veterinary Care is under a significant reorganization.

o Teletriage and treatment situation at a Kentucky veterinary facility

Dr. Smith called and spoke with a KBVE licensee. This veterinarian made a medical judgment that another veterinarian questioned, and there will likely follow both legal action and a grievance to the Board. The veterinarian requested a Board opinion in writing indicating that there were no violations of the Kentucky Veterinary Medicine Practice Act. In Dr. Smith's opinion, based on the information as described to him, there does not appear to be any violation of the Practice Act.



Members of the Board discussed cautions related to making any declaration when only having an accounting of one party in a situation. The Board directed Ms. Shane to respond accordingly, noting that new evidence may be cause for the Board to reevaluate this determination.

### **GOVERNMENT AFFAIRS COMMITTEE**

- Administrative Regulations Update In 2024, to date the Board has approved seven amended and 16 new regulations for filing with LRC. Due to the move, IT issues, and communications with LRC on the need to renumber some of the new regulations, no regulations have been filed to date. Ms. Shane does have a group nearly ready and will be able to complete a partial filing by the next LRC filing deadline in September. The public hearing for these regulations shall be November 22, 2024, at 1:00 PM EST at KBVE offices. Public comments shall be accepted through November 30, 2024.