

**LAWS AND REGULATIONS RELATING TO THE
KENTUCKY BOARD OF VETERINARY EXAMINERS**



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For the official copies of the statutes and regulations pertaining to this profession, please visit <http://lrc.ky.gov>.

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KENTUCKY REVISED STATUTES

321.175 Purpose of chapter.

It is hereby declared that the practice of veterinary medicine is a privilege which is granted by legislative authority in the interest of public health, safety, and welfare. To protect the public from being misled by incompetent, unscrupulous, and unauthorized practitioners, and from unprofessional or illegal practices by persons licensed to practice veterinary medicine, this chapter is enacted in the interest of the health, safety, and welfare of the animal population and the citizens of Kentucky.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 1, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 282, effective July 15, 1996. -- Created 1992 Ky. Acts ch. 299, sec. 1, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 1, has been changed pursuant to KRS 7.136(1).

321.181 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Veterinary Examiners;
- (2) "Animal" means any animal, except human beings;
- (3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;
- (4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky;
- (5) "Practice of veterinary medicine" means:
 - a) To diagnose, treat, correct, change, relieve, or prevent: animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above;
 - b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry, acupuncture, laser therapy, manipulation, and all other branches or specialties of veterinary medicine and the prescribing, administering, or dispensing of drugs and medications for veterinary purposes, in accordance with the applicable federal statutes and regulations governing controlled prescription and legend drugs; and

- c) To use the words "veterinarian," or "veterinary," or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to do any act described in paragraphs (a) and (b) of this subsection;
- (6) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the embryo into any animal, including food and companion animals;
- (7) "Chemical restraint" means the use of any prescription or legend drug that restrains or tranquilizes the animal;
- (8) "Direct supervision" means the veterinarian is on the premises, and is quickly and easily available, and the animal has been examined by a veterinarian at the times acceptable veterinary medical practice requires, consistent with the particular delegated animal health care tasks;
- (9) "Indirect supervision" means the veterinarian does not have to be on the premises as long as a valid veterinary/client/patient relationship has been established and the veterinary technician or veterinary assistant has been instructed on the applicable animal health care tasks in accordance with KRS 321.441 and 321.443;
- (10) "Emergency" means the animal has been placed in a life threatening condition and immediate treatment is necessary to sustain life;
- (11) "Veterinary wellness program" means the board-sponsored program for the identification, intervention, and monitoring of credential holders or applicants who may be impaired as a result of alcohol abuse, chemical dependence, drug abuse, or any physical or mental condition;
- (12) "Veterinary wellness committee" means a committee appointed by the board that shall be composed of individuals who have expertise in the areas of alcohol abuse, chemical dependence, drug abuse, or physical or mental condition designated by the board to perform activities related to the veterinary wellness program;
- (13) "Veterinary technician" means a person who has completed an associate or bachelor's degree level accredited program of veterinary technology approved by the board, and who is licensed in accordance with KRS 321.441;
- (14) "Veterinary assistant" means a lay person employed by a licensed veterinarian in accordance with KRS 321.443;
- (15) "Certified animal control agency" means a county or municipal animal shelter or animal control agency; private humane society; state, county, or municipal law enforcement agency; or any combination of those entities that temporarily houses stray, unwanted, or injured animals and that is certified under the provisions of KRS 321.207;
- (16) "Certified animal euthanasia specialist" means a person employed by a certified animal control agency who is authorized by the board, under KRS 321.207, to humanely euthanize animals by administering drugs designated by the board for euthanasia; and
- (17) "Student" means:
 - a) A person enrolled in any veterinary school or college approved by the American Veterinary Medical Association while pursuing a degree in veterinary medicine; or
 - b) A person in a post-Doctor of Veterinary Medicine temporary private internship, residency, or veterinary hospital-based program, not to exceed thirty (30) days in a calendar year.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 2, effective July 15, 2016. -- Amended 2004 Ky. Acts ch. 189, sec. 28, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 126, sec. 1, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 299, sec. 2, effective July 14, 1992.

321.185 Veterinarian-client-patient relationship.

- (1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "Veterinarian-client-patient relationship" means that:
 - a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;
 - b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and
 - c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.
- (2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.
- (3) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.
(b) A veterinarian shall not release information concerning a client or care of a client's animal, except on the veterinarian's receipt of:
 1. A written authorization or other form of waiver executed by the client; or
 2. An appropriate court order or subpoena.
(c) A veterinarian who releases information under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.
(d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:
 1. The nature and extent of the animal's injuries; or
 2. The care and treatment of the animal provided by the veterinarian.
(e) This subsection shall not apply to:
 1. An inspection or investigation conducted by the board or an agent of the board; or
 2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any law applicable to the regulation of horse racing in the Commonwealth.
- (4) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 3, effective July 15, 2016. -- Amended 2009 Ky. Acts ch. 39, sec. 1, effective June 25, 2009. -- Created 1992 Ky. Acts ch. 299, sec. 3, effective July 14, 1992.

321.190 License required to practice veterinary medicine -- No compensation for violator.

Except as provided in KRS 321.200, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless the person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth, as provided in this chapter. No person who violates any of the provisions of this section shall receive or accept any compensation for services rendered.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 299, sec. 15, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 15.

321.193 Veterinarian's license -- Requirements.

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

- (1) Has paid the application fee and the appropriate examination fee;
- (2) Is a person of good moral character;
- (3) Has received a degree from a veterinary college approved by the board;
- (4) Has achieved a passing score, as set by the board by administrative regulation, on examinations required by administrative regulation promulgated by the board; and
- (5) Has complied with any other requirement of the board by administrative regulation.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 5, effective July 15, 2016. -- Amended 2000 Ky. Acts ch. 240, sec. 1, effective July 14, 2000. -- Created 1992 Ky. Acts ch. 299, sec. 11, effective July 14, 1992.

321.195 Repealed, 2016.

Catchline at repeal: Retirement and reactivation of license.

History: Repealed 2016 Ky. Acts ch. 116, sec. 19, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 6, effective July 14, 1992.

321.200 Exemptions from application of chapter.

- (1) No provision of this chapter shall be construed to prohibit any of the following:
 - a) Any persons from gratuitously treating animals in cases of emergency, provided they do not use the word "veterinarian," "veterinary," or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to practice veterinary medicine as described in KRS 321.181(5);
 - b) The owner of any animal or animals and the owner's full-time, or part-time, regular employees from caring for and treating, including administering drugs to, any animals belonging to the owner. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;

- c) Any person from castrating food animals and dehorning cattle, as long as any drugs or medications are obtained and used in accordance with applicable federal statutes and regulations governing controlled and legend drugs;
 - d) Any student as defined in KRS 321.181 from working under the direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth;
 - e) Non-licensed graduate veterinarians in the United States Armed Services or employees of the Animal and Plant Health Inspection Service of the United States Department of Agriculture or the Kentucky Department of Agriculture, Division of Animal Health while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other states, from meeting licensed veterinarians of this Commonwealth in consultation;
 - f) A trainer, sales agent, or herdsman from caring for animals, upon instruction from a Kentucky-licensed veterinarian, provided there is a veterinary-client-patient relationship, as defined in KRS 321.185;
 - g) A university faculty member from teaching veterinary science or related courses, or a faculty member or staff member from engaging in veterinary research, including drug and drug testing research, provided that research is conducted in accordance with applicable federal statutes and regulations governing controlled and legend drugs;
 - h) Any person who holds a postgraduate degree in reproductive physiology or a related field, and who has performed embryo transfers in Kentucky during the five (5) years immediately preceding July 14, 1992, from performing embryo transfers;
 - i) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366; or
 - j) A retailer or its agent from providing information and suggestions regarding the over-the-counter products it sells to treat animals so long as the information and suggestions are consistent with the product label.
- (2) (a) A nonresident of the United States may be employed in this state to practice veterinary medicine for not more than thirty (30) days of each year, provided he or she:
- 1. Holds a valid, current license as a veterinarian in his or her country;
 - 2. Practices under the direct supervision of a veterinarian licensed in Kentucky;
 - 3. Registers with the board prior to commencing practice in the state; and
 - 4. Agrees to practice and follow all the rules and administrative regulations of this chapter and be subject to discipline for violations of those rules and administrative regulations by the Kentucky Board of Veterinary Examiners.
- (b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible for a Kentucky license under this chapter.
- (3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 6, effective July 15, 2016. -- Amended 2007 Ky. Acts ch. 96, sec. 19, effective June 26, 2007. -- Amended 1992 Ky. Acts ch. 299, sec. 16, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 16.

321.201 Special permits -- Duration.

- (1) The board may issue a special permit to practice veterinary medicine to a non-licensed veterinarian who is a qualified applicant to become a licensed veterinarian by examination, and who is employed by and under the direct supervision of a Kentucky licensed veterinarian. The special

permit shall be issued after the application has been made to take the next examination given by the board and the required fees paid. A letter of recommendation from the supervising licensed veterinarian shall be submitted with the application. The special permit shall expire the day after the notice of results of the first examination given after the permit was issued.

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 7, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 5, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 5, has been changed pursuant to KRS 7.136(1).

321.205 Mobile facilities -- Authorized incidental activities.

A veterinarian may:

- (1) Make farm or house calls in a motor vehicle or utilize a motor vehicle equipped with special medical or surgical equipment if the veterinarian has a permanent base of operations with a published address and telephone number recorded with the board where the veterinarian may be contacted.
- (2) Apply the principles of environmental sanitation, food inspection, animal nutrition, artificial insemination, environmental pollution control, zoonotic disease control, and disaster medicine in the promotion and protection of public health; and
- (3) Engage in the collection of hazardous biological specimens and the use of vaccine which may be injurious to humans, in accordance with applicable federal statutes and regulations.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 299, sec. 9, effective July 14, 1992.

321.207 Certification of animal control agencies and animal euthanasia specialists.

- (1) The Board of Veterinary Examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any animal control agency that it determines to be qualified, authorization to apply to the federal Drug Enforcement Agency, including any successor entity, for a restricted controlled substance registration certificate for the purchase, possession, and use of sodium pentobarbital or other drugs as authorized by the board for administration by a certified animal euthanasia specialist to euthanize injured, sick, or abandoned animals.
- (2) To satisfy the board's authorization, the applicant shall comply with administrative regulations promulgated by the board which contain standards for proper storage and handling of the drugs the board has authorized for use, and any other provisions as may be necessary to ensure that the drugs are used safely and solely for the purpose set forth in this section.

(3) Upon submission of a complete application, payment of a fee established by the board, and successful completion of a board-approved animal euthanasia specialist training course by the applicant, the Board of Veterinary Examiners shall issue to any person whom it determines to be qualified, a certificate for the person to function as a certified animal euthanasia specialist.

(4) Euthanasia of animals in a certified animal control agency shall be performed by a licensed veterinarian, including a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia specialist as provided for in subsection (3) of this section. A certified animal control agency that employs a certified animal euthanasia specialist may purchase, possess, and administer sodium pentobarbital or other drugs that the board approves for the euthanasia of animals. Sodium pentobarbital and other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency.

(5) Certified animal control agencies and certified animal euthanasia specialists shall be required to renew their certificates at intervals, upon conditions, and upon the payment of fees established by the board.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 8, effective July 15, 2016. -- Created 1998 Ky. Acts ch. 126, sec. 2, effective July 15, 1998.

321.211 Renewal of license -- Fees -- Expiration and termination of license -- Reinstatement -- Continuing education -- Retired or inactive licensure status.

(1) Each person licensed as a veterinarian shall, on or before September 30 of each even-numbered year, pay to the board a renewal fee to be promulgated by administrative regulation of the board for the renewal of his license. All licenses not renewed by September 30 of each even-numbered year shall expire based on the failure of the individual to renew in a timely manner.

(2) A sixty (60) day grace period shall be allowed after September 30, as required for renewal in subsection (1) of this section, during which time individuals may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. All licenses not renewed by November 30 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.

(3) After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board. No person who applies for reinstatement after termination of his license shall be required to submit to any examination as a condition for reinstatement, if reinstatement application is made within five (5) years from the date of termination.

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

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

(6) A person who fails to reinstate his license within five (5) years after its termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements of this chapter.

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

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 9, effective July 15, 2016. -- Amended 2004 Ky. Acts ch. 189, sec. 33, effective July 13, 2004; and ch. 96, sec. 1, effective July 13, 2004. -- Created 1992 Ky. Acts ch. 299, sec. 12, effective July 14, 1992.

321.221 Licensure by endorsement for veterinarians licensed in other jurisdictions.

(1) The board may issue a license by endorsement to any applicant who, upon applying to the board and remitting a fee set by the board, demonstrates to the board that he has met the following requirements:

- a) The applicant is a graduate of a veterinary college approved by the board;
- b) The applicant is of good moral character;
- c) The applicant holds a valid license to practice veterinary medicine and has practiced veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States for at least one (1) year immediately preceding application, if the requirements for licensure in the issuing state are equal to or higher than the standards required for the issuance of a new license under the provisions of this chapter; and
- d) The applicant has passed an examination given by the board on the laws and administrative regulations of the Commonwealth of Kentucky governing the practice of veterinary medicine.

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

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 299, sec. 4, effective July 14, 1992.

321.230 Board of Veterinary Examiners -- Membership -- Qualifications -- Appointment -- Terms -- Vacancies -- Compensation.

There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners." The board shall consist of nine (9) members appointed by the Governor, and the Commissioner of Agriculture or the Commissioner's designee. Seven (7) members shall be citizens of the Commonwealth of Kentucky and shall each have been lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least two (2) years next preceding the date of the member's

appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. One (1) member shall be a citizen of the Commonwealth and a licensed veterinary technician who has been employed in the veterinary field in the Commonwealth for at least two (2) years preceding the date of his or her appointment. All appointed members shall be appointed for a term of four (4) years and shall serve until the member is reappointed or a successor is appointed. Any vacancy in the appointed membership of the board shall be filled for the unexpired term by appointment by the Governor. Each member of the board shall receive one hundred dollars (\$100) per day for each day of service actually given in carrying out his duties under this chapter, in addition to his necessary traveling, hotel, and contingent expenses incurred in attending the meetings of the board and in the performance of his duties.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 10, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 299, sec. 17, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 206, sec. 15. -- Created 1948 Ky. Acts ch. 181, sec. 2.

321.235 Powers and duties of board -- Personal immunity.

(1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility of evaluating the qualifications of applicants for licensure and certification.

(2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter.

(3) The board may promulgate administrative regulations in accordance with KRS Chapter 13A and this chapter to carry out the provisions of this chapter.

(4) The board may conduct hearings and keep records and minutes necessary to carry out the function of this chapter.

(5) The board may evaluate the qualifications and authorize the issuance of licenses, registration, or certification to qualified candidates.

(6) The board may renew licenses, registrations, and certifications, require continuing education as a condition for renewal, and promulgate administrative regulations regarding the issuance and renewal of retired and inactive licenses.

(7) The board may suspend, or revoke licenses or certifications, or impose supervisory or probationary conditions upon licensees or certificate holders, or impose administrative disciplinary fines, issue written reprimands, or any combination thereof.

(8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary medicine by unlicensed persons.

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 11, effective July 15, 2016. -- Amended 1998 Ky. Acts ch. 126, sec. 3, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 299, sec. 14, effective July 14, 1992.

321.237 Veterinary wellness committee.

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

- (a) Receiving and evaluating reports of suspected impairment from any source;
- (b) Intervening in cases of verified impairment; or
- (c) Referring impaired veterinarians to treatment programs.

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

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 13, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 10, effective July 14, 1992.

321.240 Board officers -- Meetings -- Notice of examinations -- Seal -- Administrative regulations.

(1) The board shall annually elect a chair and a vice chair from the appointed members of the board.

(2) The board shall hold at least two (2) meetings annually and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the chair or upon written request of three (3) members of the board. Five (5) members of the board shall constitute a quorum to conduct business.

(3) The board may employ or contract with any other persons it deems necessary to carry on the work of the board and shall define their duties and fix their compensation.

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

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

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 14, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 299, sec. 18, effective July 14, 1992. -- Amended 1962 Ky. Acts ch. 279, sec. 1. -- Created 1948 Ky. Acts ch. 181, sec. 3.

321.320 Revolving fund for administration.

All fees and other moneys received by the board pursuant to the provisions of this chapter shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board. No part of this revolving fund shall revert to the general funds of this Commonwealth. The compensation of members of the board and all of the employees of the board and all expenses incurred by the board shall be paid from this revolving fund.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 299, sec. 19, effective July 14, 1992. -- Amended 1966 Ky. Acts ch. 255, sec. 251. -- Created 1948 Ky. Acts ch. 181, sec. 13.

321.351 Disciplinary action -- Offenses subject to disciplinary action -- Private admonishment.

(1) The board may refuse to issue a license, or may suspend, revoke, impose probationary or supervisory conditions upon, impose an administrative fine not to exceed five thousand dollars (\$5,000) per violation, issue a written reprimand, issue a private admonishment, or any combination of actions regarding any licensee upon proof that the licensee has:

- (a) Committed any act of dishonesty or corruption. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;
- (b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement of a license;
- (c) Committed any unfair, false, misleading, or deceptive act or practice;
- (d) Been incompetent or negligent in the practice of veterinary medicine;
- (e) Violated any state statute or administrative regulation governing the practice of veterinary medicine or any activities undertaken by a veterinarian;
- (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
- (g) Violated the code of ethical conduct as set forth by the board by administrative regulation; or
- (h) Violated any applicable provision of any federal or state law or regulation regarding the dispensing of controlled or legend drugs.

(2) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of veterinary medicine.

(3) When in the judgment of the board, an alleged violation is not of a serious nature, and the evidence presented to the board after the investigation and appropriate opportunity for the licensee to respond, provides a clear indication that the alleged violation did in fact occur, the board may issue a written reprimand to the licensee. A copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the reprimand within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may

alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request the board shall set aside the written reprimand and set the matter for hearing.

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

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

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 15, effective July 15, 2016. -- Created 1992 Ky. Acts ch. 299, sec. 13, effective July 14, 1992.

321.360 Hearings by board -- Appeal.

(1) Except as provided in KRS 321.353, the board, before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, or any combination of actions regarding any license under the provisions of this chapter, shall set the matter for hearing in accordance with KRS Chapter 13B. After denying an application under the provisions of this chapter, or issuing a written reprimand, the board shall grant a hearing in accordance with KRS Chapter 13B to the denied applicant only upon written request of the applicant made within thirty (30) days of the date of the letter advising of the denial or the reprimand.

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

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 16, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 284, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 299, sec. 20, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 114, sec. 78, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 315, sec. 57. -- Created 1948 Ky. Acts ch. 181, sec. 19.

321.441 Veterinary technician's license -- Qualifications -- Scope of practice -- Annual fee -- Exception.

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

- (a) Is a graduate of an accredited program of veterinary technology or its equivalent as approved by the board, with an associate or bachelor's degree related to veterinary technology;
- (b) Obtains a passing score on an examination as determined by the board to assess the qualifications and fitness of an applicant to engage in the practice; and
- (c) Has met all the requirements of the board as established by administrative regulation of the board.

- (2) The board shall promulgate administrative regulations defining the scope of practice of the veterinary technician as well as the delegable duties from a licensed veterinarian.
- (3) Each veterinary technician licensed by the board shall pay an annual fee as prescribed by the board. Each veterinary technician licensed by the board shall attend annual continuing education hours as required by the board to renew the license. Failure to renew shall result in the termination of the license. If a hearing is requested upon the rejection of an application, or upon the termination of a license, a hearing shall be conducted in accordance with the KRS 321.360.
- (4) The services of a licensed veterinary technician shall be limited to the performance of duties under the direct supervision of a licensed veterinarian, except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists. A licensed veterinary technician shall receive no fee or compensation for services other than salary or compensation paid by the establishment by which the licensed veterinary technician is employed. A licensed veterinary technician shall not participate in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is on the premises. A licensed veterinary technician shall not diagnose, prescribe medication or treatment, or perform surgical procedures other than castrating and dehorning of food animals. A licensed veterinary technician may assist a veterinarian in all duties of veterinary medicine and surgery.
- (5) A veterinarian shall utilize the services of a licensed veterinary technician in accordance with the terms and provisions of this chapter. Unauthorized utilization of licensed veterinary technicians by veterinarians shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine as described in KRS 321.351.
- (6) Nothing in this section shall prohibit volunteer health practitioners from providing services under KRS 39A.350 to 39A.366.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 17, effective July 15, 2016. -- Amended 2007 Ky. Acts ch. 96, sec. 20, effective June 26, 2007.—Created 1992 Ky. Acts ch. 299, sec. 7, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section references within Acts ch. 299, sec. 7, have been changed pursuant to KRS 7.136(1).

321.443 Veterinary assistants.

- (1) A veterinary assistant may work only under the direct supervision of a veterinarian except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists.

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

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

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 299, sec. 8, effective July 14, 1992.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 8, has been changed pursuant to KRS 7.136(1).

321.990 Penalty for violation of KRS 321.190.

Any person who shall violate or aid in the violation of KRS 321.190 shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both so fined and imprisoned in the discretion of the jury.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 116, sec. 18, effective July 15, 2016. -- Amended 1998 Ky. Acts ch. 126, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 283, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 299, sec. 22, effective July 14, 1992. -- Created 1948 Ky. Acts ch. 181, sec. 26.

History for former KRS 321.990: Repealed 1948 Ky. Acts ch. 181, sec. 28. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 63b-11, 63b-13.

Legislative Research Commission Note (7/14/92). This statute was created in 1992 Ky. Acts ch. 299, which contains the enrolled text of Senate Bill 250. A committee substitute for this bill was adopted by the House with a floor amendment, and the Senate subsequently concurred in this action by the House; this amended substitute thus became the enrolled version of the bill. In drafting the House Committee Substitute, the original Section 10 of the bill was deleted in its entirety, but internal section references within the bill were not renumbered to reflect this deletion. Therefore, in codifying this statute, the internal section reference within Acts ch. 299, sec. 22, has been changed pursuant to KRS 7.136(1).

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 16:010. Code of ethical conduct.

RELATES TO: KRS 321.351(1)(h)

STATUTORY AUTHORITY: KRS 321.235(3), 321.351(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.351 provides for the suspension or revocation of a certificate of license, imposition of probationary conditions or an administrative fine, or the issuance of a written reprimand for any violation of the code of ethical conduct promulgated by the board. This administrative regulation sets forth certain acts or inaction which shall constitute a code of ethical conduct for each licensed practitioner.

Section 1. A veterinarian shall take sufficient time and conduct the appropriate tests necessary to diagnose the condition of the patient which he is treating.

Section 2. A veterinarian shall bill accurately and truthfully for services rendered.

Section 3. A veterinarian shall maintain adequate equipment to treat patients that he is called upon to treat in the practice of veterinary medicine.

Section 4. A veterinarian shall maintain his service premises and all equipment in a clean and sanitary condition.

Section 5. A veterinarian shall not issue a certificate of health unless he has personal knowledge through actual examination and appropriate testing of the animal that the animal meets the requirements for the issuance of the certificate.

Section 6. A veterinarian shall not aid or abet the unlawful practice of veterinary medicine.

- Section 7. (1) A veterinarian shall not sell, or offer for sale, prescription medicine or drugs at any place other than:
- (a) His office, clinic, or hospital; or
 - (b) Other place where he is treating patients.
- (2) The prescription drugs or medicines sold, or offered for sale, shall be used in the treatment of the patient the veterinarian is treating.
- (3) A veterinarian may fill the prescription of another licensed veterinarian who has established a bona fide veterinarian-client-patient relationship in a case.

Section 8. A veterinarian shall not engage in false, misleading, or deceptive advertising.

Section 9. A veterinarian shall not write testimonials as to the virtue of drugs, medicines, remedies, or foods except to report the results of properly controlled experiments or clinical studies to interested veterinary organizations and associations.

Section 10. A veterinarian shall keep adequate and sufficient records of the examination and treatment of all patients for a period of five (5) years after the last examination of the patient.

Section 11. A veterinarian shall not represent to the public that he is a board certified specialist in any specialty of veterinary medicine unless that veterinarian has:

- (1) Been certified by a certifying board approved by the Kentucky Board of Veterinary Examiners; and
- (2) Furnished proof of certification to the board.

Section 12. (1) A veterinarian shall not overutilize his practice.

- (2) A practice shall be deemed overutilized if it is excessive in quality or amount relevant to the needs of the patient.
- (3) Whether a practice is overutilized shall be determined by considering:
 - (a) The patient's history and subjective symptoms;
 - (b) Objective findings;
 - (c) Reasonable clinical judgment; and
 - (d) Other information relevant to the practice of veterinary medicine.

Section 13. A veterinarian shall promptly notify the board of:

- (1) Disciplinary action taken against him; or
- (2) The voluntary surrender of his license to practice veterinary medicine in another jurisdiction; and
- (3) the conviction, in any jurisdiction, of a:
 - (a) Misdemeanor; or
 - (b) Felony.

Section 14. A veterinarian's practice shall conform to the currently accepted standards in the profession of veterinary medicine.

Section 15. A veterinarian shall not engage in fraud, deceit, or misrepresentation in the:

- (1) Procurement of a license to practice veterinary medicine; or
- (2) The practice of veterinary medicine.

Section 16. A veterinarian shall not practice veterinary medicine:

- (1) So as to endanger the health and welfare of his patients or the public; or
- (2) If his ability to practice with reasonable skill and safety is adversely affected by reason of excessive use of:
 - (a) Alcohol;
 - (b) Drugs;
 - (c) Narcotics;
 - (d) Chemicals; or
 - (e) Other substances.

Section 17. A veterinarian shall conduct professional activities in conformity with all federal, state, and municipal laws, ordinances or regulations.

Section 18. A veterinarian shall comply with a request by the board to appear before the board or to provide information to the board.

Section 19. A veterinarian shall comply with restrictions on his practice of veterinary medicine imposed by the board with the licensee's consent or after notice and hearing.

Section 20. A veterinarian shall notify the board of the suspension, revocation, or voluntary surrender of his Federal Drug Enforcement Administration registration or his state controlled substances license.

Section 21. (1) A veterinarian shall not abuse or take advantage of the confidence reposed in him by his client.

- (2) A veterinarian shall not enter into a business transaction with a client in which the veterinarian and his client have differing interests if the:
 - (a) Client reasonably expects the veterinarian to exercise his professional judgment for the protection of the client;
 - (b) Veterinarian has not fully disclosed his interest; and
 - (c) Client has not consented after full disclosure.
- (3) Acceptance of a fee from both the buyer and the seller in a transaction shall constitute prima facie evidence of a conflict of interest.
- (4) Acceptance of a fee from a buyer and a seller in an inspection of an animal for soundness shall constitute a conflict of interest.

Section 22. A veterinarian shall not prescribe, dispense or administer controlled substances except in the course of his professional practice and when a bona fide veterinarian-client-patient relationship has been established.

Section 23. A veterinarian shall maintain a confidential relationship with his clients, except as otherwise provided by law, or required by considerations related to public health or animal health.

Section 24. A veterinarian shall not verbally abuse or harass, nor physically threaten or assault a client, an employee, a board member, or any agent of the board.

Section 25. A veterinarian shall not physically abuse or engage in unnecessary rough handling of a patient under his care.

Section 26. A veterinarian shall not permit a veterinary technologist, technician, or assistant to diagnose, prescribe medical treatment, or perform surgical procedures other than the castrating and dehorning of food animals.

Section 27. A veterinarian shall not refuse treatment of a patient on the basis of the client's race, color, sex, religion, national origin, or disability.

Section 28. (1) If treatment is initiated, it shall be completed unless terminated by the client.

- (2) A veterinarian shall have the right to refuse to:
 - (a) Admit as an inpatient to his hospital or clinic an animal that is not currently vaccinated;
or
 - (b) Render veterinary medical services for an owner who physically or verbally abuses the veterinarian or his employee.

Section 29. A veterinarian shall not neglect a patient under his care.

Section 30. A veterinarian shall, where possible, preserve the body of any patient which dies while in the veterinarian's care while its owner is away, except as otherwise provided by law.

Section 31. A veterinarian shall obtain the consent of the owner before disposing of any patient which dies while in the veterinarian's care, provided the consent is given within a reasonable time. Any patient disposal shall be done according to all applicable health and safety laws and regulations.

Section 32. A veterinarian shall obtain the consent of the patient's owner or agent before administering general anesthesia or performing any surgical procedure, unless circumstances qualifying as an emergency do not permit obtaining the consent.

Section 33. A veterinarian shall post at his facility and make available over the telephone his policy regarding the hours, emergency coverage, and other similar provisions for the operation of his facility.

Section 34. A veterinarian shall ascertain, before hiring, whether a person who may be hired as a veterinarian has a valid, current Kentucky license to practice veterinary medicine and shall be responsible for ascertaining whether the license to practice veterinary medicine of any veterinarian employee is current.

Section 35. (1) A veterinarian shall attempt to obtain the consent of a patient's owner or agent in writing, if feasible, before:

- (a) Euthanizing a patient; or
 - (b) Transporting a patient to another facility for veterinary medical care or any other reason.
- (2) If it is not feasible to obtain consent in writing, the veterinarian shall obtain oral consent from the patient's owner or agent and document the consent in the medical record. (VE-2; 1 Ky.R. 1014; eff. 6-11-75; Am. 6 Ky.R. 277; eff. 1-2-80; 12 Ky.R. 409; eff. 11-12-85; 19 Ky.R. 1826; 2236; eff. 3-12-93; 20 Ky.R. 832; 1578; eff. 12-6-93; 33 Ky.R. 3238; eff. 8-6-2007.)

201 KAR 16:015. Fees.

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RELATES TO: KRS 321.193, 321.195, 321.201, 321.207, 321.211, 321.221

STATUTORY AUTHORITY: KRS 321.193(2), 321.211

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193(2) and 321.211 require the Board of Veterinary Examiners to establish the application, examination, and renewal fees for veterinarians. This administrative regulation establishes the application, examination, and renewal fees.

Section 1. Application Fees.

- (1) The application fee for a licensed veterinarian shall be \$100.
- (2) The application fee for a veterinary technician or a veterinary technologist shall be twenty-five (25) dollars.

Section 2. Examination Fees.

- (1) The fee for the North American Veterinary Licensing Examination shall be paid directly to the National Board of Veterinary Medical Examiners.
- (2) The fee for the state examination shall be \$100.
- (3) The fee for the veterinary technician or technologist examination shall be \$100.

Section 3. Renewal Fees and Penalties for a Veterinarian, Veterinary Technician, and Veterinary Technologist. The following fees and penalties shall be paid in connection with licensure renewals and penalties:

- (1) The biennial renewal fee for licensure as a veterinarian shall be \$200 if paid by September 30.

- (2) The late renewal fee, including penalty, for the grace period extending from October 1 to November 30 for licensure as a veterinarian shall be \$300.
- (3) The renewal fee for reinstatement of licensure as a veterinarian after November 30 shall be \$400.
- (4) The renewal fee for renewal of licensure as a veterinary technologist or technician shall be thirty (30) dollars.
- (5) The late renewal fee, including penalty, for the grace period extending from October 1 to November 30 for renewal of licensure as a veterinary technologist or technician shall be forty (40) dollars.
- (6) The renewal fee for reinstatement of licensure as a veterinary technician or technologist after November 30 shall be fifty (50) dollars.

Section 4. Special Permit Fee. The fee for a special permit shall be fifty (50) dollars.

Section 5. Fee for Issuance of Certification for a Certified Animal Control Agency and a Certified Animal Euthanasia Specialist.

- (1) The fee for issuance of a certificate to an animal control agency shall be fifty (50) dollars.
- (2) The fee for issuance of a certificate to a certified animal euthanasia specialist shall be fifty (50) dollars.

Section 6. Renewal of Certification for a Certified Animal Control Agency and a Certified Animal Euthanasia Specialist.

- (1) Each certified animal control agency and certified animal euthanasia specialist shall annually, on or before March 1, pay to the board a renewal fee of fifty (50) dollars for the renewal of the certificate. A certificate not renewed by March 1 of each year shall expire based on the failure to renew in a timely manner.
- (2) A sixty (60) day grace period shall be allowed after March 1, during which time the animal control agency or certified animal euthanasia specialist may continue to function and may renew the certificate upon payment of a late fee of sixty (60) dollars.
- (3) A certificate not renewed before May 1 shall terminate based on the failure to renew in a timely manner. Upon termination, the certificate is no longer valid in the Commonwealth.
- (4) After the sixty (60) day grace period, a certificate that has been terminated may be reinstated upon payment of a reinstatement fee of seventy-five (75) dollars.
- (5) The renewal fee for the first renewal shall be waived for a certificate received within 120 days prior to the renewal date. (19 Ky.R. 1932; eff. 3-12-93; Am. 23 Ky.R. 3390; eff. 5-19-97; 26 Ky.R. 423; 996; eff. 10-15-99; 30 Ky.R. 2097; 2288; eff. 5-24-2004; 31 Ky.R. 140; eff. 9-14-2004, 35 Ky.R. 1854; eff. 10-2-2009.)

201 KAR 16:020. Approved veterinary colleges.

RELATES TO: KRS 321.193

STATUTORY AUTHORITY: KRS 321.235, 321.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.190 requires all persons engaging in the practice of veterinary medicine in the State of Kentucky to be licensed by the Kentucky Board of Veterinary Examiners. KRS 321.190 sets forth the requirements for licensure as a veterinarian. One (1) of the requirements is the receipt of a degree from a veterinary college approved by the board. This administrative regulation sets forth the veterinary colleges approved by the board.

Section 1. A degree from a veterinary college approved by the board pursuant to KRS 321.193(1)(c) shall be a veterinary college which had full accreditation, limited accreditation, or approval by the American Veterinary Medical Association (AVMA) Council on Education when the applicant received a degree from the veterinary college.

Section 2. If an applicant does not possess a degree from a veterinary college as set forth in Section 1 of this administrative regulation, the candidate shall be able to qualify for licensure pursuant to KRS 321.193(1)(c) by successfully completing the program and receiving certification from the Educational Commission for Foreign Veterinary Graduates (ECFVG) of the American Veterinary Medical Association. (1 Ky.R. 1015; eff. 6-11-75; Am. 8 Ky.R. 499; 857; eff. 2-1-82; 12 Ky.R. 1522; eff. 4-17-86; 19 Ky.R. 1828; eff. 3-12-93; 20 Ky.R. 2991; eff. 7-7-94.)

201 KAR 16:030. License, renewal notice.

RELATES TO: KRS 321.193, 321.211, 321.221, 321.441

STATUTORY AUTHORITY: KRS 321.235, 321.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193, 321.221, and 321.441 require the board to issue a license or registration to all persons successfully passing the examination and being qualified to engage in the practice of veterinary medicine or as a veterinary technician or veterinary technologist in this state. KRS 321.211 and 321.441 provide for the renewal of the license or registration. This administrative regulation requires the mailing of a renewal notice to all licensed veterinarians, veterinary technicians, and veterinary technologists and requires all licensed veterinarians, veterinary technicians, and veterinary technologists to complete the renewal notice and return it, along with the renewal fee to the board. It further requires all licensed veterinarians, veterinary technicians, and veterinary technologists to keep the board apprised of the current address of the licensee.

- Section 1. (1) The Kentucky Board of Veterinary Examiners shall on or about August of each even-numbered year mail to each licensed veterinarian a renewal notice.
- (2) The Kentucky Board of Veterinary Examiners shall on or about August of each year mail to each licensed veterinary technician, and veterinary technologist an annual renewal notice.
 - (3) This renewal notice shall be completed and received by the board on or before September 30 of the appropriate year.
 - (4) Renewals bearing a postmark of September 30 or earlier shall be considered received in a timely manner.
 - (5)
 - (a) The renewal fee shall be attached to the completed renewal notice when it is returned to the board.
 - (b) The renewal fee shall be paid by personal check, certified check, cashier's check or postal money order, payable to the Kentucky State Treasurer.
 - (6) All information requested on the renewal notice shall be furnished to the board when the completed renewal notice is returned to the board.

Section 2. Every licensed veterinarian, veterinary technician, or veterinary technologist shall file his proper and current mailing address with the board at its principal office and shall immediately notify the board of any and all changes of his mailing address.

- Section 3. (1) Every licensed veterinarian shall list their continuing education hours received pursuant to 201 KAR 16:050 with the renewal form and furnished the information to the board.
- (2)
 - (a) The board shall not renew the license of any person who fails to receive or appropriately document the required hours of continuing education.

- (b) The license shall expire and subsequently be terminated as prescribed by KRS 321.211. (1 Ky.R. 1016; eff. 6-11-75; Am. 8 Ky.R. 500; eff. 2-1-82; 19 Ky.R. 1830; eff. 3-12-93; 31 Ky.R. 141; eff. 9-14-2004.)

201 KAR 16:040. Approved programs for veterinary technicians and veterinary technologists.

RELATES TO: KRS 321.441

STATUTORY AUTHORITY: KRS 321.235, 321.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.441 provides for the qualification, registration, and use of veterinary technicians and veterinary technologists. KRS 321.441 sets forth the requirements for registration as a veterinary technician and a veterinary technologist. One (1) of the requirements is the receipt of a degree from a program approved by the board. This administrative regulation sets forth the programs approved by the board.

Section 1. In determining qualifications for registration as a veterinary technologist, an accredited program of veterinary technology approved by the board pursuant to KRS 321.441(1) shall be a program which had full accreditation, limited accreditation, or approval by the American Veterinary Medical Association (AVMA) Council on Education when the applicant received a degree from the institution.

Section 2. In determining qualifications for registration as a veterinary technician, an associate degree related to veterinary sciences, or its equivalent approved by the board pursuant to KRS 321.441(1) shall be a program which had full accreditation, limited accreditation, or approval by the American Veterinary Medical Association (AVMA) Council on Education when the applicant received a degree from the institution. (3 Ky.R. 336; Am. 634; eff. 3-2-77; 8 Ky.R. 501; eff. 2-1-82; 19 Ky.R. 1831; eff. 3-12-93; 23 Ky.R. 3391; eff. 5-19-97.)

201 KAR 16:050. Continuing education.

RELATES TO: KRS 321.211(7), 321.221, 321.235(6), 321.441(2)

STATUTORY AUTHORITY: KRS 321.211(7), 321.235(1), (3), (5), (6), (7), 321.441(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.211(7) authorizes the board to require a person applying for renewal or reinstatement to show evidence of completion of continuing education. This administrative regulation establishes the requirements for continuing education hours relating to the practice of veterinary medicine.

Section 1. (1)(a) A veterinarian shall complete biennially thirty (30) hours of continuing education to be eligible for renewal of his or her license. A veterinarian may complete the thirty (30) hours of continuing education required for renewal by the completion of audio or video recordings or electronic, computer, or interactive material prepared or approved by any of the organizations established in Section 2(1) and (2) of this administrative regulation.

(b) Of the required hours:

1. At least twenty (20) hours shall be directly related to the practice of veterinary medicine; and
2. More than ten (10) hours shall not be in related areas such as practice management.

(2) A veterinary technician and veterinary technologist shall annually complete six (6) hours of continuing education to be eligible for renewal of his or her registration. A veterinary technician and

veterinary technologist may complete the six (6) hours of continuing education required for renewal by the completion of audio or video recordings or electronic, computer, or interactive materials or programs prepared or approved by any of the organizations established in Section 2(1) and (2) of this administrative regulation.

(3) Continuing education shall be earned from October 1 of each renewal period until September 30 at the end of the period.

(4) A veterinarian applying for renewal after completing his or her initial term of licensure after graduating from a veterinary college may complete fewer hours of continuing education to be eligible for renewal as established in this subsection.

- (a) A veterinarian completing his or her initial term of licensure who graduated from a veterinary college during the first year of the preceding biennium shall complete fifteen (15) hours of continuing education to be eligible for renewal. This paragraph shall not apply to applicants for licensure by endorsement under KRS 321.221.
- (b) Continuing education requirements shall be waived for a veterinarian completing his or her initial term of licensure who graduated during the second year of the preceding biennium. This paragraph shall not apply to applicants for licensure by endorsement under KRS 321.221.

Section 2. Approved Courses.

(1) The following programs shall be approved:

- (a) All scientific programs of all organizations of the American Veterinary Medical Association, its constituent organizations, and its recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine;
- (b) Programs approved by the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB); and
- (c) All programs approved by the board pursuant to subsection (2) of this section, not associated with RACE or the American Veterinary Medical Association and its suborganizations.

(2) Courses established in subsection (1) of this section shall impart knowledge directly relating to the practice of veterinary medicine, including the utilization and application of new techniques, scientific and clinical advances, and the achievement of research to assure expansive and comprehensive care to the public.

Section 3.(1) A licensee and a registrant shall:

- (a) Secure documentation of attendance at a course; and
- (b) Annually, list on Licensed Veterinarian Annual Renewal Form or Veterinary Technician Annual Renewal Form, as appropriate, each course he or she attended.

(2) The board may require documentation of attendance at continuing education courses to be submitted to it.

Section 4. (1) The board may, in individual cases involving medical disability or illness, grant waivers of the continuing education requirements or extensions of time within which to fulfill the same or make the required reports.

- (a) A written request for medical disability or illness waiver or extension of time shall be:
 - 1. Submitted by the licensee and registrant; and
 - 2. Accompanied by a verifying document signed by a licensed physician.

- (b) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the requirements shall not be granted by the board for a period of time exceeding one (1) calendar year.
 - (c) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee or registrant shall reapply for another extension.
- (2) The board shall grant a waiver to a licensee who is unable to meet the continuing education requirements of this administrative regulation because of obligations arising from military duty.
- (a) A licensee engaged in active military duty and deployed outside the United States for more than eight (8) months shall not be required to have completed the continuing education requirement for licensure periods during which that status exists.
 - (b) A licensee who is called to active duty in the armed forces shall not be required to have completed the continuing education requirement for licensure periods during which that status exists.
 - (c) The licensee requesting an extension or waiver pursuant to this subsection shall submit the appropriate military assignment form, deployment orders, or a statement from the licensee's unit commander confirming the call-up or deployment.

Section 5. (1)(a) A license or registration that has been terminated shall be reinstated if a licensee or registrant submits proof that the licensee has completed the required number of continuing education hours within the twelve (12) month period immediately preceding the date on which the application is submitted.

(b) The board shall permit the immediate reinstatement of a terminated license or registration if the licensee or registrant agrees to complete the required number of continuing education hours within six (6) months of the date of reinstatement.

(2) Prior to renewal of a license or registration for the licensure period following the licensure period during which the license or registration was reinstated, a reinstated licensee or registrant shall have completed the number of continuing education hours required for renewal of a license or registration by Section 1 of this administrative regulation.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensed Veterinarian Biennial Renewal Form", November 2015; and

(b) "Veterinary Technician Annual Renewal Form", November 2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m., or by sending a request to the board at P.O. Box 1360, Frankfort, Kentucky 40602. (3 Ky.R. 337; eff. 11-3-1976; Am. 8 Ky.R. 1001; eff. 5-5-1982; 19 Ky.R. 1832; eff. 3-12-1993; 22 Ky.R. 936; 1302; eff. 1-8-1996; 30 Ky.R. 2098; 2288; eff. 5-24-2004; 31 Ky.R. 142; eff. 9-14-2004; 42 Ky.R. 1279; 2030; eff. 2-5-2016.)

201 KAR 16:060. Complaint processing procedures.

RELATES TO: KRS 321.235(2), 321.351, 321.360

STATUTORY AUTHORITY: KRS 321.235(2), (3), 321.240(5), 321.351, 321.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2) authorizes the board to investigate an allegation of a practice which violates the provisions of KRS Chapter 321. This administrative regulation establishes the procedures for processing a complaint received by the board.

Section 1. Receipt of Complaints.

- (1) A complaint alleging misconduct which might constitute a violation of KRS Chapter 321 may be submitted by an individual, organization, or entity. A complaint shall be in writing and shall be signed by the person offering the complaint. The board may also file a complaint based on information in its possession.
- (2) Upon receipt of a complaint, the board shall send a copy of the complaint to the licensed individual named in the complaint along with a request for that individual's response to the complaint. The response of the individual shall be required within twenty (20) days from the date of receipt. Failure to respond in a timely fashion may constitute a violation of the code of ethical conduct pursuant to 201 KAR 16:010, Section 18.

Section 2. Initial Board Review.

- (1) After the receipt of a complaint and the time period for the individual's response has expired, the board shall consider the complaint, the licensed individual's response, and other relevant material available to the board. The determination that the board makes at this point shall be whether there is enough evidence to warrant an investigation.
- (2) If, in the opinion of the board, a complaint does not warrant an investigation, the board shall notify both the complaining party and the licensed individual of the outcome of the complaint.
- (3) If, in the opinion of the board, a complaint warrants an investigation, the board shall open an investigation into the matter.

Section 3. Results of Investigation.

- (1) Upon completion of the investigation, the board shall review the investigative report and shall determine whether there is enough evidence to believe that a violation of KRS Chapter 321 may have occurred.
- (2) If the board dismisses the complaint, it shall notify both the complaining party and the licensed individual of the outcome of the complaint.
- (3) If the board does not dismiss the complaint, it shall proceed in accordance with the provisions of KRS 321.360. (12 Ky.R. 1557; eff. 4-17-86; 19 Ky.R. 1833; eff. 3-12-93; 24 Ky.R. 641; 1055; eff. 11-14-97.)

201 KAR 16:080. Certified animal control agencies.

RELATES TO: KRS 321.207

STATUTORY AUTHORITY: KRS 321.207(2), 321.235(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(3) authorizes the board to certify an animal control agency who has been issued a registration certificate by the federal Drug Enforcement Agency to euthanize animals. KRS 321.207(2) requires the applicant to comply with administrative regulations that establish standards for the proper storage and handling of the drugs the board has authorized for use, and other provisions that may be necessary to ensure that the drugs are used safely and solely for the purpose of euthanizing animals. This administrative regulation establishes the certification

requirements, standards for proper drug storage, and drugs that may be used by animal control agencies.

Section 1. General Requirements.

- (1) The applicant shall apply to the board for a certificate as a certified animal control agency as defined by KRS 321.207.
- (2) The applicant shall pay the initial certification fee as set forth in 201 KAR 16:015.
- (3) The applicant shall apply to the Drug Enforcement Administration, United States Department of Justice, for registration as a practitioner and designate "animal shelter" on the appropriate DEA form.
- (4) The applicant shall undergo an inspection of the facility by a person authorized by the board prior to issuance of the certificate.
- (5) Upon request, a certified animal control agency shall submit to inspection by a person authorized by the board upon request.
- (6) A certified animal control agency shall designate an on-site manager of the shelter. The agency shall notify the board within ten (10) days of any change in the on-site manager of the shelter.

Section 2. Approved Drugs. A certified animal control agency shall be restricted to the purchase of sodium pentobarbital and sodium pentobarbital with lidocaine for the purpose of euthanizing animals. Federal Schedule II order forms (DEA-222) are required for the purchase of sodium pentobarbital.

Section 3. Records.

- (1) A certified animal control agency shall maintain records of purchases and administration of sodium pentobarbital and sodium pentobarbital with lidocaine for a period of not less than two (2) years.
- (2) Records of administration shall include:
 - (a) The date of use;
 - (b) Identification of the animal;
 - (c) The amount of the drug used;
 - (d) The signature of the person administering the drug;
 - (e) The signature of the on-site manager certifying the accuracy of the administration of sodium pentobarbital and sodium pentobarbital with lidocaine not less than once per month; and
 - (f) The signature of the on-site manager certifying to the accuracy of the records.
- (3) Records of purchases of sodium pentobarbital and sodium pentobarbital with lidocaine shall be maintained in a separate file from the records of administration.
- (4) The records of purchases and administration records are subject to audit by the Drug Enforcement Administration or authorized employees of the board to determine adequacy, accuracy, and validity of the recordkeeping.
- (5) The records of purchases and administration shall be maintained at the location of the agency.

Section 4. Storage.

- (1) Sodium pentobarbital and sodium pentobarbital with lidocaine shall be stored in a securely locked cabinet within a locked storage room.
- (2) Schedule II order forms shall be stored in a securely locked cabinet within a locked storage room.

Section 5. Disposal of Needles and Medical Waste. All needles generated in the process of euthanizing animals shall be disposed of pursuant to KRS 217.177(6).

Section 6. Disciplinary Action. A certified animal control agency shall be subject to disciplinary action pursuant to KRS 321.235(7) for a violation of applicable statutes or administrative regulations. (26 Ky.R. 498; Am. 997; eff. 10-15-99.)

201 KAR 16:090. Certification as an animal euthanasia specialist.

RELATES TO: KRS 321.207

STATUTORY AUTHORITY: KRS 321.235

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(4) requires the board to issue a certificate to a person who meets the qualification of an animal euthanasia specialist. This administrative regulation establishes the qualifications for certification as an animal euthanasia specialist and the duties of an animal euthanasia specialist.

Section 1. In order to qualify for certification as a certified euthanasia specialist an applicant shall:

- (1) Be twenty-one (21) years of age;
- (2) Be of good moral character;
- (3) Not have been convicted of, or entered an "Alford" plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of such plea, one (1) or more of the following:
 - (a) A felony;
 - (b) An act involving moral turpitude or gross immorality; or
 - (c) A violation of any law, rule, or administrative regulation of this state, any other state, or the federal government which involves the use or trafficking of illegal substances;
- (4) After December 31, 2002, have received a high school diploma or GED;
- (5) Pay the initial certification fee as specified in 201 KAR 16:015;
- (6) Be employed by a certified animal control agency;
- (7) Complete a sixteen (16) hour euthanasia specialist training course as set forth in Section 2 of this administrative regulation; and
- (8) Complete the "Application for Animal Euthanasia Specialist Certification".

Section 2. Euthanasia Specialist Training Course Curriculum.

- (1) The curriculum for the sixteen (16) hour euthanasia specialist course shall provide information on the following subjects:
 - (a) Pharmacology, proper administration and storage of euthanasia solutions that shall consist of a minimum of eight (8) hours;
 - (b) Federal and state laws regulating the storage and accountability for euthanasia solutions;
 - (c) Euthanasia specialist stress management;
 - (d) Proper animal handling with emphasis on easing the trauma and stress to the animal; and
 - (e) Disposal of euthanized animals.
- (2) A training course for a euthanasia specialist shall be reviewed and approved by the board prior to presentation. A provider of a euthanasia specialist training shall submit the following information:
 - (a) A published course or similar description;
 - (b) Names and qualifications of instructors;
 - (c) A copy of the program agenda indicating hours of education, coffee, and lunch breaks; and
 - (d) Official certificate of completion from the sponsoring agency.

Section 3. Employment and Termination.

- (1) A certified animal euthanasia specialist may function only while employed by a certified animal control agency.
- (2) Upon termination from a certified animal control agency, a certified animal euthanasia specialist shall not perform animal euthanasia until employed by a certified animal control agency.

Section 4. Duties of a Certified Animal Euthanasia Specialist. The duties of certified animal euthanasia specialist shall include the following:

- (1) Preparing animals for euthanasia;
- (2) Carefully and accurately recording dosages and drug waste;
- (3) Ordering supplies and drugs;
- (4) Maintaining the security of all controlled substances and drugs;
- (5) Reporting to the board any infraction of KRS Chapter 321 or the administrative regulations promulgated thereunder;
- (6) Humanely euthanizing animals;
- (7) Disposing of the bodies in a manner in the same manner as established by KRS 257.160;
- (8) Maintaining his certification;
- (9) Reporting to the board any change of address; and
- (10) Providing a written response to a complaint or inquiry from the board within fifteen (15) working days of receipt.

Section 5. Approved Methods of Euthanasia.

- (1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of sodium pentobarbital or sodium pentobarbital with lidocaine, in a manufactured dosage form, whose only indication is for euthanizing animals.
- (2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference:
 - (a) Intravenous injection by hypodermic needle;
 - (b) Intraperitoneal injection by hypodermic needle;
 - (c) Intracardial injection by hypodermic needle, but only on a sedated or unconscious animal;
 - (d) Solution or powder added to food.

Section 6. Disciplinary Action. A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235(7) and 321.351 for any applicable violation of the Kentucky Revised Statutes or administrative regulations or any federal statutes or regulations. (26 Ky.R. 499; Am. 997; eff. 10-15-99; 28 Ky.R. 1176; eff. 1-14-2002.)

201 KAR 16:100. Examination.

RELATES TO: KRS 321.193

STATUTORY AUTHORITY: KRS 321.193(1), (2), 321.235(1), (3), (5), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.193 provides that the examinations required for licensure shall be approved by the board. This administrative regulation identifies the examinations that are required for licensure by the board.

Section 1. (1) The examination required for licensure shall be the North American Veterinary Licensing Examination (NAVLE) developed by the National Board of Medical Examiners.

- (2) Candidates shall apply to the board for verification of eligibility to take the NAVLE.
- (3) Candidates seeking to take the NAVLE shall apply directly to the National Board Examination Committee for Veterinary Medicine for admission to the examination.
- (4) Applicants for licensure shall also be required to achieve a score of seventy-five (75) percent or higher on the Kentucky State Board Examination which shall cover the specific requirements of KRS Chapter 321 and the administrative regulations promulgated pursuant thereto.
- (5) The board shall recognize passing scores on the National Board Examination (NBE) and the Clinical Competency Test (CCT) if the applicant for licensure completed both examinations before May, 2000. (27 Ky.R. 1385; eff. 1-15-2001.)

201 KAR 16:110. Prescription and dispensation of drugs for animal use.

RELATES TO: KRS 321.181(5)(b)

STATUTORY AUTHORITY: KRS 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.181(5)(b) provides that the practice of veterinary medicine includes the prescribing, administering, or dispensing of drugs and medications for veterinary purposes. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 321. This administrative regulation establishes a procedure for the prescription and dispensation of drugs by licensed veterinarians for use in animals and livestock.

Section 1. Definitions.

- (1) "Legend drug" means veterinary prescription drug.
- (2) "Prescription" means an order from a veterinarian to a pharmacist or another veterinarian authorizing the dispensing of a veterinary prescription drug to a client for use on or in a patient;
- (3) "Veterinary drug" means:
 - (a) A drug for animal use recognized in the official United States Pharmacopoeia or National Formulary of the United States;
 - (b) A drug intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals;
 - (c) A drug, other than feed, medicated feed, or a growth promoting implant intended to affect the structure or function of the body of an animal; or
 - (d) A drug intended for use as a component of a drug in paragraph (a), (b), or (c).
- (4) "Veterinary prescription drug" means:
 - (a) A drug that is not safe for animal use without a veterinarian using or ordering the use of the product, and that is required by federal law to bear the following statement: "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian";
 - (b) A drug that is required by state law to be dispensed only on order or prescription of a licensed veterinarian;
 - (c) The extra-label use of an over-the-counter animal drug or human drugs; and
 - (d) A medicament compounded by mixing two (2) or more legally-obtained over-the-counter or prescription drugs.

Section 2. Prescribing and Dispensing.

- (1) A veterinary prescription shall include all of the following:
 - (a) The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian;

- (b) The name and address of the client;
 - (c) The species and identity of the patient for which the prescription is issued;
 - (d) The name, strength, and quantity of the drug prescribed;
 - (e) The date on which the prescription is issued;
 - (f) The directions for administering the drug;
 - (g) If the patient is a food producing animal, the withdrawal time for the veterinary drug;
 - (h) If the prescription authorizes extra-label use, the manner in which the client may use the drug;
 - (i) Any cautionary statements required by law; and
 - (j) Number of refills allowed.
- (2) A veterinarian shall not:
- (a) Prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without personally examining the patient unless a veterinary-client-patient relationship exists between the prescribing veterinarian, client and patient, and the veterinarian determines that the client has sufficient knowledge to administer the drug properly;
 - (b) Prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records described in Section 4 of this administrative regulation, within seventy-two (72) hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed;
 - (c) Prescribe a drug to a client for extra-label use on a patient unless all of the following apply:
 1. A veterinary-client-patient relationship exists between the veterinarian, client and patient and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that veterinarian-client-patient relationship;
 2. The veterinarian determines that there is no drug that is marketed specifically to treat the patient's diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective;
 3. The veterinarian recommends procedures for the client to follow to ensure that the identity of the patient shall be maintained; and
 4. If the patient is a food producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed; or
 - (d) Transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.

Section 3. Labeling.

- (1) A veterinarian shall not dispense a drug that has been prepared, mixed, formulated or packaged by the veterinarian unless the veterinarian affixes to the container in which the drug is dispensed a label containing all of the information specified in Section 2(1) of this administrative regulation, except the address of the client.
- (2) A veterinarian shall not dispense a veterinary prescription drug that has been prepackaged by its manufacturer for dispensing unless the veterinarian affixes to the container in which the drug is dispensed a label containing all of the information specified in Section 2(1) of this administrative regulation, except the address of the client.
- (3) A veterinarian may dispense a veterinary over the counter drug without affixing any information to the container in which the drug is dispensed if a label that has been affixed to the container by its manufacturer provides adequate information for its use.

Section 4. Prescription Records.

- (1) A veterinarian shall maintain complete records of each veterinary prescription drug that the veterinarian receives, prescribes, dispenses or administers, and of each prescription issued by the veterinarian that authorizes extra-label use.
- (2) Records of each veterinary prescription drug shall include the name of each veterinary prescription drug that is received, the name and address of the person from whom the drug is received and the date and quantity received, the name and address of the person to whom the drug is dispensed and the date and quantity dispensed and, if the veterinarian prescribes or administers the drug, the information specified in Section 2(1) of this administrative regulation.
- (3) Records of each prescription authorizing extra-label use shall include the information specified in Section 2(1) of this administrative regulation.
- (4) A veterinarian shall maintain records of each veterinary prescription drug for not less than five (5) years after the date on which the veterinarian prescribes, dispenses or administers the drug or extra-label use.

Section 5.

- (1) A veterinarian shall not be required to write a prescription for controlled substances or a prescription for any medication that, in the veterinarian's medical judgment, is not appropriate for the patient's medical care.
- (2) A veterinarian may refuse to write a prescription if it is not directly requested by a client with whom there is, in the veterinarian's opinion, a current and existing veterinarian-patient-client relationship.
- (3) A prescription shall be construed to include any manner of authorization for filling a prescription, including verbal or electronic communication.
- (4) The veterinarian may delegate to an office employee the authority to communicate a refill of a legend drug to the pharmacy on behalf of the veterinarian pursuant to written protocol established prior to the delegation of that authority.

Section 6. (1) A veterinarian shall ensure that all federal legend drugs and veterinary prescription drugs are maintained, administered, prescribed, dispensed, and destroyed in compliance with all state and federal laws.

- (2) A veterinarian shall not prescribe or dispense a quantity of drug that is greater than that the amount required for six (6) months of treatment for an animal, herd, or flock.
- (3) To prescribe, sell, distribute, or dispense any drug requiring a prescription for use in the context of an animal, herd, or flock, a veterinarian shall first do all of the following:
 - (a) Perform an appropriate history and physical examination;
 - (b) Make a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests;
 - (c) Formulate a therapeutic plan, and discussed it with the animal's owner, agent, or guardian, along with the basis for it and the risks and benefits of various treatments options, a part of which might be a prescription drug; and
 - (d) Ensure availability of the veterinarian or the veterinarian's staff for appropriate follow-up care.

Section 7. (1) A veterinarian may dispense a prescription drug only if the prescribing veterinarian has established a veterinarian-client-patient relationship.

- (2) If the dispensing veterinarian does not have a veterinarian-client-patient relationship, a veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug only under the direct supervision of the licensed veterinarian by who the assistant is employed.

- (3) If the dispensing veterinarian does have a veterinarian-client-patient relationship, a veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug under the indirect supervision of the veterinarian by whom the assistant is employed.
- (4) If a veterinary assistant acts under the provisions of this section, it shall be the responsibility of the licensed veterinarian to ensure that the requirements of this administrative regulation are met.

Section 8. Enforcement. Except as provided in subsection 2 of this section, if the board has reason to believe that a person is violating or has violated this administrative regulation, the examining board may:

- (1) Inspect the premises on which the person possesses, prescribes, dispenses, labels or administers veterinary drugs;
- (2) Inspect pertinent records, equipment, materials, containers or facilities that are relevant to determining whether the person is violating or has violated this administrative regulation; and
- (3) Collect relevant samples of veterinary drugs found on the premises. (35 Ky.R. 1902; eff. 10-31-2008.)