GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 242

AS ENACTED

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to veterinarians.

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

3 ➔Section 1. KRS 321.175 is amended to read as follows:

4 It is hereby declared that the practice of veterinary medicine is a privilege which is
5 granted by legislative authority in the interest of public health, safety, and welfare. To
6 protect the public from being misled by incompetent, unscrupulous, and unauthorized
7 practitioners, and from unprofessional or illegal practices by persons licensed to practice
8 veterinary medicine, ***this chapter is***[~~KRS 321.175, 321.181, 321.185, 321.190, 321.193,~~
9 ~~321.195, 321.200, 321.201, 321.205, 321.211, 321.221, 321.230, 321.235, 321.237,~~
10 ~~321.240, 321.320, 321.351, 321.360, 321.441, 321.443, and 321.990 are~~] enacted in the
11 interest of the health, safety, and welfare of the animal population and the citizens of
12 Kentucky.

13 ➔Section 2. KRS 321.181 is amended to read as follows:

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

15 (1) "Board" means the Kentucky Board of Veterinary Examiners;

16 (2) "Animal" means any animal, except human beings;

17 (3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;

18 (4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in
19 the Commonwealth of Kentucky;

20 (5) "Practice of veterinary medicine" means:

21 (a) To diagnose, treat, correct, change, relieve, or prevent: animal disease,
22 deformity, defect, injury, or other physical or mental conditions, including the
23 prescription or administration of any drug, medicine, biologic, apparatus,
24 application, anesthetic, or other therapeutic or diagnostic substance or
25 technique, and the use of any manual or mechanical procedure for testing for
26 pregnancy, or for correcting sterility or infertility, or to render advice or
27 recommendation with regard to any of the above;

1 (b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry,
2 acupuncture, ***laser therapy,*** manipulation, and all other branches or specialties
3 of veterinary medicine and the prescribing, administering, or dispensing of
4 drugs and medications for veterinary purposes, in accordance with the
5 applicable federal statutes and regulations governing controlled prescription
6 and legend drugs; and
7 (c) To use ***the words "veterinarian," or "veterinary," or*** any title, words,
8 abbreviation, or letters in a manner or under circumstances which ***may*** induce
9 the belief that the person using them is qualified to do any act described in
10 paragraphs (a) and (b) of this subsection;
11 (6) "Embryo transfer" means to remove any embryo from any animal for the purpose of
12 transplanting the embryo into another female animal or for the purpose of
13 cryopreserving the embryo, or to implant the embryo into any animal, including
14 food and companion animals;
15 (7) "Chemical restraint" means the use of any prescription or legend drug that restrains
16 or tranquilizes the animal;
17 (8) "Direct supervision" means the veterinarian is on the premises, and is quickly and
18 easily available, and the animal has been examined by a veterinarian at the times
19 acceptable veterinary medical practice requires, consistent with the particular
20 delegated animal health care tasks;
21 (9) "Indirect supervision" means the veterinarian does not have to be on the premises as
22 long as a valid veterinary/client/patient relationship has been established and the[
23 ~~veterinary technologist,~~] veterinary technician[~~,~~] or veterinary assistant has been
24 instructed on the applicable animal health care tasks in accordance with KRS
25 321.441 and 321.443;
26 (10) "Emergency" means the animal has been placed in a life threatening condition and
27 immediate treatment is necessary to sustain life;

1 (11) ***"Veterinary wellness program"***[~~"Impaired veterinarian program"~~] means the
2 ***board***[~~Kentucky Veterinary Medical Association~~] sponsored program for the
3 identification, intervention, and monitoring of ***credential holders or***
4 ***applicants***[~~veterinarians~~] ***who may be*** impaired as a result of ***alcohol***
5 ***abuse***[~~alcoholism~~], chemical dependence,[~~ or~~] drug abuse***, or any physical or***
6 ***mental condition***;
7 (12) "Veterinary ***wellness***[~~medical impairment~~] committee" means a committee
8 ***appointed by the board that shall be composed***[~~of the Kentucky Veterinary~~
9 ~~Medical Association, comprised~~] of individuals who have expertise in the areas of
10 ***alcohol abuse***[~~alcoholism~~], chemical dependence, drug abuse, or physical or mental
11 ***condition***[~~illness, that has been~~] designated by the ***board***[~~Kentucky Veterinary~~
12 ~~Medical Association~~] to perform activities related to the ***veterinary***
13 ***wellness***[~~impaired veterinarian~~] program;
14 (13) [~~"Veterinary technologist" means a person who has successfully completed an~~
15 ~~accredited program of veterinary technology approved by the board and who is~~
16 ~~registered in accordance with KRS 321.441;~~
17 ~~(14)~~] "Veterinary technician" means a person who has ***completed*** an associate ***or***
18 ***bachelor's*** degree ***level accredited program of veterinary technology***[~~related to~~
19 ~~veterinary sciences, or its equivalent as~~] approved by the board, and who is
20 ***licensed***[~~registered~~] in accordance with KRS 321.441;
21 ***(14)***[~~(15)~~] "Veterinary assistant" means a lay person employed by a licensed veterinarian
22 in accordance with KRS 321.443;
23 ***(15)***[~~(16)~~] "Certified animal control agency" means a county or municipal animal shelter
24 or animal control agency; private humane society; state, county, or municipal law
25 enforcement agency; or any combination of those entities that temporarily houses
26 stray, unwanted, or injured animals and that is certified under the provisions of KRS
27 321.207;[~~ and~~]

1 *(16)*[~~(17)~~] "Certified animal euthanasia specialist" means a person employed by a
2 certified animal control agency who is authorized by the board, under KRS 321.207,
3 to humanely euthanize animals by administering drugs designated by the board for
4 euthanasia*; and*
5 *(17) "Student" means:*
6 *(a) A person enrolled in any veterinary school or college approved by the*
7 *American Veterinary Medical Association while pursuing a degree in*
8 *veterinary medicine; or*
9 *(b) A person in a post-Doctor of Veterinary Medicine temporary private*
10 *internship, residency, or veterinary hospital-based program, not to exceed*
11 *thirty (30) days in a calendar year*.
12 ➔Section 3. KRS 321.185 is amended to read as follows:
13 (1) In order for a veterinarian to practice veterinary medicine, a relationship among the
14 veterinarian, the client, and the patient shall be established and maintained.
15 "Veterinarian-client-patient relationship" means that:
16 (a) The veterinarian has assumed the responsibility for making judgments
17 regarding the health of the animal and the need for veterinary treatment, and
18 the client, whether owner or other caretaker, has agreed to follow the
19 instructions of the veterinarian;
20 (b) There is sufficient knowledge of the animal by the veterinarian to initiate at
21 least a general or preliminary diagnosis of the medical condition of the animal.
22 This means that the veterinarian has recently seen and is personally acquainted
23 with the keeping and care of the animal by virtue of an examination of the
24 animal or by medically appropriate and timely visits to the premises where the
25 animal is kept; and
26 (c) The practicing veterinarian is readily available or shall provide medical
27 service for follow-up in case of adverse reactions or failure of the regimen of

1 therapy. A new regimen of therapy shall be contingent only upon cooperation
2 of the client and availability of the subject animal.
3 (2) The veterinarian shall maintain records which document patient visits, diagnosis,
4 treatment, and other relevant information.
5 (3) (a) A veterinarian shall not violate the confidential relationship between the
6 veterinarian and the veterinarian's client.
7 (b) A veterinarian shall not release information concerning a client or care of a
8 client's animal, except on the veterinarian's receipt of:
9 1. A written authorization or other form of waiver executed by the client;
10 or
11 2. An appropriate court order or subpoena.
12 (c) A veterinarian who releases information~~[as required]~~ under paragraph (b) of
13 this subsection shall not be liable to any person, including the client, for an
14 action resulting from the disclosure.
15 (d) The privilege provided by this subsection is waived by the client or the owner
16 of an animal treated by the veterinarian to the extent the client or owner places
17 at issue in a civil or criminal proceeding:
18 1. The nature and extent of the animal's injuries; or
19 2. The care and treatment of the animal provided by the veterinarian.
20 (e) This subsection shall not apply to:
21 1. An inspection or investigation conducted by the board or an agent of the
22 board; or
23 2. The veterinary reporting requirements and regulatory authority of the
24 Kentucky Horse Racing Commission to inspect, investigate, and
25 supervise horses and other participants in horse racing as provided by
26 KRS Chapter 230 and the administrative regulations promulgated under
27 KRS Chapter 230, or any other law applicable to the regulation of horse

1 racing in the Commonwealth.
2 (4) Veterinarians providing copies of records under this section may charge no more
3 than the actual cost of copying, including reasonable staff time.
4 ➔Section 4. KRS 321.190 is amended to read as follows:
5 Except as provided in KRS 321.200, no person shall practice veterinary medicine or
6 perform any of the duties usually performed by a veterinarian unless the person at the
7 time holds a certificate of license to practice veterinary medicine issued and validly
8 existing under the laws of this Commonwealth, as provided in this chapter[~~. No person~~
9 ~~who violates any of the provisions of this section shall receive or accept any~~
10 ~~compensation for services rendered~~].
11 ➔Section 5. KRS 321.193 is amended to read as follows:
12 [~~(1)~~] The board shall issue a license as a "veterinarian" to an applicant who meets the
13 following requirements:
14 ***(1)***[~~(a)~~] Has paid the application fee and the appropriate examination fee;
15 ***(2)***[~~(b)~~] Is a person of good moral character;
16 ***(3)***[~~(c)~~] Has received a degree from a veterinary college approved by the board;
17 [~~and~~]
18 ***(4)***[~~(d)~~] Has achieved a passing score, as set by the board ***by administrative***
19 ***regulation***, on examinations required by administrative regulation
20 promulgated by the board***; and***
21 ***(5) Has complied with any other requirement of the board by administrative***
22 ***regulation***.
23 [~~(2) The application fee for licensure and examination fee shall be promulgated by~~
24 ~~administrative regulation of the board.~~]
25 ➔Section 6. KRS 321.200 is amended to read as follows:
26 (1) No provision of this chapter shall be construed to prohibit any of the following:
27 (a) Any persons from gratuitously treating animals in cases of emergency

1 ***provided***[~~if~~] they do not ***use the word "veterinarian," "veterinary," or any***
2 ***title, words, abbreviation, or letters in a manner or under circumstances***
3 ***which may induce the belief that the person using them is qualified to***
4 ***practice veterinary medicine as described in KRS 321.181(5)***[~~represent~~
5 ~~themselves to be veterinarians or use any title or degree pertaining to~~
6 ~~veterinary practice~~];
7 (b) The owner of any animal or animals and the owner's full-time, or part-time,
8 regular employees from caring for and treating, including administering drugs
9 to, any animals belonging to the owner. Transfer of ownership or a temporary
10 contract shall not be used for the purpose of circumventing this provision;
11 (c) Any person from castrating food animals and dehorning cattle, as long as any
12 drugs or medications are obtained and used in accordance with applicable
13 federal statutes and regulations governing controlled and legend drugs;
14 (d) Any student ***as defined in Section 2 of this Act***[~~enrolled in any approved~~
15 ~~veterinary school or college~~] from working under the direct supervision of a
16 veterinarian who is duly licensed under the laws of this Commonwealth[~~ and~~
17 ~~whose compensation is paid solely by the licensed veterinarian~~];
18 (e) Nonlicensed graduate veterinarians in the United States Armed Services or
19 employees of the Animal and Plant Health Inspection Service of the United
20 States Department of Agriculture or the Kentucky Department of Agriculture,
21 Division of Animal Health while engaged in the performance of their official
22 duties, or other lawfully qualified veterinarians residing in other states, from
23 meeting licensed veterinarians of this Commonwealth in consultation;
24 (f) A trainer, sales agent, or herdsman from caring for animals, ***upon instruction***
25 ***from a Kentucky-licensed veterinarian,*** provided there is a veterinary-client-
26 patient relationship, as defined in KRS 321.185;
27 (g) A university faculty member from teaching veterinary science or related

1 courses, or a faculty member or staff member from engaging in veterinary
2 research, including drug and drug testing research, provided that research is
3 conducted in accordance with applicable federal statutes and regulations
4 governing controlled and legend drugs;
5 (h) Any person who holds a postgraduate degree in reproductive physiology or a
6 related field, and who has performed embryo transfers in Kentucky during the
7 five (5) years immediately preceding July 14, 1992, from performing embryo
8 transfers;~~[or]~~
9 (i) Volunteer health practitioners providing services under KRS 39A.350 to
10 39A.366***; or***
11 ***(j) A retailer or its agent from providing information and suggestions***
12 ***regarding the over-the-counter products it sells to treat animals so long as***
13 ***the information and suggestions are consistent with the product label.***
14 (2) ***(a) A nonresident of the United States may be employed in this state to practice***
15 ***veterinary medicine for not more than thirty (30) days of each year provided***
16 ***he or she:***
17 ***1. Holds a valid, current license as a veterinarian in his or her home***
18 ***country;***
19 ***2. Practices under the direct supervision of a veterinarian licensed in***
20 ***Kentucky;***
21 ***3. Registers with the board prior to commencing practice in the state;***
22 ***and***
23 ***4. Agrees to practice and follow all the rules and administrative***
24 ***regulations of this chapter and be subject to discipline for violations of***
25 ***those rules and administrative regulations by the Kentucky Board of***
26 ***Veterinary Examiners.***
27 ***(b) This subsection shall not apply to a nonresident of the United States who is***

1 ***otherwise eligible for a Kentucky license under this chapter.***

2 ***(3)*** Nothing in this chapter shall interfere with the professional activities of any licensed

3 pharmacist.

4 ➔Section 7. KRS 321.201 is amended to read as follows:

5 (1) The board may issue a special permit to practice veterinary medicine to[~~:~~

6 ~~(a)~~]a nonlicensed veterinarian who is a qualified applicant to become a licensed

7 veterinarian by examination, and who is employed by and under the direct

8 supervision of a Kentucky licensed veterinarian. The special permit shall be

9 issued after the application has been made to take the next examination given

10 by the board and the required fees paid. A letter of recommendation from the

11 supervising licensed veterinarian shall be submitted with the application. The

12 special permit shall expire the day after the notice of results of the first

13 examination given after the permit was issued.

14 ~~[(b) A veterinarian who is licensed in, and who has practiced for one (1) year~~

15 ~~immediately preceding application in another state, territory, or district of the~~

16 ~~United States whose licensing requirements are equal to or higher than those~~

17 ~~of Kentucky, and who has made application to take the next examination~~

18 ~~given by the board and paid the required fees. The special permit shall expire~~

19 ~~the day after the notice of results of the first examination given after the~~

20 ~~permit was issued.]~~

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

22 321.351.

23 ➔Section 8. KRS 321.207 is amended to read as follows:

24 (1) The Board of Veterinary Examiners, upon submission of a complete application and

25 payment of a fee established by the board, shall issue to any animal control agency

26 that it determines to be qualified, authorization to apply to the federal Drug

27 Enforcement Agency, including any successor entity, for a restricted controlled

1 substance registration certificate for the purchase, possession, and use of sodium
2 pentobarbital or other drugs as authorized by the board for administration by a
3 certified animal euthanasia specialist to euthanize injured, sick, or abandoned
4 animals.
5 (2) To satisfy the board's authorization, the applicant shall comply with administrative
6 regulations promulgated by the board which contain standards for proper storage
7 and handling of the drugs the board has authorized for use, and any other provisions
8 as may be necessary to ensure that the drugs are used safely and solely for the
9 purpose set forth in this section.
10 (3) ~~[If the registration certificate is granted by the federal Drug Enforcement Agency,~~
11 ~~and the applicant otherwise satisfies the requirements of the Board of Veterinary~~
12 ~~Examiners, the board shall certify the animal control agency to euthanize animals.]~~
13 ~~[(4)]~~ Upon submission of a complete application, payment of a fee established by the
14 board, and successful completion of a board-approved animal euthanasia specialist
15 training course by the applicant, the Board of Veterinary Examiners shall issue to
16 any person whom it determines to be qualified, a certificate for the person to
17 function as a certified animal euthanasia specialist.
18 ***(4)***~~[(5)]~~ Euthanasia of animals in a certified animal control agency shall be performed
19 by a licensed veterinarian, including a ***licensed***~~[registered]~~ veterinary technician~~[or~~
20 ~~technologist]~~ employed by and functioning under the direct supervision of a
21 licensed veterinarian, or a certified animal euthanasia specialist as provided for in
22 subsection ***(3)***~~[(4)]~~ of this section. A certified animal control agency that employs a
23 certified animal euthanasia specialist may purchase, possess, and administer sodium
24 pentobarbital or other drugs that the board approves for the euthanasia of animals.
25 Sodium pentobarbital and other drugs approved by the board shall be the only drugs
26 used for the euthanasia of animals in a certified animal control agency.
27 ***(5)***~~[(6)]~~ Certified animal control agencies and certified animal euthanasia specialists

1 shall be required to renew their certificates at intervals, upon conditions, and upon
2 the payment of fees established by the board.
3 ➔Section 9. KRS 321.211 is amended to read as follows:
4 (1) Each person licensed as a veterinarian shall, on or before September 30 of each
5 even-numbered year, pay to the board a renewal fee to be promulgated by
6 administrative regulation of the board for the renewal of his license. All licenses not
7 renewed by September 30 of each even-numbered year shall expire based on the
8 failure of the individual to renew in a timely manner.
9 (2) A sixty (60) day grace period shall be allowed after September 30, as required for
10 renewal in subsection (1) of this section, during which time individuals may renew
11 their licenses upon payment of the renewal fee plus a late renewal fee as
12 promulgated by administrative regulation of the board. All licenses not renewed by
13 November 30 shall terminate based on the failure of the individual to renew in a
14 timely manner. Upon termination, the licensee is no longer eligible to practice in the
15 Commonwealth.
16 (3) After the sixty (60) day grace period, individuals with a terminated license may
17 have their licenses reinstated upon payment of the renewal fee plus a reinstatement
18 fee as promulgated by administrative regulation of the board. No person who
19 applies for reinstatement after termination of his license shall be required to submit
20 to any examination as a condition for reinstatement, if reinstatement application is
21 made within five (5) years from the date of termination.
22 (4) A suspended license is subject to expiration and termination and shall be renewed
23 as provided in this chapter. Renewal shall not entitle the licensee to engage in the
24 practice until the suspension has ended, or is otherwise removed by the board and
25 the right to practice is restored by the board.
26 (5) A revoked license is subject to expiration or termination but may not be renewed. If
27 it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection

1 (3) of this section and the renewal fee as set forth in subsection (1) of this section.
2 (6) A person who fails to reinstate his license within five (5) years after its termination
3 may not have it renewed, restored, reissued, or reinstated. A person may apply for
4 and obtain a new license by meeting the current requirements of this chapter.
5 (7) The board may require that a person applying for renewal or reinstatement of
6 licensure show evidence of completion of continuing education as prescribed by the
7 board by administrative regulation.
8 ***(8) The board may grant retired or inactive licensure status and may establish***
9 ***conditions under which retired or inactive licenses may be renewed as set forth by***
10 ***administrative regulations promulgated by the board.***
11 ➔Section 10. KRS 321.230 is amended to read as follows:
12 There hereby is created a board to be known as the "Kentucky Board of Veterinary
13 Examiners." The board shall consist of ***nine (9)***[~~eight (8)~~] members appointed by the
14 Governor, and the Commissioner of Agriculture or ***the Commissioner's***[~~his~~] designee.
15 Seven (7) members shall be citizens of the Commonwealth of Kentucky and shall each
16 have been lawfully engaged in the practice of veterinary medicine in this Commonwealth
17 for at least two (2) years next preceding the date of ***the member's***[~~his~~] appointment. One
18 (1) member shall be a citizen at large who is not associated with or financially interested
19 in the practice or business regulated. ***One (1) member shall be a citizen of the***
20 ***Commonwealth and a licensed veterinary technician who has been employed in the***
21 ***veterinary field in the Commonwealth for at least two (2) years preceding the date of***
22 ***his or her appointment.***[~~ The four (4) appointed members serving on July 14, 1992, shall~~
23 ~~continue to serve as board members until their respective terms expire. The four (4)~~
24 ~~appointed members to be added to the board by this section, shall originally be appointed~~
25 ~~as follows: one (1) member to a one (1) year term, one (1) member for a two (2) year~~
26 ~~term, one (1) member for a three (3) year term, and one (1) member for a four (4) year~~
27 ~~term.~~] All appointed members[~~ thereafter~~] shall be appointed for a term of four (4) years

1 ***and shall serve until the member is reappointed or a successor is appointed***. Any
2 vacancy in the appointed membership of the board shall be filled for the unexpired term
3 by appointment by the Governor. Each member of the board shall receive one hundred
4 dollars ($100) per day for each day of service actually given in carrying out his duties
5 under this chapter, in addition to his necessary traveling, hotel, and contingent expenses
6 incurred in attending the meetings of the board and in the performance of his duties.
7 ➔Section 11. KRS 321.235 is amended to read as follows:
8 (1) The board shall administer and enforce the provisions of this chapter and shall have
9 the responsibility of evaluating the qualifications of applicants for licensure and
10 certification.
11 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
12 administer oaths, and investigate allegations of practices violating the provisions of
13 this chapter.
14 (3) The board may promulgate administrative regulations ***in accordance with***[~~pursuant~~
15 ~~to~~] Chapter 13A and this chapter to carry out the provisions of this chapter.
16 (4) The board may conduct hearings and keep records and minutes necessary to carry
17 out the function of this chapter.
18 (5) The board may evaluate the qualifications and authorize the issuance of licenses,
19 registration, or certification to qualified candidates.
20 (6) The board may renew licenses, registrations, and certifications,[~~and~~] require
21 continuing education as a condition for renewal***, and promulgate administrative***
22 ***regulations regarding the issuance and renewal of retired and inactive licenses***.
23 (7) The board may suspend, or revoke licenses or certifications, or impose supervisory
24 or probationary conditions upon licensees or certificate holders, or impose
25 administrative disciplinary fines, issue written reprimands, or any combination
26 thereof.
27 (8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful

1 practice of veterinary medicine by unlicensed persons.

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

5 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO
6 READ AS FOLLOWS:

7 *(1) The board may, by a majority vote, issue an emergency order for the immediate,*
8 *temporary suspension of a license against which disciplinary action, an*
9 *investigation, or initiating complaint is pending if the order is necessary to*
10 *protect the public.*

11 *(2) The emergency order shall be made in accordance with KRS 13B.125 and shall*
12 *be based upon a finding by the board that the emergency order is in the public*
13 *interest and that there is substantial evidence of immediate danger to the health,*
14 *welfare, and safety of the licensee's clients or animals, or the general public.*

15 *(3) A licensee may appeal the emergency order by filing a written request to the*
16 *board for an emergency hearing in accordance with KRS 13B.125 within thirty*
17 *(30) days after receipt of the order.*

18 *(4) The appeal of an emergency order shall address only the necessity for the action*
19 *and shall not constitute an appeal of the merits of the underlying complaint or*
20 *charge.*

21 *(5) The emergency order shall remain in effect until modified or vacated by the*
22 *board or hearing officer or superseded by final disciplinary action of the board or*
23 *hearing officer on the underlying complaint or charge.*

24 *(6) The board shall expedite disciplinary hearings in which a licensee has been*
25 *suspended under subsection (1) of this section.*

26 *(7) Any party aggrieved by a final order of the board may appeal to the Franklin*
27 *Circuit Court after a written decision is issued by the board in accordance with*

1 ***KRS Chapter 13B.***

2 ➔Section 13. KRS 321.237 is amended to read as follows:

3 (1) The board shall have the authority to ***establish***[~~enter into an agreement with the~~
4 ~~Kentucky Veterinary Medical Association for~~] a veterinary ***wellness***[~~medical~~
5 ~~impairment~~] committee to undertake the functions and responsibilities of ***a***
6 ***veterinary wellness***[~~an impaired veterinarian~~] program[~~, as specified in the~~
7 ~~agreement~~]. The functions and responsibilities may include any of the following:

8 (a) Receiving and evaluating reports of suspected impairment from any source;

9 (b) Intervening in cases of verified impairment; or

10 (c) Referring impaired veterinarians to treatment programs.

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

15 (3) Other provisions of law notwithstanding, no member of the board[~~ of the Kentucky~~
16 ~~Veterinary Medical Association~~] or the veterinary ***wellness***[~~medical impairment~~]
17 committee shall be liable for damages to any person for any acts, omissions, or
18 recommendations made by ***the member***[~~him~~] in good faith while acting within the
19 scope of ***the member's***[~~his~~] responsibilities ***in accordance with***[~~pursuant to~~] this
20 section.

21 ➔Section 14. KRS 321.240 is amended to read as follows:

22 (1) The board shall annually elect a ***chair and a vice chair***[~~chairman, a vice chairman,~~
23 ~~and a secretary-treasurer~~] from the appointed members of the board.

24 (2) The board shall hold at least two (2) meetings annually[~~ for the purpose of giving~~
25 ~~examinations under this chapter~~] and additional meetings as the board may deem
26 necessary. The additional meetings may be held upon call of the ***chair***[~~chairman~~] or
27 upon written request of three (3) members of the board. Five (5) members of the

1 board shall constitute a quorum to conduct business.
2 (3) The board may employ ***or contract with*** any other persons it deems necessary to
3 carry on the work of the board and shall define their duties and fix their
4 compensation.
5 (4) Upon recommendation of the board, the Governor may remove any member of the
6 board for a poor attendance record, neglect of duty, or malfeasance in office.
7 (5) The board shall promulgate administrative regulations as it may deem necessary and
8 proper to effectively carry out and enforce the provisions of this chapter, including
9 regulations to establish authorized fees. Fees may not exceed amounts necessary to
10 generate sufficient funds to effectively carry out and enforce the provisions of this
11 chapter.
12 (6) The board shall promulgate a code of conduct governing the practice of veterinary
13 medicine which shall be based upon generally recognized principles of professional
14 ethical conduct.
15 ➔Section 15. KRS 321.351 is amended to read as follows:
16 (1) The board may refuse to issue a license, or may suspend, revoke, impose
17 probationary or supervisory conditions upon, impose an administrative fine ***not to***
18 ***exceed five thousand dollars ($5,000) per violation***, issue a written reprimand,
19 ***issue a private admonishment,*** or any combination ***of actions***[~~thereof~~] regarding
20 any licensee upon proof that the licensee has:
21 (a) Committed any act of dishonesty or corruption. If the act constitutes a crime,
22 conviction in a criminal proceeding is not a condition precedent to
23 disciplinary action. Upon conviction of the crime, the judgment and sentence
24 are presumptive evidence at the ensuing disciplinary hearing of the guilt of the
25 licensee or applicant. ***"Conviction," as used in this paragraph, shall include***
26 ***a finding or verdict of guilt, an admission of guilt, or a plea of nolo***
27 ***contendere***[~~Conviction includes all instances in which a plea of no contest on~~

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

1 written reprimand and set the matter for hearing.
2 (4) At any time during the investigative or hearing processes, the board may enter into
3 an agreed order or accept an assurance of voluntary compliance with the licensee
4 which effectively deals with the complaint.
5 (5) The board may reconsider, modify, or reverse its probation, suspensions, or other
6 disciplinary action.
7 ***(6) Private admonishment shall not be subject to disclosure to the public under KRS***
8 ***61.878 and shall not constitute disciplinary action, but may be used by the board***
9 ***for statistical purposes or in a subsequent disciplinary action against the licensee***
10 ***or applicant.***
11 ➔Section 16. KRS 321.360 is amended to read as follows:
12 (1) ***Except as provided in Section 12 of this Act,*** the board, before suspending,
13 revoking, imposing probationary or supervisory conditions upon, imposing an
14 administrative fine, or any combination of actions regarding any license under the
15 provisions of this chapter, shall set the matter for hearing in accordance with KRS
16 Chapter 13B. After denying an application under the provisions of this chapter, or
17 issuing a written reprimand, the board shall grant a hearing in accordance with KRS
18 Chapter 13B to the denied applicant only upon written request of the applicant made
19 within thirty (30) days of the date of the letter advising of the denial or the
20 reprimand.
21 (2) Any party aggrieved by a final order of the board may appeal to Franklin Circuit
22 Court in accordance with KRS Chapter 13B.
23 ➔Section 17. KRS 321.441 is amended to read as follows:
24 (1) ***The board shall issue a license as a veterinary technician to an applicant who:***
25 ***(a) Is a graduate of an accredited program of veterinary technology or its***
26 ***equivalent as approved by the board, with an associate or bachelor's degree***
27 ***related to veterinary technology;***

1 ***(b) Obtains a passing score on an examination as determined by the board to***
2 ***assess the qualifications and fitness of an applicant to engage in the***
3 ***practice; and***
4 ***(c) Has met all the requirements of the board as established by administrative***
5 ***regulation of the board***[~~An applicant for registration as a veterinary~~
6 ~~technologist shall be a graduate of an accredited program of veterinary~~
7 ~~technology approved by the board and have met all the requirements of the~~
8 ~~board. An applicant for registration as a veterinary technician shall possess an~~
9 ~~associate degree related to veterinary sciences, or its equivalent, approved by~~
10 ~~the board and have met all the requirements of the board. An applicant for~~
11 ~~registration as a veterinary technologist or veterinary technician shall pass a~~
12 ~~written and practical examination as determined by the board to assess the~~
13 ~~qualifications and fitness of an applicant to engage in the practice~~].
14 (2) ***The board shall promulgate administrative regulations defining the scope of***
15 ***practice of the veterinary technician as well as the delegable duties from a***
16 ***licensed veterinarian***[~~Registration issued to a veterinary technologist or veterinary~~
17 ~~technician shall not be active until the veterinary technologist or veterinary~~
18 ~~technician is employed and is under the direct supervision of a veterinarian licensed~~
19 ~~in this Commonwealth. A veterinary technologist or veterinary technician's~~
20 ~~registration is considered to be inactive until registration is activated by returning a~~
21 ~~renewal application signed by the supervising veterinarian and the application is~~
22 ~~approved by the board~~].
23 ***(3)*** Each[~~ veterinary technologist or~~] veterinary technician ***licensed***[~~registered~~] by the
24 board shall pay an annual fee as prescribed by the board. Each[~~ veterinary~~
25 ~~technologist or~~] veterinary technician ***licensed***[~~registered~~] by the board shall attend
26 annual continuing education hours as required by the board to renew the
27 ***license***[~~registration~~]. Failure to renew shall result in the termination of ***the***

1 ***license***[~~registration~~]. If a hearing is requested upon the rejection of an application,
2 or upon the termination of ***a license***[~~registration~~], a hearing shall be conducted in
3 accordance with the[~~ provision of~~] KRS 321.360.
4 ***(4)***[~~(3)~~] The services of a ***licensed***[~~veterinary technologist or~~] veterinary technician
5 shall be limited to the performance of duties under the direct supervision of a
6 licensed veterinarian, except for the routine administration of drugs, vaccines,
7 parasite control agents, and growth stimulating implants for food animals prescribed
8 by a veterinarian and under the indirect supervision of a veterinarian where a
9 veterinarian-client-patient relationship exists. A ***licensed***[~~veterinary technologist or~~]
10 veterinary technician shall receive no fee or compensation for services other than
11 salary or compensation paid by the establishment by which the ***licensed***[~~veterinary~~
12 ~~technologist or~~] veterinary technician is employed. A ***licensed***[~~veterinary~~
13 ~~technologist or~~] veterinary technician shall not participate in the operation of a
14 branch office, clinic, or allied establishment unless a licensed veterinarian is on the
15 premises. A ***licensed***[~~veterinary technologist or~~] veterinary technician shall not
16 diagnose, prescribe medication or treatment, or perform surgical procedures other
17 than castrating and dehorning of food animals. A ***licensed***[~~veterinary technologist~~
18 ~~or~~] veterinary technician may assist a veterinarian in all duties of veterinary
19 medicine and surgery.
20 ***(5)***[~~(4)~~] A veterinarian shall utilize the services of a ***licensed***[~~veterinary technologist~~
21 ~~or~~] veterinary technician in accordance with the terms and provisions of this
22 chapter. Unauthorized utilization of ***licensed***[~~veterinary technologist or~~] veterinary
23 technicians by veterinarians shall be considered as aiding and abetting any
24 unlicensed person to practice veterinary medicine as described in KRS 321.351.
25 ***(6)***[~~(5)~~] Nothing in this section shall prohibit volunteer health practitioners from
26 providing services under KRS 39A.350 to 39A.366.
27 ➔Section 18. KRS 321.990 is amended to read as follows:

1 Any person who shall violate or aid in the violation of[~~ any of the provisions of~~] KRS[~~
2 321.175, 321.181, 321.185,~~] 321.190[~~, 321.193, 321.195, 321.200, 321.201, 321.205,~~
3 ~~321.207, 321.211, 321.221, 321.230, 321.235, 321.237, 321.240, 321.320, 321.351,~~
4 ~~321.360, 321.441, and 321.443~~] shall be guilty of a misdemeanor and upon conviction
5 shall be fined not less than ten dollars ($10) nor more than five hundred dollars ($500), or
6 sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both so fined
7 and imprisoned in the discretion of the jury.
8 ➔Section 19. The following KRS section is repealed:
9 321.195 Retirement and reactivation of license.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 13 APRIL 2016