



KENTUCKY BOARD OF VETERINARY EXAMINERS

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A Summary of the Grievance Process for Respondents

What are your rights?

The Kentucky Board of Veterinary Examiners (KBVE) follows the grievance process set forth in KRS Chapter 321 and 201 KAR Chapter 16. Anytime a grievance is received at the board's office, the board shall send a copy of the grievance to the party which the grievance is about. This may be a licensed veterinarian or other credential holder of KBVE, or other unlicensed individual (collectively, the "respondent").

Do you need a lawyer?

You are not required to have a lawyer. However, many licensee respondents feel more comfortable using their individual malpractice insurance benefits, if any, to consult with counsel. Non-veterinarians may also prefer to seek private counsel. Respondents have the option to seek legal counsel at any point in the grievance process, so it is OK to file a response with the board and seek counsel at a later date if preferred.

How does the grievance process work?

All grievances which identify the complaining party and which were received in writing at the board office shall be sent to the respondent(s) by certified mail. In accordance with 201 KAR 16:610, a copy of the entire grievance shall be sent to the respondent for a response. Respondents have 20 calendar days to draft and to send a written response to the board. Responses may be emailed to Vet@ky.gov. Licensees should always include copies of medical records and other pertinent records related to the case.

Once received, the grievance and response shall be reviewed by the KBVE Complaints Screening Committee at a meeting subsequent to the receipt of the reply. If a reply is not submitted within the allotted time, the KBVE shall proceed with investigative activities.

Not every grievance results in an investigation or subsequent disciplinary action by the board. If there appears to be no violation of KRS Chapter 321 and associated administrative regulations, the respondent shall receive notification from the board of case dismissal. A dismissal means that the case is closed, and there shall be no disciplinary action on a licensee's record. Such a dismissal does not prevent civil or criminal actions by the complainant against a respondent.

If the Committee concludes a law may have been violated, an investigation shall take place and the committee shall make a recommendation of an action to the full board. This is often in the form of a settlement agreement, including some form of discipline. If a settlement agreement is reached, a discipline will show on the license.

Further, if the board files formal charges against a respondent as a result of an investigation, an administrative hearing may be held, pursuant to KRS Chapter 13B, which is similar to a court trial. Any such hearing would be open to the public. A formal administrative hearing involves lawyers, a court reporter, a hearing officer, and witnesses.

If at any point the board finds that the respondent has not met the prescribed standard of care and conduct, it has the authority to impose penalties ranging from a reprimand, a fine, additional continuing education (CE), all the way up to a suspension or revocation of a license. If the board orders a specific

sanction, the respondent has the right to appeal the decision to a court of law thereby resulting in a delay in the decision becoming final.

Please note the board does not order respondents to pay money to complainants for damages because of any loss they may have experienced. Only a court of law which has jurisdiction over the subject matter has the authority to award compensation for an injury or loss.

What timeline and actions might I expect from filing a grievance?

The grievance process is a detailed and careful one, and a complainant should expect that the process shall take a significant amount of time (4-6 months, *at a minimum*). In order for disciplinary action to occur, there must be a violation of the laws governing veterinary medicine in Kentucky (KRS Chapter 321, and 201 KAR Chapter 16).

While you may have an opinion regarding the process and outcome of processing a grievance, please remember that the decisions to dismiss, to settle a case, or to propose disciplinary measures are solely the decision of the KBVE operating under Kentucky laws and administrative regulations, which are subject to review by the courts. The KBVE is limited by the scope of authority awarded to it by the General Assembly.

What becomes part of the public record?

If the KBVE files formal charges or takes formal action against a respondent, most portions of the investigative file will become a public record under the Kentucky Open Records Act, meaning that the documents may be viewed by any individual who requests in writing to do so. The record may include the written grievance, transcripts, or reports of interviews, letters, and other reports. All testimony and evidence admitted in a formal hearing has the status of public record as well, unless a specific document or redacted parts of any document are ordered not to be a public record (although they may remain a part of the official administrative record of the board).