

SENATE BILL No. 189

By Committee on Agriculture

2-10

1 AN ACT concerning the Kansas veterinary practice act; relating to
2 licensure; providing for an institutional license to practice veterinary
3 medicine; amending K.S.A. 47-815, 47-817 and 47-829 and K.S.A.
4 2014 Supp. 47-822 and 47-830 and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) There is hereby created a designation of
8 institutional license to practice veterinary medicine, which may be issued
9 by the board to a person employed by a school of veterinary medicine
10 within this state.

11 (b) On or after July 1, 2016, any person who practices veterinary
12 medicine on client-owned animals in direct association with such person's
13 employment at a school of veterinary medicine within this state must be a
14 licensed veterinarian or possess an institutional license to practice
15 veterinary medicine, except that, on or after June 1, 2016, interns
16 beginning employment at a school of veterinary medicine shall possess a
17 veterinary license or an institutional license prior to the practice of
18 veterinary medicine pursuant to such employment, and such license shall
19 not expire until July 1 of the following year. The term of an institutional
20 license for the year in which a resident's employment ends shall be
21 extended to and expire on July 31, without the necessity of renewal.
22 Residents whose employment ends in 2016 shall not be required to obtain
23 a veterinary or institutional license to practice veterinary medicine at a
24 school of veterinary medicine.

25 (c) An institutional license permits a holder thereof to practice
26 veterinary medicine only as it relates to the holder's regular function
27 within the school of veterinary medicine. Persons holding only an
28 institutional license within this state shall be remunerated for the practice
29 of veterinary medicine within the state solely from state, federal or
30 institutional funds and not from the patient-owner beneficiary of their
31 practice efforts. Practicing veterinary medicine beyond the scope of an
32 institutional license shall be the equivalent of practicing veterinary
33 medicine without a license, and shall be grounds for discipline in
34 accordance with the provisions of this act.

35 (d) A license issued under this section shall be canceled by the board
36 upon receipt of information that the holder of the license has left or has

1 otherwise been discontinued from employment at a school of veterinary
2 medicine within this state.

3 (e) A license issued pursuant to this section may be revoked or
4 suspended or the licensee may be otherwise disciplined in accordance with
5 the provisions of this act.

6 (f) This section shall be a part of and supplemental to the Kansas
7 veterinary practice act.

8 New Sec. 2. (a) Any person desiring to practice veterinary medicine
9 while employed by a school of veterinary medicine in this state, and who
10 is not a licensed veterinarian, shall make written application to the board
11 for an institutional license on forms provided for that purpose, or in a
12 format otherwise acceptable to the board. The board shall issue an
13 institutional license to practice veterinary medicine to an applicant who:

14 (1) Has obtained the degree of doctor of veterinary medicine or its
15 equivalent;

16 (2) has passed the Kansas veterinary legal practice examination,
17 which may be completed in person, by mail or by electronic means;

18 (3) is a person of good moral character;

19 (4) has paid the license application fee;

20 (5) provides proof of employment with a school of veterinary
21 medicine within this state. This proof shall be provided by an authorized
22 administrative official of the school of veterinary medicine;

23 (6) certifies that such person understands and agrees that the
24 institutional license is valid only for the practice of veterinary medicine
25 associated with such person's employment as a faculty member, intern,
26 resident or locum of the school of veterinary medicine where employed;
27 and

28 (7) provides other information and proof as the board may establish
29 by rules and regulations.

30 (b) A school of veterinary medicine located within this state may, at
31 its option, submit the applications of its employees desiring an institutional
32 license in a compiled format acceptable to the board, with a single form of
33 payment of the corresponding license application fees.

34 (c) This section shall be a part of and supplemental to the Kansas
35 veterinary practice act.

36 Sec. 3. K.S.A. 47-815 is hereby amended to read as follows: 47-815.
37 K.S.A. 47-814 through 47-854 *and sections 1 and 2*, and amendments
38 thereto, shall be known and may be cited as the Kansas veterinary practice
39 act.

40 Sec. 4. K.S.A. 47-817 is hereby amended to read as follows: 47-817.
41 No person shall practice veterinary medicine in this state who is not
42 currently and validly a licensed veterinarian. This act shall not be
43 construed to prohibit:

1 (a) An employee of the federal, state or local government performing
2 such employee's official duties.

3 (b) A person from gratuitously giving aid, assistance or relief in
4 veterinary emergency cases if such person does not represent themselves
5 to be veterinarians or use any title or degree appertaining to the practice
6 thereof.

7 (c) A veterinarian regularly licensed in another state consulting with a
8 licensed veterinarian in this state.

9 (d) Fisheries biologists actively employed by the state of Kansas, the
10 United States government, or any person in the production or management
11 of commercial food or game fish while in the performance of such persons'
12 official duties.

13 (e) Any feeder utilizing and mixing antibiotics or other disease or
14 parasite preventing drugs as a part of such feeder's feeding operations.

15 (f) The owner of an animal and the owner's regular employee caring
16 for and treating the animal belonging to such owner, except where the
17 ownership of the animal was transferred to avoid this act.

18 (g) *Before July 1, 2016*, a member of the faculty of a school of
19 veterinary medicine performing such member's regular functions or a
20 person lecturing, or giving instructions or demonstrations at a school of
21 veterinary medicine or in connection with a continuing education course
22 for veterinarians. *On or after July 1, 2016:*

23 (1) *The practice of veterinary medicine at a school of veterinary*
24 *medicine in this state by a person possessing an institutional license;*

25 (2) *any person, including without limitation, a member of the faculty*
26 *of a school of veterinary medicine, lecturing or giving instructions or*
27 *demonstrations at a school of veterinary medicine or in connection with a*
28 *continuing education course for veterinarians or veterinary technicians,*
29 *except when such activities involve the practice of veterinary medicine on*
30 *client-owned animals; or*

31 (3) *the temporary practice of veterinary medicine at a school of*
32 *veterinary medicine in this state, for a period not exceeding 30 days per*
33 *calendar year, by a person eligible to obtain a veterinary or institutional*
34 *license upon examination and application for the same.*

35 (h) Any person engaging in bona fide scientific research which
36 reasonably requires experimentation involving animals or commercial
37 production of biologics or animal medicines.

38 (i) A nonstudent employee, independent contractor or any other
39 associate of the veterinarian or a student in a school of veterinary medicine
40 who has not completed at least three years of study and who performs
41 prescribed veterinary procedures under the direct supervision of a licensed
42 veterinarian or under the indirect supervision of a licensed veterinarian
43 pursuant to rules and regulations of the board.

1 (j) A student who has completed at least three years of study in a
2 school of veterinary medicine and who performs prescribed veterinary
3 procedures assigned by such student's instructors or who works under
4 direct or indirect supervision of a licensed veterinarian.

5 Sec. 5. K.S.A. 2014 Supp. 47-822 is hereby amended to read as
6 follows: 47-822. (a) The fee for an application for a license to practice
7 veterinary medicine in this state, as required by K.S.A. 47-824, and
8 amendments thereto, shall be not less than \$50 nor more than \$250.

9 (b) *The fee for an application for an institutional license, issued*
10 *pursuant to section 2, and amendments thereto, shall be not less than \$50*
11 *nor more than \$250, and the annual fee for renewal of an institutional*
12 *license shall be not less than \$20 nor more than \$100.*

13 ~~(b)~~ (c) The annual fee for renewal of license required under K.S.A.
14 47-829, and amendments thereto, shall be not less than \$20 nor more than
15 \$100.

16 ~~(c)~~ (d) The fee for each examination for licensure as required by
17 K.S.A. 47-825, and amendments thereto, shall not be less than \$50 nor
18 more than \$500.

19 ~~(d)~~ (e) The fee for an application for registration of a registered
20 veterinary technician as provided in K.S.A. 47-821, and amendments
21 thereto, shall be not less than \$20 nor more than \$50.

22 ~~(e)~~ (f) The annual fee for renewal of registration of a registered
23 veterinary technician as provided in K.S.A. 47-821, and amendments
24 thereto, shall be not less than \$5 nor more than \$25.

25 ~~(f)~~ (g) The fee for an application for registration of a premises
26 required under K.S.A. 47-840, and amendments thereto, shall be not less
27 than \$50 nor more than \$150.

28 ~~(g)~~ (h) The fee for renewal of registration of a premises required
29 under K.S.A. 47-840, and amendments thereto, shall be not less than \$10
30 nor more than \$50.

31 ~~(h)~~ (i) A late fee of no more than \$50 may be assessed to a person
32 requesting registration of a premises.

33 ~~(i)~~ (j) The fee for inspection or reinspection of a premises required to
34 be registered under K.S.A. 47-840, and amendments thereto, shall be not
35 less than \$50 nor more than \$150.

36 ~~(j)~~ (k) The fee for inspection and audit of the records and compliance
37 with the standards of practice of any veterinarian shall be not less than \$50
38 nor more than \$150.

39 ~~(k)~~ (l) The board shall determine annually the amount necessary to
40 carry out and enforce the provisions of this act and shall fix by rules and
41 regulations the fees established in this section within the limitations
42 provided in this section.

43 Sec. 6. K.S.A. 47-829 is hereby amended to read as follows: 47-829.

1 (a) All licenses, *including institutional licenses*, shall expire annually on
2 June 30, *except as provided in section 1, and amendments thereto*, of each
3 year but may be renewed by registration with the board and payment of the
4 license renewal fee established and published by the board, pursuant to the
5 provisions of K.S.A. 47-822, and amendments thereto. On June 1 of each
6 year, the executive director shall mail a notice to each licensed veterinarian
7 that the veterinarian's license will expire on June 30 and provide the
8 veterinarian with a form for license renewal. *For institutional licenses as*
9 *provided in section 1, and amendments thereto, a notice of the expiration*
10 *of such license shall be mailed to the applicant and the school of*
11 *veterinary medicine at which the institutional licensee is employed not*
12 *later than 30 days prior to the expiration of such license. The application*
13 *for renewal of institutional licenses may be made in compiled format by*
14 *the school of veterinary medicine for all of its employees desiring renewal,*
15 *along with a single payment for all corresponding renewal fees.*

16 (1) The application shall contain a statement to the effect that the
17 applicant has not been convicted of a felony, has not been the subject of
18 professional disciplinary action taken by any public agency in Kansas or
19 any other state, territory or the District of Columbia, and has not violated
20 any of the provisions of the Kansas veterinary practice act. If the applicant
21 is unable to make that statement, the application shall contain a statement
22 of the conviction, professional discipline or violation.

23 (2) The board, as part of the renewal process, may make necessary
24 inquiries of the applicant and conduct an investigation in order to
25 determine if cause for disciplinary action exists.

26 (b) A license may be renewed upon payment of the renewal fee as
27 required by this section and the provision of satisfactory evidence that the
28 licensee has participated in a minimum of 20 clock hours of continuing
29 education. The burden of proof for showing such participation in
30 continuing education hours shall be the responsibility of the licensee. The
31 continuing education requirement may be waived for impaired
32 veterinarians, as defined by ~~subsection (e) of K.S.A. 47-846(c)~~, and
33 amendments thereto, and may be waived for veterinarians while they are
34 on active military duty with any branch of the armed services of the United
35 States during a time of national emergency which shall not exceed the
36 longer of three years or the duration of a national emergency, *and shall be*
37 *waived for persons possessing an institutional license.*

38 ~~(c) All veterinarian licenses shall expire annually and must be~~
39 ~~renewed by making application to the board and payment of the license~~
40 ~~renewal fee.—~~Any person who practices veterinary medicine after the
41 expiration of such person's license and willfully or by neglect fails to
42 renew such license shall be practicing in violation of this act. Any license
43 renewal application which is submitted beyond the annual renewal date

1 shall be assessed a penalty fee not to exceed \$100 as established by the
2 board by rules and regulations. In the event that the application for
3 renewal of any veterinarian license *or institutional license* has not been
4 submitted within 60 days of the expiration date of such license, the board
5 shall notify the veterinarian by certified mail, return receipt requested, that
6 the license has expired and shall not be reinstated unless such veterinarian
7 submits an application for and requalifies for a new license and pays the
8 license application fee not to exceed \$250 as established by the board by
9 rules and regulations.

10 (d) The board, by rules and regulations, may waive the payment of
11 the license renewal fee ~~of a licensed veterinarian~~ *any person holding a*
12 *Kansas veterinary license or institutional license* during the period when
13 such ~~veterinarian~~ *person* is on active military duty with any branch of the
14 armed services of the United States during a time of national emergency
15 which shall not to exceed the longer of three years or the duration of a
16 national emergency.

17 Sec. 7. K.S.A. 2014 Supp. 47-830 is hereby amended to read as
18 follows: 47-830. The board, in accordance with the provisions of the
19 Kansas administrative procedure act, may refuse to issue a license, revoke,
20 suspend, limit, condition, reprimand or restrict a license to practice
21 veterinary medicine *or an institutional license* for any of the following
22 reasons:

23 (a) The employment of fraud, misrepresentation or deception in
24 obtaining a license;

25 (b) an adjudication of incapacity by a court of competent jurisdiction;

26 (c) for having professional connection with or lending one's name to
27 any illegal practitioner of veterinary medicine and the various branches
28 thereof;

29 (d) false or misleading advertising;

30 (e) conviction of a felony or entering into a plea agreement or a
31 diversion agreement in lieu of further criminal proceedings on a complaint
32 alleging a violation of a felony;

33 (f) failure to provide a written response within the time prescribed by
34 the board to a written request made by the board pursuant to an
35 investigation by or on behalf of the board;

36 (g) employing, contracting with or utilizing in any manner any person
37 in the unlawful practice of veterinary medicine;

38 (h) fraud or dishonest conduct in applying, treating or reporting
39 diagnostic biological tests of public health significance or in issuing health
40 certificates;

41 (i) failure of the veterinarian who is responsible for the operation and
42 management of a veterinary premises to keep the veterinary premises in
43 compliance with minimum standards established by rules and regulations

- 1 as to sanitary conditions and physical plant;
- 2 (j) failure to report as required by law, or making false report of any
3 contagious or infectious disease;
- 4 (k) dishonesty or negligence in the inspection of foodstuffs;
- 5 (l) cruelty or inhumane treatment to animals;
- 6 (m) disciplinary or administrative action taken by any federal, state or
7 local regulatory agency or any foreign country on grounds other than
8 nonpayment of registration fees;
- 9 (n) disclosure of any information in violation of K.S.A. 47-839, and
10 amendments thereto;
- 11 (o) unprofessional conduct as defined in rules and regulations adopted
12 by the board includes, but is not limited to, the following:
- 13 (1) Conviction of a charge of violating any federal statute or any
14 statute of this state, regarding controlled substances as defined in K.S.A.
15 65-4101, and amendments thereto;
- 16 (2) using unless lawfully prescribed, prescribing or administering to
17 oneself or another person any of the controlled substances as defined in
18 K.S.A. 65-4101, and amendments thereto or using, prescribing or
19 administering any of the controlled substances as defined in K.S.A. 65-
20 4101, and amendments thereto or alcoholic beverages or any other drugs,
21 chemicals or substances to the extent, or in such a manner as to be
22 dangerous or injurious to a person licensed under the Kansas veterinary
23 practice act, to oneself or to any other person or to the public, or to the
24 extent that such use impairs the ability of such person so licensed to
25 conduct with safety the practice authorized by the license;
- 26 (3) the conviction of more than one misdemeanor or any felony
27 involving the use, consumption or self-administration of any of the
28 substances referred to in this section or any combination thereof;
- 29 (4) violation of or attempting to violate, directly or indirectly, any
30 provision of the Kansas veterinary practice act or any rules and regulations
31 adopted pursuant to such act; and
- 32 (5) violation of an order of the board;
- 33 (p) conviction of a crime substantially related to qualifications,
34 functions or duties of veterinary medicine, surgery or dentistry;
- 35 (q) fraud, deception, negligence or incompetence in the practice of
36 veterinary medicine;
- 37 (r) the use, prescription, administration, dispensation or sale of any
38 veterinary prescription drug or the prescription of an extra-label use of any
39 over-the-counter drug in the absence of a valid veterinary-client-patient
40 relationship;
- 41 (s) failing to furnish details or copies of a patient's medical records or
42 failing to provide reasonable access to or a copy of a patient's radiographs
43 to another treating veterinarian, hospital or clinic, upon the written request

1 of and authorization from an owner or owner's agent, or failing to provide
2 the owner or owner's agent with a summary of the medical record within a
3 reasonable period of time and upon proper request by the owner or owner's
4 agent, or failing to comply with any other law relating to medical records;
5 or

6 (t) determination that the veterinarian is impaired, as defined in
7 K.S.A. 47-846, and amendments thereto, by a representative of the
8 impaired veterinarian committee, or as determined by the board after a
9 hearing.

10 Sec. 8. K.S.A. 47-815, 47-817 and 47-829 and K.S.A. 2014 Supp. 47-
11 822 and 47-830 are hereby repealed.

12 Sec. 9. This act shall take effect and be in force from and after its
13 publication in the statute book.