

HOUSE BILL No. 2523

By Representative Highland

1-20

1 AN ACT concerning the state board of veterinary examiners; relating to
2 licensed veterinarians and registered veterinary technicians; penalties;
3 fees; investigative and disciplinary proceedings; amending K.S.A. 47-
4 816, 47-817, 47-820, 47-821, 47-829, 47-830, 47-834, 47-835, 47-840,
5 47-842, 47-847 and 47-852 and repealing the existing sections; also
6 repealing K.S.A. 47-837, 47-843, 47-844, 47-846, 47-848, 47-849, 47-
7 850, 47-851, 47-853 and 47-854.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 47-816 is hereby amended to read as follows: 47-
11 816. As used in the Kansas veterinary practice act:

12 (a) "Animal" means any mammalian animal other than human and
13 any fowl, bird, amphibian, fish or reptile, wild or domestic, living or dead.

14 (b) "Board" means the state board of veterinary examiners.

15 (c) *"Clock hour of continuing education" means 60 minutes of*
16 *participation in a continuing education program or activity that meets the*
17 *minimum standards for continuing education according to rules and*
18 *regulations adopted by the board.*

19 (d) "Companion animal" means any dog, cat or other domesticated
20 animal possessed by a person for purposes of companionship, security,
21 hunting, herding or providing assistance in relation to a physical disability
22 but ~~shall exclude~~ *does not include* any animal raised on a farm or ranch
23 and used or intended for use as food.

24 ~~(d) "Clock hour of continuing education" means 60 minutes of~~
25 ~~participation in a continuing education program or activity which meets~~
26 ~~the minimum standards for continuing education according to rules and~~
27 ~~regulations adopted by the board.~~

28 (e) "Direct supervision" means the supervising licensed veterinarian:

29 (1) ~~Is on the veterinary premises in the immediate area and within~~
30 *audible or visual range of the animal patient and the person treating the*
31 *patient* or in the same general area in a field setting;

32 (2) is quickly and easily available;

33 (3) examines the animal prior to delegating any veterinary practice
34 activity to the supervisee and performs any additional examination of the
35 animal required ~~by good~~ *as acceptable* veterinary practice; and

36 (4) delegates only those veterinary practice activities ~~which~~ *that* are

1 consistent with rules and regulations of the board regarding employee
2 supervision.

3 ~~(f) "Licensed veterinarian" means a veterinarian who is validly and~~
4 ~~currently licensed to practice veterinary medicine in this state~~ "Graduate
5 *veterinary technician*" means a person who has graduated from an
6 *American veterinary medical association accredited school approved by*
7 *the board.*

8 (g) "Impaired" or "impairment" means the quality, state or condition
9 of being damaged, weakened or diminished. "Impaired" or "impairment"
10 includes, but is not limited to, deterioration through the aging process,
11 loss of motor skills or abuse of alcohol, drugs or controlled substances.

12 (h) "Indirect supervision" means ~~that~~ the supervising licensed
13 veterinarian:

14 (1) Is not on the veterinary premises or in the same general area in a
15 field setting, but has examined the animal and provided either written or
16 documented oral instructions or a written protocol for treatment of the
17 animal patient, except that in an emergency, the supervising licensed
18 veterinarian may provide oral instructions prior to examining the animal
19 and subsequently examine the animal and document the instruction in
20 writing;

21 (2) delegates only those veterinary practice tasks ~~which~~ that are
22 consistent with the rules and regulations of the board regarding employee
23 supervision; and

24 (3) the animal being treated is not anesthetized as defined in rules and
25 regulations.

26 ~~(h)~~(i) "Licensed veterinarian" means a veterinarian who is validly
27 and currently licensed to practice veterinary medicine in this state.

28 (j) "Person" means any individual, corporation, partnership,
29 association or other entity.

30 (k) "Practice of veterinary medicine" means any of the following:

31 (1) To diagnose, treat, correct, change, relieve, or prevent animal
32 disease, deformity, defect, injury or other physical or mental condition;
33 ~~including.~~ "Practice of veterinary medicine" includes the prescription or
34 administration of any drug, medicine, biologic, apparatus, application,
35 anesthesia or other therapeutic or diagnostic substance or technique on any
36 animal, including, but not limited to, acupuncture, surgical or dental
37 operations, animal psychology, animal chiropractic, theriogenology,
38 surgery, including cosmetic surgery, any manual, mechanical, biological or
39 chemical procedure for testing for pregnancy or for correcting sterility or
40 infertility or to render service or recommendations with regard to any of
41 the above and all other branches of veterinary medicine.

42 (2) To represent, directly or indirectly, publicly or privately, an ability
43 and willingness to do any act described in paragraph (1).

1 (3) To use any title, words, abbreviation or letters in a manner or
 2 under circumstances—~~which~~ *that* induce the belief that the person using
 3 them is qualified to do any act described in paragraph (1). Such use shall
 4 be prima facie evidence of the intention to represent oneself as engaged in
 5 the practice of veterinary medicine.

6 (4) To collect blood or other samples for the purpose of diagnosing
 7 disease or conditions. This shall not apply to unlicensed personnel
 8 employed by the United States department of agriculture or the Kansas
 9 department of agriculture who are engaged in such personnel's official
 10 duties.

11 (5) To apply principles of environmental sanitation, food inspection,
 12 environmental pollution control, animal nutrition, zoonotic disease control
 13 and disaster medicine in the promotion and protection of public health in
 14 the performance of any veterinary service or procedure.

15 ~~(j)~~(l) *"Probable cause committee" means a committee consisting of*
 16 *up to three board members that:*

17 (1) *Reviews information of any type, including, but not limited to,*
 18 *potential impairment;*

19 (2) *determines whether a licensed veterinarian, registered veterinary*
 20 *technician or person may have violated the Kansas veterinary practice act*
 21 *or the board regulations; and*

22 (3) *attempts to resolve the matter through the adjudicative hearing*
 23 *process.*

24 (m) *"Registered veterinary technician" means an individual who is a*
 25 *graduate veterinary technician, has passed the examinations required by*
 26 *the board for registration and is registered by the board.*

27 (n) *"School of veterinary medicine" means any veterinary college or*
 28 *division of a university or college that offers the degree of doctor of*
 29 *veterinary medicine or its equivalent, ~~which~~ *that* conforms to the standards*
 30 *required for accreditation by the American veterinary medical association*
 31 *and ~~which~~ *that* is recognized and approved by the board.*

32 ~~(j)~~(o) *"Veterinarian" means a person who has received a doctor of*
 33 *veterinary medicine degree or the equivalent from a school of veterinary*
 34 *medicine.*

35 ~~(k) "Veterinary premises" means any premises or facility where the~~
 36 ~~practice of veterinary medicine occurs, including, but not limited to, a~~
 37 ~~mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or~~
 38 ~~clinic, but shall not include the premises of a veterinary client, research~~
 39 ~~facility, a federal military base, Kansas state university college of~~
 40 ~~veterinary medicine or any premises wherein the practice of veterinary~~
 41 ~~medicine occurs no more than three times per year as a public service~~
 42 ~~outreach of a registered veterinary premises.~~

43 ~~(l) "Graduate veterinary technician" means a person who has~~

1 ~~graduated from an American veterinary medical association accredited~~
2 ~~school approved by the board.~~

3 ~~(m) "Registered veterinary technician" means a person who is a~~
4 ~~graduate veterinary technician, has passed the examinations required by~~
5 ~~the board for registration and is registered by the board.~~

6 ~~(n)(p)~~ "Veterinary-client-patient relationship" means:

7 (1) (A) The veterinarian has assumed the responsibility for making
8 medical judgments regarding the health of the animal or animals and the
9 need for medical treatment; and

10 (B) the client, owner or other caretaker has agreed to follow the
11 instruction of the veterinarian;

12 (2) there is sufficient knowledge of the animal or animals by the
13 veterinarian to initiate at least a general or preliminary diagnosis of the
14 medical condition of the animal or animals. This means that the
15 veterinarian has recently seen or is personally acquainted with the keeping
16 and care of the animal or animals by virtue of an examination of the
17 animal or animals, or by medically appropriate and timely visits to the
18 premises where the animal or animals are kept, or both; and

19 (3) the practicing veterinarian is readily available for followup in case
20 of adverse reactions or failure of the regimen of therapy.

21 ~~(o)(q)~~ "Veterinary corporation" means a professional corporation of
22 licensed veterinarians incorporated under the professional corporation
23 act of Kansas, K.S.A. 17-2706 et seq., and amendments thereto.

24 (r) "Veterinary partnership" means a partnership pursuant to the
25 Kansas uniform partnership act, K.S.A. 56a-101 et seq., and amendments
26 thereto, formed by licensed veterinarians engaged in the practice of
27 veterinary medicine.

28 (s) "Veterinary premises" means any premises or facility where the
29 practice of veterinary medicine occurs, including, but not limited to, a
30 mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or
31 clinic, but does not include the premises of a veterinary client, research
32 facility, a federal military base, Kansas state university college of
33 veterinary medicine or any premises wherein the practice of veterinary
34 medicine occurs no more than three times per year as a public service
35 outreach of a registered veterinary premises.

36 (t) "Veterinary prescription drugs" means such prescription items as
37 defined by 21 U.S.C. § 353, as in effect on July 1, 2001 2021.

38 ~~(p)~~ "Veterinary corporation" means a professional corporation of
39 licensed veterinarians incorporated under the professional corporation act
40 of Kansas, cited at K.S.A. 17-2706 et seq., and amendments thereto.

41 ~~(q)~~ "Veterinary partnership" means a partnership pursuant to the
42 Kansas uniform partnership act, cited at K.S.A. 56a-101 et seq., and
43 amendments thereto, formed by licensed veterinarians engaged in the

1 practice of veterinary medicine.

2 ~~(f) "Person" means any individual, corporation, partnership,~~
3 ~~association or other entity.~~

4 Sec. 2. K.S.A. 47-817 is hereby amended to read as follows: 47-817.
5 No person shall practice veterinary medicine in this state who is not
6 currently and validly a licensed veterinarian. This act shall not be
7 construed to prohibit:

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

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

14 (c) A veterinarian regularly licensed in another state consulting with a
15 licensed veterinarian in this state.

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

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

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

25 ~~(g) Before July 1, 2016, a member of the faculty of a school of~~
26 ~~veterinary medicine performing such member's regular functions or a~~
27 ~~person lecturing, or giving instructions or demonstrations at a school of~~
28 ~~veterinary medicine or in connection with a continuing education course~~
29 ~~for veterinarians. On or after July 1, 2016:~~

30 ~~(1) The practice of veterinary medicine at a school of veterinary~~
31 ~~medicine in this state by a person possessing an institutional license;~~

32 ~~(2) any person, including without limitation, a member of the faculty~~
33 ~~of a school of veterinary medicine, lecturing or giving instructions or~~
34 ~~demonstrations at a school of veterinary medicine or in connection with a~~
35 ~~continuing education course for veterinarians or veterinary technicians,~~
36 ~~except when such activities involve the practice of veterinary medicine on~~
37 ~~client-owned animals; or~~

38 ~~(3) the temporary practice of veterinary medicine at a school of~~
39 ~~veterinary medicine in this state, for a period not exceeding 30 days per~~
40 ~~calendar year, by a person eligible to obtain a veterinary or institutional~~
41 ~~license upon examination and application for the same.~~

42 ~~(h) Any person engaging in bona fide scientific research which that~~
43 ~~reasonably requires experimentation involving animals or commercial~~

1 production of biologics or animal medicines.

2 ~~(j)(h)~~ A nonstudent employee, independent contractor or any other
3 associate of the veterinarian or a student in a school of veterinary medicine
4 who has not completed at least three years of study and who performs
5 prescribed veterinary procedures under the direct supervision of a licensed
6 veterinarian or under the indirect supervision of a licensed veterinarian
7 pursuant to rules and regulations of the board.

8 ~~(j)(i)~~ A student who has completed at least three years of study in a
9 school of veterinary medicine and who performs prescribed veterinary
10 procedures assigned by such student's instructors or who works under
11 direct or indirect supervision of a licensed veterinarian.

12 Sec. 3. K.S.A. 47-820 is hereby amended to read as follows: 47-820.

13 ~~(a) Except as provided further,~~ The board shall remit all moneys received
14 by or for it from fees, charges or penalties to the state treasurer in
15 accordance with the provisions of K.S.A. 75-4215, and amendments
16 thereto. Upon receipt of each such remittance, the state treasurer shall
17 deposit the entire amount in the state treasury. Ten percent of each such
18 deposit shall be credited to the state general fund and the balance shall be
19 credited to the veterinary examiners fee fund. Costs relating to assessment
20 and enforcement of civil fines shall be credited to the veterinary examiners
21 fee fund from all moneys received that are civil fines and the balance shall
22 be credited to the state general fund. All expenditures from such fund shall
23 be made in accordance with appropriation acts upon warrants of the
24 director of accounts and reports pursuant to vouchers approved by
25 the executive director or by a person or persons designated by the
26 executive director. ~~(b) For the fiscal years ending June 30, 2015, and June~~
27 ~~30, 2016, the board shall remit all moneys received by or for it from fees,~~
28 ~~charges or penalties to the state treasurer in accordance with the provisions~~
29 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
30 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
31 ~~treasury to the credit of the veterinary examiners fee fund. Costs related to~~
32 ~~assessment and enforcement of civil fines shall be credited to the~~
33 ~~veterinary examiners fee fund. All expenditures from such fund shall be~~
34 ~~made in accordance with appropriation acts upon warrants of the director~~
35 ~~of accounts and reports issued pursuant to vouchers approved by the~~
36 ~~secretary of agriculture or by a person or persons designated by the~~
37 ~~secretary of agriculture.~~

38 Sec. 4. K.S.A. 47-821 is hereby amended to read as follows: 47-821.

39 (a) In general, but not by way of limitation, the board shall have power to:

40 (1) Examine and determine the qualifications and fitness of applicants
41 for a license to practice veterinary medicine in this state in accordance
42 with K.S.A. 47-824 and 47-826, and amendments thereto.

43 (2) Inspect and register any veterinary premises pursuant to K.S.A.

1 47-840, and amendments thereto, and take any disciplinary action against
 2 the holder of a registration of a premises issued pursuant to K.S.A. 47-840,
 3 and amendments thereto.

4 (3) Inspect and audit the records and compliance with the standards
 5 of practice of any veterinarian and take any disciplinary action against the
 6 licensed veterinarian consistent with the provisions of this act and the rules
 7 and regulations adopted thereunder.

8 (4) Issue, renew, deny, limit, condition, fine, reprimand, restrict,
 9 suspend or revoke licenses to practice veterinary medicine, *institutional*
 10 *licenses or veterinary technician registrations* in this state or otherwise
 11 discipline licensed veterinarians *or registered veterinary technicians*
 12 consistent with the provisions of this act and the rules and regulations
 13 adopted thereunder.

14 (5) Conduct an investigation upon an allegation by any person that
 15 any licensee or other veterinarian has violated any provision of the Kansas
 16 veterinary practice act or any rules and regulations adopted pursuant to
 17 such act. The board may appoint individuals and committees to assist in
 18 any investigation.

19 (6) Establish and publish annually a schedule of fees authorized
 20 pursuant to and in accordance with the provisions of K.S.A. 47-822, and
 21 amendments thereto.

22 (7) Employ full-time or part-time an executive director and such
 23 professional, clerical and special personnel as shall be necessary to carry
 24 out the provisions of this act. The board shall fix the compensation of such
 25 personnel who shall be in the unclassified service under the Kansas civil
 26 service act. Under the supervision of the board, the executive director shall
 27 perform such duties as may be required by law or authorized by the board.

28 (8) Purchase or rent necessary office space, equipment and supplies.

29 (9) Appoint from its own membership one or more members to act as
 30 representatives of the board at any meeting within or without the state
 31 where such representation is deemed desirable.

32 (10) Initiate the bringing of proceedings in the courts for the
 33 enforcement of this act.

34 (11) Adopt, amend or repeal rules and regulations for licensed
 35 veterinarians regarding the limits of activity for assistants and registered
 36 veterinary technicians who perform prescribed veterinary procedures
 37 under the direct or indirect supervision and responsibility of a licensed
 38 veterinarian.

39 (12) Adopt, amend or repeal such rules and regulations, not
 40 inconsistent with law, as may be necessary to carry out the purposes of this
 41 act and enforce the provisions thereof.

42 (13) Have a common seal.

43 (14) Adopt, amend or repeal rules and regulations to fix minimum

1 standards for continuing veterinary medical education, ~~which standards~~
2 *that* shall be a condition precedent to the renewal of a license under this
3 act.

4 (15) Examine and determine the qualifications and fitness of
5 applicants for registration and register veterinary technicians.

6 (16) Issue, renew, deny, limit, condition, fine, reprimand, restrict,
7 suspend or revoke veterinary technician registrations in this state
8 consistent with the provisions of this act and the rules and regulations
9 adopted thereunder.

10 (17) Establish any committee necessary to implement any provision
11 of this act including, but not limited to, a continuing education committee
12 and a peer review committee. Such committees may be formed in
13 conjunction with professional veterinary associations in the state.
14 Members of such committees appointed by the board shall receive the
15 same privileges and immunities and be charged with the same
16 responsibilities of activity and confidentiality as board members.

17 ~~(18) Refer complaints to a duly formed peer review committee of a~~
18 ~~duly appointed professional association.~~

19 ~~(19)~~—Establish, by rules and regulations, minimum standards for the
20 practice of veterinary medicine.

21 ~~(20)~~(19) Contract with a person or entity to perform the inspections
22 or reinspections as required by K.S.A. 47-840, and amendments thereto.

23 ~~(21)~~(20) (A) For the purpose of investigations and proceedings
24 conducted by the board, the board may issue subpoenas compelling:

25 (i) The attendance and testimony of veterinarians or veterinary
26 technicians; or

27 (ii) the production for examination or copying of documents or any
28 other physical evidence if such evidence relates to veterinary competence,
29 unprofessional conduct, the mental or physical ability of a licensee or
30 registrant to safely practice veterinary medicine or the condition of a
31 veterinary premises. Within five days after the service of the subpoena on
32 any veterinarian requiring the production of any evidence in the
33 veterinarian's possession or under the veterinarian's control, such
34 veterinarian may petition the board to revoke, limit or modify the
35 subpoena. The board shall revoke, limit or modify such subpoena if in its
36 opinion the evidence required does not relate to practices ~~which~~ *that* may
37 be grounds for disciplinary action, is not relevant to the charge ~~which~~ *that*
38 is the subject matter of the proceeding or investigation, or does not
39 describe with sufficient particularity the physical evidence ~~which~~ *that* is
40 required to be produced.

41 (B) The district court, upon application by the board or by the
42 veterinarian or veterinary technician subpoenaed, shall have jurisdiction to
43 issue an order:

1 (i) Requiring such veterinarian or veterinary technician to appear
2 before the board or the board's duly authorized agent to produce evidence
3 relating to the matter under investigation; or

4 (ii) revoking, limiting or modifying the subpoena if in the court's
5 opinion the evidence demanded does not relate to practices ~~which~~ *that* may
6 be grounds for disciplinary action, is not relevant to the charge ~~which~~ *that*
7 is the subject matter of the hearing or investigation or does not describe
8 with sufficient particularity the evidence ~~which~~ *that* is required to be
9 produced.

10 (b) The powers of the board are granted to enable the board to
11 effectively supervise the practice of veterinary medicine and are to be
12 construed liberally in order to accomplish such objective.

13 ~~(c) Notwithstanding any provision of this section to the contrary, on
14 and after July 1, 2014, through June 30, 2016, the executive director of the
15 board shall be jointly appointed by the board and the animal health
16 commissioner of the Kansas department of agriculture. Any conflict
17 between the board and the animal health commissioner in appointing an
18 executive director shall be resolved by the secretary of agriculture. The
19 executive director, in conjunction with the animal health commissioner,
20 shall make all other hires of professional and administrative staff pursuant
21 to hiring procedures of the Kansas department of agriculture. All
22 employees of the board immediately prior to the effective date of this
23 section shall become employees of the Kansas department of agriculture
24 and are hereby transferred to the Kansas department of agriculture on the
25 effective date of this section. Employees transferred pursuant to this
26 subsection shall retain all retirement benefits and leave balances and rights
27 that had accrued or vested prior to the date of transfer. The service of each
28 such employee so transferred shall be deemed to have been continuous.
29 The provisions of this subsection shall expire on June 30, 2016.~~

30 ~~(d) Notwithstanding any provision of this act to the contrary, on and
31 after July 1, 2014, through June 30, 2016, the board shall submit all
32 proposed rules and regulations to the secretary of agriculture. The
33 secretary of agriculture may recommend any changes to proposed rules
34 and regulations for approval by the board. The secretary shall formally
35 propose and adopt all rules and regulations of the board pursuant to the
36 rules and regulations filing act, K.S.A. 77-415 et seq., and amendments
37 thereto. The secretary shall not adopt any rule and regulation unless such
38 rule and regulation has been approved by the board. The provisions of this
39 subsection shall expire on June 30, 2016.~~

40 Sec. 5. K.S.A. 47-829 is hereby amended to read as follows: 47-829.

41 (a) *(1)* All licenses, including institutional licenses; *and veterinary*
42 *technician registrations*, shall expire annually on June 30, except as
43 provided in K.S.A. 47-855, and amendments thereto, of each year but may

1 be renewed by registration with the board and payment of the license *or*
2 *registration* renewal fee established and published by the board, pursuant
3 to the provisions of K.S.A. 47-822, and amendments thereto. On June 1 of
4 each year, the executive director shall mail a notice to each licensed
5 veterinarian *or registered veterinary technician* that the ~~veterinarian's~~
6 license *or registration* will expire on June 30 and provide the veterinarian
7 *or veterinary technician* with a form for license renewal. For institutional
8 licenses as provided in K.S.A. 47-855, and amendments thereto, a notice
9 of the expiration of such license shall be mailed to the applicant and the
10 school of veterinary medicine at which the institutional licensee is
11 employed not later than 30 days prior to the expiration of such license. The
12 application for renewal of institutional licenses may be made in compiled
13 format by the school of veterinary medicine for all of its employees
14 desiring renewal, along with a single payment for all corresponding
15 renewal fees.

16 (H)(2) 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 (Z)(3) 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. *A veterinary technician registration may be renewed upon*
30 *payment of the renewal fee as required by this section and the provision of*
31 *satisfactory evidence that the individual has participated in a minimum of*
32 *eight clock hours of continuing education.* The burden of proof for
33 showing such participation in continuing education hours shall be the
34 responsibility of the licensee *or registrant*. The continuing education
35 requirement may be waived for ~~impaired veterinarians, as defined by~~
36 ~~K.S.A. 47-846(e), and amendments thereto, and may be waived for~~
37 *licensed veterinarians and registered veterinary technicians* while they are
38 on active military duty with any branch of the armed services of the United
39 States during a time of national emergency ~~which~~ *that* shall not exceed the
40 longer of three years or the duration of a national emergency, and shall be
41 waived for persons possessing an institutional license.

42 (c) Any person who practices ~~veterinary medicine~~ *under this act* after
43 the expiration of such person's license *or registration* and willfully or by

1 neglect fails to renew such license *or registration* shall be practicing in
2 violation of this act. Any license *or registration* renewal application ~~which~~
3 ~~that~~ is submitted beyond the annual renewal date shall be assessed a
4 penalty fee not to exceed \$100 as established by the board by rules and
5 regulations. In the event that the application for renewal of any
6 veterinarian license ~~or~~, institutional license *or veterinary technician*
7 *registration* has not been submitted within 60 days of the expiration date
8 of such license *or registration*, the board shall notify the ~~veterinarian~~
9 ~~person~~ by ~~certified mail, return receipt requested~~; that the license *or*
10 *registration* has expired and shall not be reinstated unless such ~~veterinarian~~
11 ~~person~~ submits an application for and requalifies for a new license *or*
12 *registration* and pays the license *or registration* application fee not to
13 exceed \$250 as established by the board by rules and regulations.

14 (d) The board, by rules and regulations, may waive the payment of
15 the license *or registration* renewal fee of any person holding a Kansas
16 veterinary license ~~or~~, institutional license *or veterinary technician*
17 *registration* during the period when such person is on active military duty
18 with any branch of the armed services of the United States during a time of
19 national emergency ~~which~~. ~~Any such waiver shall not to exceed the longer~~
20 ~~of three years or the duration of a national emergency, whichever is longer.~~

21 Sec. 6. K.S.A. 47-830 is hereby amended to read as follows: 47-830.
22 The board, in accordance with the provisions of the Kansas administrative
23 procedure act, may refuse to issue a license, revoke, suspend, limit,
24 condition, reprimand or restrict a license to practice veterinary medicine
25 ~~or~~, an institutional license *or a veterinary technician registration* for any of
26 the following reasons:

27 (a) The employment of fraud, misrepresentation or deception in
28 obtaining a license *or registration*;

29 ~~(b) an adjudication of incapacity by a court of competent~~
30 ~~jurisdiction~~ *the licensee or registrant has been found to be mentally ill, not*
31 *guilty by reason of insanity, not guilty because the licensee or registrant*
32 *suffers from a mental disease or defect or incompetent to stand trial by a*
33 *court of competent jurisdiction*;

34 (c) for having professional connection with or lending one's name to
35 any illegal practitioner of veterinary medicine ~~and the various branches~~
36 ~~thereof~~;

37 (d) false or misleading advertising;

38 (e) conviction of a felony or entering into a plea agreement or a
39 diversion agreement in lieu of further criminal proceedings on a complaint
40 alleging a violation of a felony;

41 (f) failure to *furnish the board, its investigators or its representatives*
42 *any information legally requested by the board or to provide a written*
43 *response within the time prescribed by the board to a written request made*

1 by the board pursuant to an investigation by or on behalf of the board;

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

4 (h) fraud or dishonest conduct in applying, treating or reporting
5 diagnostic biological tests of public health significance or in issuing health
6 certificates;

7 (i) failure of the veterinarian who is responsible for the operation and
8 management of a veterinary premises to keep the veterinary premises in
9 compliance with minimum standards established by rules and regulations
10 as to sanitary conditions and physical plant;

11 (j) failure to report as required by law, or making false report of any
12 contagious or infectious disease;

13 (k) dishonesty or negligence in the inspection of foodstuffs;

14 (l) cruelty or inhumane treatment to animals;

15 (m) disciplinary or administrative action *or neglecting to inform the*
16 *board of any such action* taken by any federal, state or local regulatory
17 agency or any foreign country on grounds other than nonpayment of
18 registration fees, *including the suspension, revocation or surrender of any*
19 *controlled substance license or registration issued by such agency or*
20 *country*;

21 (n) disclosure of any information in violation of K.S.A. 47-839, and
22 amendments thereto;

23 (o) unprofessional conduct as defined in rules and regulations
24 adopted by the board includes, but is not limited to, the following:

25 (1) Conviction of a charge of violating any federal statute or any
26 statute of this state, regarding controlled substances as defined in K.S.A.
27 65-4101, and amendments thereto;

28 (2) using unless lawfully prescribed, prescribing or administering to
29 oneself or another person any of the controlled substances as defined in
30 K.S.A. 65-4101, and amendments thereto or using, prescribing or
31 administering any of the controlled substances as defined in K.S.A. 65-
32 4101, and amendments thereto or alcoholic beverages or any other drugs,
33 chemicals or substances to the extent, ~~or in such a manner as to be~~
34 ~~dangerous or injurious to a person licensed under the Kansas veterinary~~
35 ~~practice act, to oneself or to any other person or to the public, or to the~~
36 ~~extent~~ that such use impairs the ability of such person so licensed to
37 conduct with safety the practice authorized by the license;

38 (3) the conviction of more than one misdemeanor or any felony
39 involving the use, consumption or self-administration of any of the
40 substances referred to in this section or any combination thereof;

41 (4) violation of or attempting to violate, directly or indirectly, any
42 provision of the Kansas veterinary practice act or any rules and regulations
43 adopted pursuant to such act; and

- 1 (5) violation of an order of the board;
 - 2 (p) conviction of a crime substantially related to qualifications,
 - 3 functions or duties of veterinary medicine, ~~surgery or dentistry~~;
 - 4 (q) fraud, deception, negligence or incompetence in the practice of
 - 5 veterinary medicine;
 - 6 (r) the use, prescription, administration, dispensation or sale of any
 - 7 veterinary prescription drug or the prescription of an extra-label use of any
 - 8 over-the-counter drug in the absence of a valid veterinary-client-patient
 - 9 relationship;
 - 10 (s) failing to furnish details or copies of a patient's medical records or
 - 11 failing to provide reasonable access to or a copy of a patient's radiographs
 - 12 to another treating veterinarian, hospital or clinic, upon the written request
 - 13 of and authorization from an owner or owner's agent, or failing to provide
 - 14 the owner or owner's agent with a summary of the medical record within a
 - 15 reasonable period of time and upon proper request by the owner or owner's
 - 16 agent, or failing to comply with any other law relating to medical records;
 - 17 ~~or~~
 - 18 (t) determination that the veterinarian *or veterinary technician* is
 - 19 impaired, as defined in K.S.A. ~~47-846~~ 47-847, and amendments thereto,
 - 20 ~~by a representative of the impaired veterinarian committee, or as~~
 - 21 ~~determined by the board after a hearing~~ *board's designee; or*
 - 22 (u) *cheating on or attempting to subvert the validity of an*
 - 23 *examination for licensure as a veterinarian or for registration as a*
 - 24 *veterinary technician.*
- 25 Sec. 7. K.S.A. 47-834 is hereby amended to read as follows: 47-834.
- 26 (a) Unlawful practice of veterinary medicine is the practice of veterinary
 - 27 medicine by a person without a license unless that person is exempt from
 - 28 such requirement pursuant to the provisions of K.S.A. 47-817, and
 - 29 amendments thereto.
 - 30 (b) Unlawful operation or management of veterinary premises is the
 - 31 operation or management by a person of a veterinary premises that is not
 - 32 registered pursuant to the provisions of K.S.A. 47-840, and amendments
 - 33 thereto.
 - 34 (c) (1) Unlawful practice of veterinary medicine is a class-~~B~~ A
 - 35 nonperson misdemeanor.
 - 36 (2) Unlawful operation or management of veterinary premises is a
 - 37 class-~~B~~ A nonperson misdemeanor.
 - 38 (3) Each act that violates the provisions of subsection (a) or (b)
 - 39 constitutes a distinct and separate offense.
 - 40 (d) The board may order the remedying of any violations of any
 - 41 provision of this act or any rules and regulations of the board. The board
 - 42 may issue a cease and desist order upon board determination that a
 - 43 licensee, registrant or any veterinarian has violated any provision of this

1 act, an order of the board or any rules and regulations of the board.

2 (e) If the board determines that a person is practicing veterinary
3 medicine without a license on a companion animal or is operating or
4 managing a veterinary premises that is not registered pursuant to K.S.A.
5 47-480, and amendments thereto, in addition to any other penalties
6 imposed by law, the board may take any or all of the following actions:

7 (1) Issue a cease and desist order;

8 ~~(2) issue a citation and fine in accordance with the procedures in~~
9 ~~K.S.A. 47-843 and 47-844, and amendments thereto; and~~

10 ~~(3)(2) bring an injunction action in its own name in a court of~~
11 ~~competent jurisdiction.~~

12 (f) For purposes of investigations and proceedings conducted by the
13 board, the board may issue subpoenas compelling the attendance and
14 testimony of any person or the production for examination or copying of
15 documents or any other physical evidence according to the procedures in
16 ~~subsection (a)(19) of K.S.A. 47-821(a), and amendments thereto, if such~~
17 ~~evidence relates to practicing veterinary medicine without a license on a~~
18 ~~companion animal or operating or managing a veterinary premises that is~~
19 ~~not registered pursuant to K.S.A. 47-840, and amendments thereto.~~

20 (g) The successful maintenance of an action based on any one of the
21 remedies set forth in this section shall in no way prejudice the prosecution
22 of an action based on any other of the remedies.

23 Sec. 8. K.S.A. 47-835 is hereby amended to read as follows: 47-835.

24 (a) Any animal placed in the custody of a licensed veterinarian for
25 treatment, boarding or other care, ~~which shall be that remains~~ unclaimed
26 by its owner or its owner's agent for a period of more than ~~ten~~ (10) days
27 after written notice *is given to the owner or the owner's agent* by registered
28 or certified mail, return receipt requested, ~~is given the owner or the~~
29 ~~owner's agent~~ at such person's last known address; shall be deemed to be
30 abandoned and may be turned over to the nearest humane society, or dog
31 pound or disposed of as the custodian may deem proper.

32 (b) The giving of notice to the owner, or the agent of the owner, of
33 such animal by the licensed veterinarian, as provided in subsection (a) of
34 this section, shall relieve the licensed veterinarian and any custodian to
35 whom such animal may be given of any further liability for disposal. Such
36 procedure by a licensed veterinarian shall not constitute grounds for
37 disciplining procedure under this act.

38 (c) For the purpose of this act, the term "abandoned" shall mean to
39 forsake entirely, or to neglect or refuse to provide or perform the legal
40 obligations for care and support of an animal by its owner, or its owner's
41 agent. Such abandonment shall constitute the relinquishment of all rights
42 and claims by the owner to such animal.

43 Sec. 9. K.S.A. 47-840 is hereby amended to read as follows: 47-840.

1 (a) Each veterinary premises as defined by K.S.A. 47-816, and
2 amendments thereto, shall be registered by the board.

3 (b) Each premises shall be inspected and registered by the board prior
4 to the opening of such premises. Any existing premises shall be inspected
5 and registered by the board within 60 days of any change ~~of the licensed~~
6 ~~veterinarian who is responsible for the operation and management of the~~
7 ~~veterinary premises~~ *of the operating and managing veterinarian*. Upon
8 receipt of the application for registration and payment of the application
9 fee and inspection fee, as established in K.S.A. 47-822, and amendments
10 thereto, the board shall cause such premises to be inspected by an
11 authorized agent of the board. In lieu of an inspection, the board may
12 register a premises ~~which~~ *that* is accredited by a recognized organization
13 whose standards are found by the board to meet or to exceed the minimum
14 standards as established by board rules and regulations.

15 (c) ~~The licensed operating and managing veterinarian who will be~~
16 ~~responsible for the operation and management of the premises~~ shall apply
17 for registration and submit the fee established pursuant to K.S.A. 47-822,
18 and amendments thereto. The registrant shall notify the board within 30
19 days of any change in the licensed veterinarian who is responsible for the
20 operation and management of the veterinary premises.

21 (d) The board shall deny any application for a registration of the
22 premises when the inspection reveals that the premises does not meet the
23 minimum standards established by board rules and regulations or other
24 provisions of this act; ~~in which event~~. *Upon such denial*, the applicant
25 shall pay the inspection fee for each additional reinspection required to
26 determine whether or not the premises has been brought into compliance
27 with the minimum standards and other provisions of this act.

28 (e) The board, in accordance with the Kansas administrative
29 procedure act, may refuse to register a veterinary premises, or revoke,
30 suspend, limit or condition a registration, if an inspection reveals that the
31 premises does not meet the minimum standards established by board rules
32 and regulations or that the premises is being operated or managed by any
33 person other than a licensed veterinarian whose license is in good standing
34 with the board.

35 (f) The board may inspect or reinspect a premises upon receipt of a
36 written, signed complaint that a licensee has violated the provisions of this
37 act or rules and regulations of the board or that such premises is not in
38 compliance with the provisions of this act or rules and regulations of the
39 board. Nothing contained in this section shall be construed as preventing
40 the board from conducting unannounced inspections of any premises
41 without a finding of reasonable cause for the purpose of ascertaining
42 whether or not such premises is in compliance with the provisions of this
43 act.

1 (g) Application for and acceptance of a registration of the premises
2 by an applicant shall be deemed as express consent for allowing the board
3 or the board's authorized agent to conduct inspections to ensure
4 compliance with this act or to investigate alleged complaints. All such
5 inspections may be conducted with or without notice to the registrant.
6 Inspections shall occur during normal business hours for the premises.
7 Such consent and authority is to be clearly set forth in the application for
8 registration and subscribed thereto by the applicant.

9 (h) All registrations shall expire annually and must be renewed by
10 making application to the board and payment of the registration fee. Any
11 renewal application ~~which~~ *that* is submitted after the annual renewal date
12 shall be assessed a penalty fee as established by board rules and
13 regulations. In the event that application for renewal of registration has not
14 been submitted within 60 days of its expiration date, and after notice by
15 ~~certified mail, return receipt requested,~~ has been given to the registrant that
16 the renewal application, the registration fee and the late renewal penalty
17 fee are due, such registration of the premises shall automatically expire
18 without a hearing and shall not be renewed unless a new registration
19 application is submitted and the applicant pays the registration fee, the late
20 renewal penalty fee and inspection fees. Any such premises ~~which~~ *that* has
21 its registration automatically expired under this subsection must be
22 reinspected prior to the issuance of a new registration.

23 (i) Each registrant shall have a policy ~~which~~ *that* addresses
24 emergency and after-hour veterinary services and shall inform each client
25 of the policy. If the policy changes, the registrant shall notify clients of the
26 new policy.

27 (j) Each registrant shall keep such registration conspicuously
28 displayed in the premises for which it is issued.

29 Sec. 10. K.S.A. 47-842 is hereby amended to read as follows: 47-842.

30 (a) In addition to the board's authority to refuse licensure *or registration* or
31 impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the
32 board shall have the authority to assess a fine not in excess of \$5,000
33 against a licensee *or registrant* for each of the causes specified in K.S.A.
34 47-830, and amendments thereto. Such fine may be assessed in lieu of or
35 in addition to such discipline. The proceedings under this act shall be
36 conducted in accordance with the Kansas administrative procedure act,
37 and the board shall have all the powers granted therein. All fines collected
38 pursuant to this ~~section~~ *subsection* shall be remitted to the state treasurer in
39 accordance with the provisions of K.S.A. 75-4215, and amendments
40 thereto. Upon receipt of each such remittance, the state treasurer shall
41 deposit the entire amount in the state treasury to the credit of the state
42 general fund. ~~Actual costs related to investigation, adjudication and~~
43 ~~enforcement shall be deducted and credited to the veterinary examiners fee~~

1 ~~fund.~~

2 (b) *In addition to any fine assessed pursuant to subsection (a), the*
3 *board may assess a fee for actual costs related to the investigation or*
4 *adjudication of, or enforcement against, any person for a violation of the*
5 *statutes, rules and regulations or orders enforceable by the board. All fees*
6 *collected pursuant to this subsection shall be remitted to the state*
7 *treasurer in accordance with the provisions of K.S.A. 75-4215, and*
8 *amendments thereto. Upon receipt of each such remittance, the state*
9 *treasurer shall deposit the entire amount in the state treasury to the credit*
10 *of the veterinary examiners fee fund.*

11 Sec. 11. K.S.A. 47-847 is hereby amended to read as follows: 47-847.

12 ~~(a) Any person may report to the board or to an appropriate state~~
13 ~~professional society or organization of veterinarians any information such~~
14 ~~person may have relating to an alleged impaired veterinarian. If the report~~
15 ~~is made to the appropriate state professional society or organization, such~~
16 ~~society or organization shall refer the matter to an impaired veterinarian~~
17 ~~committee duly constituted pursuant to the society's or organization's~~
18 ~~bylaws. The committee shall investigate all such reports and take~~
19 ~~appropriate action.~~

20 ~~(b) If information concerning an alleged impaired veterinarian is~~
21 ~~reported to the board, the board may investigate the report or may refer the~~
22 ~~report to an impaired veterinarian committee.~~

23 ~~(c) The impaired veterinarian committee referred to in subsection (a)~~
24 ~~shall submit to the board, on a form promulgated by such board, at least~~
25 ~~once every three months, a report summarizing the reports received~~
26 ~~pursuant[to] this section. The report shall include the number of reports~~
27 ~~concerning impaired veterinarians, whether an investigation was~~
28 ~~conducted and any action taken.~~

29 ~~(d) If the board determines that the impaired veterinarian committee~~
30 ~~referred to in subsection (a) is not fulfilling its duties under this section,~~
31 ~~the board, upon notice and an opportunity to be heard, may require such~~
32 ~~state professional society or organization to transfer to the board all reports~~
33 ~~made pursuant to this section to such state professional society or~~
34 ~~organization.~~

35 (a) (1) *If a person alleges, on a form prescribed by the board, that a*
36 *licensed veterinarian's or registered veterinary technician's ability to*
37 *practice with reasonable skill and safety towards patients is impaired, or*
38 *that such licensed veterinarian or registered veterinary technician has*
39 *otherwise violated the Kansas veterinary practice act, an investigator*
40 *employed by the board shall be assigned to the case.*

41 (2) *The investigator shall refer the allegation to one or more*
42 *members of the probable cause committee.*

43 (3) *The investigator shall gather, submit and present investigative*

1 *information to the probable cause committee in closed sessions held*
2 *pursuant to K.S.A. 75-4319, and amendments thereto.*

3 *(4) Such probable cause committee shall have the authority to*
4 *compel such licensed veterinarian or registered veterinary technician to*
5 *submit to:*

6 *(A) An investigative or disciplinary proceeding; and*

7 *(B) a mental or physical examination, substance abuse evaluation or*
8 *drug screen, or any combination thereof, by such persons as the probable*
9 *cause committee may designate either in the course of an investigation or*
10 *disciplinary proceeding.*

11 *(b) (1) Upon a determination by the probable cause committee that*
12 *the licensee's or registrant's ability to practice with reasonable skill and*
13 *safety towards patients is impaired, or that such licensed veterinarian or*
14 *registered veterinary technician has otherwise violated the Kansas*
15 *veterinary practice act, the executive director shall notify such licensee or*
16 *registrant of such determination and any resulting disciplinary action*
17 *taken pursuant to K.S.A. 47-830, and amendments thereto, or any citation*
18 *issued in lieu thereof.*

19 *(2) (A) If a licensee or registrant desires to contest such*
20 *determination, such licensee or registrant shall notify the executive*
21 *director in writing of such licensee's or registrant's request.*

22 *(B) If such licensee or registrant has so notified the executive*
23 *director, a second probable cause committee consisting of different*
24 *members shall hold a hearing and issue a determination, based on*
25 *findings of fact, affirming, modifying or vacating the determination of the*
26 *first probable cause committee. The executive director shall then notify*
27 *such licensee or registrant of such determination.*

28 *(c) The proceedings under this section shall be conducted in*
29 *accordance with the Kansas administrative procedure act and the board*
30 *shall have all the powers granted therein.*

31 *(d) Any licensed veterinarian or registered veterinary technician*
32 *affected by this section shall be offered, at reasonable intervals, an*
33 *opportunity to demonstrate that such licensed veterinarian or registered*
34 *veterinary technician can competently resume practice with reasonable*
35 *skill and safety towards patients.*

36 *(e) For the purposes of this section, any person who accepts the*
37 *privilege to practice as a licensed veterinarian or registered veterinary*
38 *technician in this state by practicing or by the making and filing of a*
39 *renewal application in this state shall be deemed to have consented to*
40 *submit to a mental or physical examination, substance abuse evaluation or*
41 *drug screen, or any combination thereof, when directed in writing by the*
42 *board.*

43 *(f) (1) Investigative information that is gathered pursuant to this*

1 section may include, but not be limited to, reports, findings and records,
2 including the results of any examination, evaluation or screen performed
3 pursuant to this section.

4 (2) Any investigative information collected pursuant to this section,
5 except as otherwise provided, shall be confidential and shall not be:

6 (A) Subject to discovery, subpoena or other means of legal
7 compulsion for release to any person or entity;

8 (B) voluntarily released to any person or entity; or

9 (C) used in any civil, criminal or administrative action.

10 (3) The provisions of paragraph (2) shall not apply to any subsequent
11 investigative or disciplinary hearing held by a probable cause committee
12 that is a continuation of the same case.

13 (4) Upon the dismissal or conclusion of a proceeding that is
14 conducted by a probable cause committee pursuant to this section, any
15 investigative information gathered in the course of such case shall be
16 considered an open record and otherwise subject to the Kansas open
17 records act.

18 (5) (A) The provisions of this subsection providing for the
19 confidentiality of records shall expire on July 1, 2027, unless the
20 legislature acts to reenact such provisions.

21 (B) The legislature shall review the provisions of this subsection
22 pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2027.

23 (g) (1) No person in attendance at a closed portion of an
24 investigative proceeding held by a probable cause committee shall be
25 required to testify at a subsequent civil, criminal or administrative hearing
26 regarding the existence or content of any investigative report, finding or
27 record privileged under this section that was disclosed in such closed
28 session, nor shall such testimony be admitted into evidence in any
29 subsequent civil, criminal or administrative hearing.

30 (2) The provisions of this subsection shall not apply to any
31 subsequent investigative or disciplinary hearing held by a probable cause
32 committee that is a continuation of the same case.

33 (h) No person or entity that, in good faith, reports or provides
34 information or investigates any licensee or registrant as authorized by this
35 section shall be liable in a civil action for damages or other relief arising
36 from providing information or conducting an investigation except upon
37 clear and convincing evidence that:

38 (1) The information was completely false; or

39 (2) the investigation was based on false information and the falsity
40 was known to the person making the report, providing the information or
41 conducting the investigation at the time thereof.

42 (i) The board shall adopt rules and regulations as necessary to
43 implement the provisions of this section.

1 Sec. 12. K.S.A. 47-852 is hereby amended to read as follows: 47-852.

2 (a) No employer shall discharge or otherwise discriminate against any
3 employee for making any report pursuant to K.S.A. 47-847-~~or 47-848~~, and
4 amendments thereto.

5 (b) Any employer who violates the provisions of subsection (a) shall
6 be liable to the aggrieved employee for damages for any wages or other
7 benefits lost due to the discharge or discrimination plus a civil penalty in
8 an amount not exceeding the amount of such damages. Such damages and
9 civil penalty shall be recoverable in an individual action brought by the
10 aggrieved employee. If the aggrieved employee substantially prevails on
11 any of the allegations contained in the pleadings in an action allowed by
12 this section, the court, in its discretion, may allow the employee reasonable
13 attorney fees as part of the costs.

14 Sec. 13. K.S.A. 47-816, 47-817, 47-820, 47-821, 47-829, 47-830, 47-
15 834, 47-835, 47-837, 47-840, 47-842, 47-843, 47-844, 47-846, 47-847, 47-
16 848, 47-849, 47-850, 47-851, 47-852, 47-853 and 47-854 are hereby
17 repealed.

18 Sec. 14. This act shall take effect and be in force from and after its
19 publication in the statute book.