

HOUSE BILL No. 2532

By Representative Highland

1-24

1 AN ACT concerning the state board of veterinary examiners; relating to
2 licensed veterinarians and registered veterinary technicians; authorizing
3 the board to assess civil fines to registered veterinary technicians; fees
4 for actual costs related to the investigation or adjudication of, or
5 enforcement against, any person for a violation of the Kansas
6 veterinary practice act; relating to determinations of impairment; the
7 procedure for investigative and disciplinary proceedings; amending
8 K.S.A. 47-816, 47-817, 47-820, 47-821, 47-829, 47-830, 47-834, 47-
9 835, 47-840, 47-842, 47-847 and 47-852 and repealing the existing
10 sections; also repealing K.S.A. 47-837, 47-843, 47-844, 47-846, 47-
11 848, 47-849, 47-850, 47-851, 47-853 and 47-854.
12

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

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

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

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

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

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

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

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

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

36 (2) is quickly and easily available;

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

4 (4) delegates only those veterinary practice activities ~~which~~ *that* are
5 consistent with rules and regulations of the board regarding employee
6 supervision.

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

12 (g) *"Impaired" or "impairment" means the quality, state or condition*
13 *of being damaged, weakened or diminished to the extent that the licensee*
14 *or registrant cannot safely practice. "Impaired" or "impairment" includes,*
15 *but is not limited to, deterioration through the aging process, loss of motor*
16 *skills or abuse of alcohol, drugs or controlled substances.*

17 (h) ~~"Indirect supervision" means~~ *that* the supervising licensed
18 veterinarian:

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

26 (2) delegates only those veterinary practice tasks ~~which~~ *that* are
27 consistent with the rules and regulations of the board regarding employee
28 supervision; and

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

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

33 (j) *"Person" means any individual, corporation, partnership,*
34 *association or other entity.*

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

36 (1) To diagnose, treat, correct, change, relieve, or prevent animal
37 disease, deformity, defect, injury or other physical or mental condition;
38 ~~including.~~ *"Practice of veterinary medicine" includes the prescription or*
39 ~~administration~~ *dispensing of any prescription drug or the administering of*
40 *any drug, medicine, biologic, apparatus, application, anesthesia or other*
41 *therapeutic or diagnostic substance or technique on any animal, including,*
42 *but not limited to, acupuncture, surgical or dental operations, animal*
43 *psychology, animal chiropractic, theriogenology, surgery, including*

1 cosmetic surgery, any manual, mechanical, biological or chemical
 2 procedure for testing for pregnancy or for correcting sterility or infertility
 3 or to render service or recommendations with regard to any of the above
 4 and all other branches of veterinary medicine.

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

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

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

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

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

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

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

28 (3) *attempts to resolve the matter without engaging in the*
 29 *adjudicative hearing process.*

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

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

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

41 ~~(k) "Veterinary premises" means any premises or facility where the~~
 42 ~~practice of veterinary medicine occurs, including, but not limited to, a~~
 43 ~~mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or~~

1 clinic, but shall not include the premises of a veterinary client, research
2 facility, a federal military base, Kansas state university college of
3 veterinary medicine or any premises wherein the practice of veterinary
4 medicine occurs no more than three times per year as a public service
5 outreach of a registered veterinary premises.

6 ~~(l)~~ "Graduate veterinary technician" means a person who has
7 graduated from an American veterinary medical association accredited
8 school approved by the board.

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

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

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

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

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

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

27 ~~(o)~~(q) "Veterinary corporation" means a professional corporation of
28 licensed veterinarians incorporated under the professional corporation
29 act of Kansas, K.S.A. 17-2706 et seq., and amendments thereto, or a
30 limited liability company authorized by K.S.A. 17-7668, and amendments
31 thereto.

32 (r) "Veterinary partnership" means a partnership or limited liability
33 partnership formed pursuant to the Kansas uniform partnership act,
34 K.S.A. 56a-101 et seq., and amendments thereto, by licensed veterinarians
35 engaged in the practice of veterinary medicine.

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

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

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

6 ~~(q) "Veterinary partnership" means a partnership pursuant to the
7 Kansas uniform partnership act, cited at K.S.A. 56a-101 et seq., and
8 amendments thereto, formed by licensed veterinarians engaged in the
9 practice of veterinary medicine.~~

10 ~~(r) "Person" means any individual, corporation, partnership,
11 association or other entity.~~

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

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

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

22 (c) A veterinarian regularly licensed in another state consulting with a
23 licensed veterinarian in this state.

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

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

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

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

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

40 ~~(2) any person, including without limitation, a member of the faculty
41 of a school of veterinary medicine, lecturing or giving instructions or
42 demonstrations at a school of veterinary medicine or in connection with a
43 continuing education course for veterinarians or veterinary technicians,~~

1 except when such activities involve the practice of veterinary medicine on
2 client-owned animals; or

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

7 ~~(h) Any person engaging in bona fide scientific research which that~~
8 ~~reasonably requires experimentation involving animals or commercial~~
9 ~~production of biologics or animal medicines.~~

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

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

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

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

35 ~~(b) For the fiscal years ending June 30, 2015, and June 30, 2016, the~~
36 ~~board shall remit all moneys received by or for it from fees, charges or~~
37 ~~penalties to the state treasurer in accordance with the provisions of K.S.A.~~
38 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~
39 ~~the state treasurer shall deposit the entire amount in the state treasury to~~
40 ~~the credit of the veterinary examiners fee fund. Costs related to assessment~~
41 ~~and enforcement of civil fines shall be credited to the veterinary examiners~~
42 ~~fee fund. All expenditures from such fund shall be made in accordance~~
43 ~~with appropriation acts upon warrants of the director of accounts and~~

1 ~~reports issued pursuant to vouchers approved by the secretary of~~
2 ~~agriculture or by a person or persons designated by the secretary of~~
3 ~~agriculture.~~

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

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

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

9 (2) Inspect and register any veterinary premises pursuant to K.S.A.
10 47-840, and amendments thereto, and take any disciplinary action against
11 the holder of a registration of a premises issued pursuant to K.S.A. 47-840,
12 and amendments thereto.

13 (3) Inspect and audit the records and compliance with the standards
14 of practice of any veterinarian and take any disciplinary action against the
15 licensed veterinarian consistent with the provisions of this act and the rules
16 and regulations adopted thereunder.

17 (4) Issue, renew, deny, limit, condition, fine, reprimand, restrict,
18 suspend or revoke licenses to practice veterinary medicine, *institutional*
19 *licenses or veterinary technician registrations* in this state or otherwise
20 discipline licensed veterinarians *or registered veterinary technicians*
21 consistent with the provisions of this act and the rules and regulations
22 adopted thereunder.

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

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

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

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

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

41 (10) Initiate the bringing of proceedings in the courts for the
42 enforcement of this act.

43 (11) Adopt, amend or repeal rules and regulations for licensed

1 veterinarians regarding the limits of activity for assistants and registered
2 veterinary technicians who perform prescribed veterinary procedures
3 under the direct or indirect supervision and responsibility of a licensed
4 veterinarian.

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

8 (13) Have a common seal.

9 (14) Adopt, amend or repeal rules and regulations to fix minimum
10 standards for continuing veterinary medical education, ~~which standards~~
11 *that* shall be a condition precedent to the renewal of a license under this
12 act.

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

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

19 (17) Establish any committee necessary to implement any provision
20 of this act including, but not limited to, a continuing education committee
21 and a peer review committee. Such committees may be formed in
22 conjunction with professional veterinary associations in the state.
23 Members of such committees appointed by the board shall receive the
24 same privileges and immunities and be charged with the same
25 responsibilities of activity and confidentiality as board members.

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

28 ~~(19)~~—Establish, by rules and regulations, minimum standards for the
29 practice of veterinary medicine, *the operation of a veterinary premises and*
30 *the functioning as an operating and managing veterinarian.*

31 ~~(20)~~(19) Contract with a person or entity to perform the inspections
32 or reinspections as required by K.S.A. 47-840, and amendments thereto.

33 ~~(21)~~(20) (A) For the purpose of investigations and proceedings
34 conducted by the board, the board may issue subpoenas compelling:

35 (i) The attendance and testimony of veterinarians or veterinary
36 technicians; or

37 (ii) the production for examination or copying of documents or any
38 other physical evidence if such evidence relates to veterinary competence,
39 unprofessional conduct, the mental or physical ability of a licensee or
40 registrant to safely practice veterinary medicine or the condition of a
41 veterinary premises. Within five days after the service of the subpoena on
42 any veterinarian requiring the production of any evidence in the
43 veterinarian's possession or under the veterinarian's control, such

1 veterinarian may petition the board to revoke, limit or modify the
2 subpoena. The board shall revoke, limit or modify such subpoena if in its
3 opinion the evidence required does not relate to practices ~~which~~ *that* may
4 be grounds for disciplinary action, is not relevant to the charge ~~which~~ *that*
5 is the subject matter of the proceeding or investigation, or does not
6 describe with sufficient particularity the physical evidence ~~which~~ *that* is
7 required to be produced.

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

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

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

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

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

40 ~~(d) Notwithstanding any provision of this act to the contrary, on and
41 after July 1, 2014, through June 30, 2016, the board shall submit all
42 proposed rules and regulations to the secretary of agriculture. The
43 secretary of agriculture may recommend any changes to proposed rules~~

1 and regulations for approval by the board. The secretary shall formally
2 propose and adopt all rules and regulations of the board pursuant to the
3 rules and regulations filing act, K.S.A. 77-415 et seq., and amendments
4 thereto. The secretary shall not adopt any rule and regulation unless such
5 rule and regulation has been approved by the board. The provisions of this
6 subsection shall expire on June 30, 2016.

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

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

26 (1)(2) The application shall contain a statement to the effect that the
27 applicant has not been convicted of a felony, has not been the subject of
28 professional disciplinary action taken by any public agency in Kansas or
29 any other state, territory or the District of Columbia, and has not violated
30 any of the provisions of the Kansas veterinary practice act. If the applicant
31 is unable to make that statement, the application shall contain a statement
32 of the conviction, professional discipline or violation.

33 (2)(3) The board, as part of the renewal process, may make necessary
34 inquiries of the applicant and conduct an investigation in order to
35 determine if cause for disciplinary action exists.

36 (b) A license may be renewed upon payment of the renewal fee as
37 required by this section and the provision of satisfactory evidence that the
38 licensee has participated in a minimum of 20 clock hours of continuing
39 education. *A veterinary technician registration may be renewed upon*
40 *payment of the renewal fee as required by this section and the provision of*
41 *satisfactory evidence that the individual has participated in a minimum of*
42 *eight clock hours of continuing education.* The burden of proof for
43 showing such participation in continuing education hours shall be the

1 responsibility of the licensee *or registrant*. The continuing education
2 requirement may be waived for ~~impaired veterinarians, as defined by~~
3 ~~K.S.A. 47-846(e), and amendments thereto, and may be waived for~~
4 *licensed veterinarians and registered veterinary technicians* while they are
5 on active military duty with any branch of the armed services of the United
6 States during a time of national emergency ~~which that~~ shall not exceed the
7 longer of three years or the duration of a national emergency; and shall be
8 waived for persons possessing an institutional license.

9 (c) Any person who practices ~~veterinary medicine under this act~~ after
10 the expiration of such person's license *or registration* and willfully or by
11 neglect fails to renew such license *or registration* shall be practicing in
12 violation of this act. Any license *or registration* renewal application ~~which~~
13 *that* is submitted beyond the annual renewal date shall be assessed a
14 penalty fee not to exceed \$100 as established by the board by rules and
15 regulations. In the event that the application for renewal of any
16 veterinarian license ~~or~~, institutional license *or veterinary technician*
17 *registration* has not been submitted within 60 days of the expiration date
18 of such license *or registration*, the board shall notify the ~~veterinarian~~
19 *person* by ~~certified mail, return receipt requested~~; that the license *or*
20 *registration* has expired and shall not be reinstated unless such ~~veterinarian~~
21 *person* submits an application for and requalifies for a new license *or*
22 *registration* and pays the license *or registration* application fee not to
23 exceed \$250 as established by the board by rules and regulations.

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

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

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

39 ~~an adjudication of incapacity by a court of competent~~
40 ~~jurisdiction~~ *the licensee or registrant has been found to be mentally ill, not*
41 *guilty by reason of insanity, not guilty because the licensee or registrant*
42 *suffers from a mental disease or defect or incompetent to stand trial by a*
43 *court of competent jurisdiction*;

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

4 (d) false or misleading advertising;

5 (e) conviction of a felony or entering into a plea agreement or a
6 diversion agreement in lieu of further criminal proceedings on a complaint
7 alleging a violation of a felony;

8 (f) failure to *furnish the board, its investigators or its representatives*
9 *any information legally requested by the board or to provide a written*
10 *response within the time prescribed by the board to a written request made*
11 *by the board pursuant to an investigation by or on behalf of the board;*

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

14 (h) fraud or dishonest conduct in applying, treating or reporting
15 diagnostic biological tests of public health significance or in issuing health
16 certificates;

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

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

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

24 (l) cruelty or inhumane treatment to animals;

25 (m) disciplinary or administrative action *or neglecting to inform the*
26 *board within 30 calendar days of any such action* taken by any federal,
27 state or local regulatory agency or any foreign country on grounds other
28 than nonpayment of registration fees, *including the suspension, revocation*
29 *or surrender of any controlled substance license or registration issued by*
30 *such agency or country;*

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

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

35 (1) Conviction of a charge of violating any federal statute or any
36 statute of this state, regarding controlled substances as defined in K.S.A.
37 65-4101, and amendments thereto;

38 (2) using unless lawfully prescribed, prescribing or administering to
39 oneself or another person any of the controlled substances as defined in
40 K.S.A. 65-4101, and amendments thereto or using, prescribing or
41 administering any of the controlled substances as defined in K.S.A. 65-
42 4101, and amendments thereto or alcoholic beverages or any other drugs,
43 chemicals or substances to the extent, ~~or in such a manner as to be~~

1 ~~dangerous or injurious to a person licensed under the Kansas veterinary~~
 2 ~~practice act, to oneself or to any other person or to the public, or to the~~
 3 ~~extent that such use impairs the ability of such a person so licensed or~~
 4 ~~registered under this act to conduct with safety the practice authorized by~~
 5 ~~the license or registration;~~

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

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

12 (5) violation of an order of the board;

13 (p) conviction of a crime substantially related to qualifications,
 14 functions or duties of veterinary medicine, ~~surgery or dentistry;~~

15 (q) fraud, deception, negligence or incompetence in the practice of
 16 veterinary medicine;

17 (r) the use, prescription, administration, dispensation or sale of any
 18 veterinary prescription drug or the prescription of an extra-label use of any
 19 over-the-counter drug in the absence of a valid veterinary-client-patient
 20 relationship;

21 (s) failing to furnish details or copies of a patient's medical records or
 22 failing to provide reasonable access to or a copy of a patient's radiographs
 23 to another treating veterinarian, hospital or clinic, upon the written request
 24 of and authorization from an owner or owner's agent, or failing to provide
 25 the owner or owner's agent with a summary of the medical record within a
 26 reasonable period of time and upon proper request by the owner or owner's
 27 agent, or failing to comply with any other law relating to medical records;
 28 ~~or~~

29 (t) determination that the veterinarian *or veterinary technician* is
 30 impaired, as defined in K.S.A. ~~47-846~~ 47-847, and amendments thereto,
 31 ~~by a representative of the impaired veterinarian committee, or as~~
 32 ~~determined by the board after a hearing~~ *board member designee; or*

33 (u) *cheating on or attempting to subvert the validity of an*
 34 *examination for licensure as a veterinarian or for registration as a*
 35 *veterinary technician.*

36 Sec. 7. K.S.A. 47-834 is hereby amended to read as follows: 47-834.

37 (a) Unlawful practice of veterinary medicine is the practice of veterinary
 38 medicine by a person without a license unless that person is exempt from
 39 such requirement pursuant to the provisions of K.S.A. 47-817, and
 40 amendments thereto.

41 (b) Unlawful operation or management of veterinary premises is the
 42 operation or management by a person of a veterinary premises that is not
 43 registered pursuant to the provisions of K.S.A. 47-840, and amendments

1 thereto.

2 (c) (1) Unlawful practice of veterinary medicine is a class-B A
3 nonperson misdemeanor.

4 (2) Unlawful operation or management of veterinary premises is a
5 class-B A nonperson misdemeanor.

6 (3) Each act that violates the provisions of subsection (a) or (b)
7 constitutes a distinct and separate offense.

8 (d) The board may order the remedying of any violations of any
9 provision of this act or any rules and regulations of the board. The board
10 may issue a cease and desist order upon board determination that a
11 licensee, registrant or any veterinarian has violated any provision of this
12 act, an order of the board or any rules and regulations of the board.

13 (e) If the board determines that a person is practicing veterinary
14 medicine without a license on a companion animal or is operating or
15 managing a veterinary premises that is not registered pursuant to K.S.A.
16 47-480, and amendments thereto, in addition to any other penalties
17 imposed by law, the board may take any or all of the following actions:

18 (1) Issue a cease and desist order;

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

21 ~~(3)~~(2) bring an injunction action in its own name in a court of
22 competent jurisdiction.

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

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

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

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

43 (b) The giving of notice to the owner, or the agent of the owner, of

1 such animal by the licensed veterinarian, as provided in subsection (a) of
2 ~~this section~~, shall relieve the licensed veterinarian and any custodian to
3 whom such animal may be given of any further liability for disposal. Such
4 procedure by a licensed veterinarian shall not constitute grounds for
5 disciplining procedure under this act.

6 (c) For the purpose of this act, the term "abandoned" ~~shall mean~~
7 *means* to forsake entirely, or to neglect or refuse to provide or perform the
8 legal obligations for care and support of an animal by its owner, or its
9 owner's agent. Such abandonment shall constitute the relinquishment of all
10 rights and claims by the owner to such animal.

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

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

14 (b) Each premises shall be inspected and registered by the board prior
15 to the opening of such premises. Any existing premises shall be inspected
16 and registered by the board within 60 days of any change of the ~~licensed~~
17 ~~veterinarian who is responsible for the operation and management of the~~
18 ~~veterinary premises~~ *operating and managing veterinarian*. Upon receipt of
19 the application for registration and payment of the application fee and
20 inspection fee, as established in K.S.A. 47-822, and amendments thereto,
21 the board shall cause such premises to be inspected by an authorized agent
22 of the board. In lieu of an inspection, the board may register a premises
23 ~~which~~ *that* is accredited by a recognized organization whose standards are
24 found by the board to meet or to exceed the minimum standards as
25 established by board rules and regulations.

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

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

39 (e) The board, in accordance with the Kansas administrative
40 procedure act, may refuse to register a veterinary premises, or revoke,
41 suspend, limit or condition a registration, if an inspection reveals that the
42 premises does not meet the minimum standards established by board rules
43 and regulations or that the premises is being operated or managed by any

1 person other than a licensed veterinarian whose license is in good standing
2 with the board.

3 (f) The board may inspect or reinspect a premises upon receipt of a
4 written, signed complaint that a licensee has violated the provisions of this
5 act or rules and regulations of the board or that such premises is not in
6 compliance with the provisions of this act or rules and regulations of the
7 board. Nothing contained in this section shall be construed as preventing
8 the board from conducting unannounced inspections of any premises
9 without a finding of reasonable cause for the purpose of ascertaining
10 whether or not such premises is in compliance with the provisions of this
11 act.

12 (g) Application for and acceptance of a registration of the premises
13 by an applicant shall be deemed as express consent for allowing the board
14 or the board's authorized agent to conduct inspections to ensure
15 compliance with this act or to investigate alleged complaints. All such
16 inspections may be conducted with or without notice to the registrant.
17 Inspections shall occur during normal business hours for the premises.
18 Such consent and authority is to be clearly set forth in the application for
19 registration and subscribed thereto by the applicant.

20 (h) All registrations shall expire annually and must be renewed by
21 making application to the board and payment of the registration fee. Any
22 renewal application ~~which~~ *that* is submitted after the annual renewal date
23 shall be assessed a penalty fee as established by board rules and
24 regulations. In the event that application for renewal of registration has not
25 been submitted within 60 days of its expiration date, and after notice by
26 ~~certified mail, return receipt requested~~, has been given to the registrant that
27 the renewal application, the registration fee and the late renewal penalty
28 fee are due, such registration of the premises shall automatically expire
29 without a hearing and shall not be renewed unless a new registration
30 application is submitted and the applicant pays the registration fee, the late
31 renewal penalty fee and inspection fees. Any such premises ~~which~~ *that* has
32 its registration automatically expired under this subsection must be
33 reinspected prior to the issuance of a new registration.

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

38 (j) Each registrant shall keep such registration conspicuously
39 displayed in the premises for which ~~it~~ *the registration* is issued.

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

41 (a) In addition to the board's authority to refuse licensure *or registration* or
42 impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the
43 board shall have the authority to assess a fine not in excess of \$5,000

1 against a licensee *or registrant* for each of the causes specified in K.S.A.
2 47-830, and amendments thereto. Such fine may be assessed in lieu of or
3 in addition to such discipline. The proceedings under this act shall be
4 conducted in accordance with the Kansas administrative procedure act,
5 and the board shall have all the powers granted therein. All fines collected
6 pursuant to this ~~section~~ subsection shall be remitted to the state treasurer in
7 accordance with the provisions of K.S.A. 75-4215, and amendments
8 thereto. Upon receipt of each such remittance, the state treasurer shall
9 deposit the entire amount in the state treasury to the credit of the state
10 general fund. ~~Actual costs related to investigation, adjudication and~~
11 ~~enforcement shall be deducted and credited to the veterinary examiners fee~~
12 ~~fund.~~

13 *(b) In addition to any fine assessed pursuant to subsection (a), the*
14 *board may assess a fee for actual costs, including attorney fees,*
15 *administrative law judge fees and court reporter fees, related to the*
16 *investigation or adjudication of, or enforcement against, any person for a*
17 *violation of the statutes, rules and regulations or orders enforceable by the*
18 *board. All fees collected pursuant to this subsection shall be remitted to*
19 *the state treasurer in accordance with the provisions of K.S.A. 75-4215,*
20 *and amendments thereto. Upon receipt of each such remittance, the state*
21 *treasurer shall deposit the entire amount in the state treasury to the credit*
22 *of the veterinary examiners fee fund.*

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

24 ~~(a) Any person may report to the board or to an appropriate state~~
25 ~~professional society or organization of veterinarians any information such~~
26 ~~person may have relating to an alleged impaired veterinarian. If the report~~
27 ~~is made to the appropriate state professional society or organization, such~~
28 ~~society or organization shall refer the matter to an impaired veterinarian~~
29 ~~committee duly constituted pursuant to the society's or organization's~~
30 ~~bylaws. The committee shall investigate all such reports and take~~
31 ~~appropriate action.~~

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

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

41 ~~(d) If the board determines that the impaired veterinarian committee~~
42 ~~referred to in subsection (a) is not fulfilling its duties under this section,~~
43 ~~the board, upon notice and an opportunity to be heard, may require such~~

1 ~~state professional society or organization to transfer to the board all reports~~
2 ~~made pursuant to this section to such state professional society or~~
3 ~~organization.~~ (a) Upon reasonable suspicion that the ability of an
4 applicant for licensure or registration, a licensed veterinarian or a
5 registered veterinary technician to practice with reasonable skill and
6 safety towards patients is impaired by reason of physical or mental illness
7 or condition, or use of alcohol, drugs or controlled substances, the board
8 shall have the authority to compel the person to submit to a mental or
9 physical examination, substance abuse evaluation or drug screen, or any
10 combination thereof, by such persons as the board may designate either in
11 the course of an investigation or a disciplinary proceeding. The reports of
12 any such examination or evaluation shall be provided by the examiner or
13 evaluator to the board.

14 (b) To determine whether reasonable suspicion of impaired ability
15 exists, the investigative information shall be presented to a probable cause
16 committee. Information submitted, including reports, findings and other
17 records, shall be confidential and shall not be subject to discovery,
18 subpoena or other means of legal compulsion for their release to any
19 person or entity and shall not be admissible in any civil or administrative
20 action other than a disciplinary proceeding by the board.

21 (c) Any person affected by this section shall be offered, at reasonable
22 intervals, an opportunity to demonstrate that such person can resume the
23 competent practice of veterinary medicine with reasonable skill and safety.
24 For purposes of this section, any person who applies for or accepts the
25 privilege to practice as a licensed veterinarian or a registered veterinary
26 technician in this state by practicing, or by the making and filing an
27 original or renewal application in this state shall be deemed to have
28 consented to submit to a mental or physical examination, substance abuse
29 evaluation or drug screen, or any combination thereof, when directed in
30 writing by the board.

31 (d) In any proceeding by the board pursuant to the provisions of this
32 section, or any board proceeding involving the mental and physical
33 examination, substance abuse evaluation or drug screen, or a combination
34 thereof, the testimony and records shall be considered confidential and
35 shall not be subject to discovery, subpoena or other means of legal
36 compulsion for their release to any person or entity and shall not be
37 admissible in any civil or administrative action other than a disciplinary
38 proceeding by the board.

39 (e) No person or entity that, in good faith, reports, provides
40 information or conducts an investigation regarding the potential
41 impairment of any veterinarian or veterinary technician shall be liable in
42 a civil action for damages or other relief arising from the reporting,
43 providing of information or investigation except upon clear and

1 *convincing evidence that the report or information was completely false,*
 2 *or that the investigation was based on false information, and the falsity*
 3 *was actually known to the person making the report, providing the*
 4 *information or conducting the investigation at the time thereof.*

5 *(f) (1) The provisions of this section providing for the confidentiality*
 6 *of records shall expire on July 1, 2027, unless the legislature acts to*
 7 *reenact such provisions.*

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

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

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

14 (b) Any employer who violates the provisions of subsection (a) shall
 15 be liable to the aggrieved employee for damages for any wages or other
 16 benefits lost due to the discharge or discrimination plus a civil penalty in
 17 an amount not exceeding the amount of such damages. Such damages and
 18 civil penalty shall be recoverable in an individual action brought by the
 19 aggrieved employee. If the aggrieved employee substantially prevails on
 20 any of the allegations contained in the pleadings in an action allowed by
 21 this section, the court, in its discretion, may allow the employee reasonable
 22 attorney fees as part of the costs.

23 Sec. 13. K.S.A. 47-816, 47-817, 47-820, 47-821, 47-829, 47-830, 47-
 24 834, 47-835, 47-837, 47-840, 47-842, 47-843, 47-844, 47-846, 47-847, 47-
 25 848, 47-849, 47-850, 47-851, 47-852, 47-853 and 47-854 are hereby
 26 repealed.

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