

SENATE BILL No. 278

AN ACT concerning the state board of veterinary examiners; relating to the veterinary examiners fee fund; powers of the board; establishing the board within the animal health division of the Kansas department of agriculture for a two-year period; amending K.S.A. 2013 Supp. 47-820 and 47-821 and repealing the existing sections.

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

New Section 1. (a) On and after July 1, 2014, through June 30, 2016, the state board of veterinary examiners is hereby established within the division of animal health of the Kansas department of agriculture.

(b) The Kansas department of agriculture shall provide all administrative services for the board, including fiscal, information technology, human resources, records, legal, facilities and procurement services.

(c) The provisions of this section shall expire on June 30, 2016.

Sec. 2. K.S.A. 2013 Supp. 47-820 is hereby amended to read as follows: 47-820. (a) *Except as provided further*, the board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the veterinary examiners fee fund. Costs relating to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund from all moneys received that are civil fines and the balance shall be credited to the state general fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the executive director.

(b) *For the fiscal years ending June 30, 2015, and June 30, 2016, the board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the veterinary examiners fee fund. Costs related to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary of agriculture.*

Sec. 3. K.S.A. 2013 Supp. 47-821 is hereby amended to read as follows: 47-821. (a) In general, but not by way of limitation, the board shall have power to:

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

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

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

(4) Issue, renew, deny, limit, condition, fine, reprimand, restrict, suspend or revoke licenses to practice veterinary medicine in this state or otherwise discipline licensed veterinarians consistent with the provisions of this act and the rules and regulations adopted thereunder.

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

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

(7) Employ full-time or part-time an executive director and such professional, clerical and special personnel as shall be necessary to carry out the provisions of this act. The board shall fix the compensation of such

personnel who shall be in the unclassified service under the Kansas civil service act. Under the supervision of the board, the executive director shall perform such duties as may be required by law or authorized by the board.

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

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

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

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

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

(13) Have a common seal.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the

subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence which is required to be produced.

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

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

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

Sec. 4. K.S.A. 2013 Supp. 47-820 and 47-821 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.