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

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

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

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

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

(d) A license issued under this section shall be canceled by the board upon receipt of information that the holder of the license has left or has
otherwise been discontinued from employment at a school of veterinary medicine within this state.

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

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

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

1. Has obtained the degree of doctor of veterinary medicine or its equivalent;
2. has passed the Kansas veterinary legal practice examination, which may be completed in person, by mail or by electronic means;
3. is a person of good moral character;
4. has paid the license application fee;
5. provides proof of employment with a school of veterinary medicine within this state. This proof shall be provided by an authorized administrative official of the school of veterinary medicine;
6. certifies that such person understands and agrees that the institutional license is valid only for the practice of veterinary medicine associated with such person's employment as a faculty member, intern, resident or locum of the school of veterinary medicine where employed; and
7. provides other information and proof as the board may establish by rules and regulations.

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

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

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

Sec. 4. K.S.A. 47-817 is hereby amended to read as follows: 47-817. No person shall practice veterinary medicine in this state who is not currently and validly a licensed veterinarian. This act shall not be construed to prohibit:
(a) An employee of the federal, state or local government performing such employee's official duties.

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

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

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

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

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

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

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

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

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

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

(i) A nonstudent employee, independent contractor or any other associate of the veterinarian or a student in a school of veterinary medicine who has not completed at least three years of study and who performs prescribed veterinary procedures under the direct supervision of a licensed veterinarian or under the indirect supervision of a licensed veterinarian pursuant to rules and regulations of the board.
(j) A student who has completed at least three years of study in a school of veterinary medicine and who performs prescribed veterinary procedures assigned by such student's instructors or who works under direct or indirect supervision of a licensed veterinarian.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. K.S.A. 47-829 is hereby amended to read as follows: 47-829.
(a) All licenses, including institutional licenses, shall expire annually on
June 30, except as provided in section 1, and amendments thereto, of each
year but may be renewed by registration with the board and payment of the
license renewal fee established and published by the board, pursuant to the
provisions of K.S.A. 47-822, and amendments thereto. On June 1 of each
year, the executive director shall mail a notice to each licensed veterinarian
that the veterinarian's license will expire on June 30 and provide the
veterinarian with a form for license renewal. For institutional licenses as
provided in section 1, and amendments thereto, a notice of the expiration
of such license shall be mailed to the applicant and the school of
veterinary medicine at which the institutional licensee is employed not
later than 30 days prior to the expiration of such license. The application
for renewal of institutional licenses may be made in compiled format by
the school of veterinary medicine for all of its employees desiring renewal,
along with a single payment for all corresponding renewal fees.

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

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

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

(c) All veterinarian licenses shall expire annually and must be
renewed by making application to the board and payment of the license
renewal fee. Any person who practices veterinary medicine after the
expiration of such person's license and willfully or by neglect fails to
renew such license shall be practicing in violation of this act. Any license
renewal application which is submitted beyond the annual renewal date
shall be assessed a penalty fee not to exceed $100 as established by the board by rules and regulations. In the event that the application for renewal of any veterinarian license or institutional license has not been submitted within 60 days of the expiration date of such license, the board shall notify the veterinarian by certified mail, return receipt requested, that the license has expired and shall not be reinstated unless such veterinarian submits an application for and requalifies for a new license and pays the license application fee not to exceed $250 as established by the board by rules and regulations.

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

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

(a) The employment of fraud, misrepresentation or deception in obtaining a license;
(b) an adjudication of incapacity by a court of competent jurisdiction;
(c) for having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof;
(d) false or misleading advertising;
(e) conviction of a felony or entering into a plea agreement or a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a felony;
(f) failure to provide a written response within the time prescribed by the board to a written request made by the board pursuant to an investigation by or on behalf of the board;
(g) employing, contracting with or utilizing in any manner any person in the unlawful practice of veterinary medicine;
(h) fraud or dishonest conduct in applying, treating or reporting diagnostic biological tests of public health significance or in issuing health certificates;
(i) failure of the veterinarian who is responsible for the operation and management of a veterinary premises to keep the veterinary premises in compliance with minimum standards established by rules and regulations
as to sanitary conditions and physical plant;

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

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

(l) cruelty or inhumane treatment to animals;

(m) disciplinary or administrative action taken by any federal, state or local regulatory agency or any foreign country on grounds other than nonpayment of registration fees;

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

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

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

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

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

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

(5) violation of an order of the board;

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

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

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

(s) failing to furnish details or copies of a patient's medical records or failing to provide reasonable access to or a copy of a patient's radiographs to another treating veterinarian, hospital or clinic, upon the written request
of and authorization from an owner or owner's agent, or failing to provide
the owner or owner's agent with a summary of the medical record within a
reasonable period of time and upon proper request by the owner or owner's
agent, or failing to comply with any other law relating to medical records;
or
(t) determination that the veterinarian is impaired, as defined in
K.S.A. 47-846, and amendments thereto, by a representative of the
impaired veterinarian committee, or as determined by the board after a
hearing.

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

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