

As Amended by House Committee

Session of 2022

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~~ **prescribing, dispensing of any prescription drug or the**  
40 ~~administering~~ **administration** of any drug, medicine, biologic, apparatus,  
41 application, anesthesia or other therapeutic or diagnostic substance or  
42 technique on any animal, including, but not limited to, acupuncture,  
43 surgical or dental operations, animal psychology, animal chiropractic,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 ~~(n)~~~~(p)~~**(o)** "Veterinary-client-patient relationship" means:

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

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

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

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

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

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

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

1 *outreach of a registered veterinary premises.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 continuing education course for veterinarians or veterinary technicians,  
2 except when such activities involve the practice of veterinary medicine on  
3 client-owned animals; or

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

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

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

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

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

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

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

1 ~~with appropriation acts upon warrants of the director of accounts and~~  
2 ~~reports issued pursuant to vouchers approved by the secretary of~~  
3 ~~agriculture or by a person or persons designated by the secretary of~~  
4 ~~agriculture.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (13) Have a common seal.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

37 (b) A license may be renewed upon payment of the renewal fee as  
38 required by this section and the provision of satisfactory evidence that the  
39 licensee has participated in a minimum of 20 clock hours of continuing  
40 education. *A veterinary technician registration may be renewed upon*  
41 *payment of the renewal fee as required by this section and the provision of*  
42 *satisfactory evidence that the individual has participated in a minimum of*  
43 ~~eight~~ **10** *clock hours of continuing education.* The burden of proof for

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

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

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

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

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

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

1 *court of competent jurisdiction;*

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

5 (d) false or misleading advertising;

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

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

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

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

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

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

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

25 (l) cruelty or inhumane treatment to animals;

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

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

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

36 (1) Conviction of a charge of violating any federal statute or any  
37 statute of this state, regarding controlled substances as defined in K.S.A.  
38 65-4101, and amendments thereto;

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

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

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

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

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

14 (p) conviction of a crime substantially related to qualifications,  
15 functions or duties **of the practice** of veterinary medicine, ~~surgery or~~  
16 ~~dentistry~~;

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

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

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

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

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

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

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

43 (b) Unlawful operation or management of veterinary premises is the

1 operation or management by a person of a veterinary premises that is not  
2 registered pursuant to the provisions of K.S.A. 47-840, and amendments  
3 thereto.

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

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

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

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

15 (e) If the board determines that a person is practicing veterinary  
16 medicine without a license ~~on a companion animal~~ or is operating or  
17 managing a veterinary premises that is not registered pursuant to K.S.A.  
18 47-480, and amendments thereto, in addition to any other penalties  
19 imposed by law, the board may take any or all of the following actions:

20 (1) Issue a cease and desist order;

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

23 ~~(3)(2)~~ bring an injunction action in its own name in a court of  
24 competent jurisdiction.

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

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

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

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

1 nearest humane society; or dog pound or disposed of as the custodian may  
2 deem proper.

3 (b) The giving of notice to the owner, or the agent of the owner, of  
4 such animal by the licensed veterinarian, as provided in subsection (a) ~~of~~  
5 ~~this section~~, shall relieve the licensed veterinarian and any custodian to  
6 whom such animal may be given of any further liability for disposal. Such  
7 procedure by a licensed veterinarian shall not constitute grounds for  
8 disciplining procedure under this act.

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

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

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

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

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

39 (d) The board shall deny any application for a registration of the  
40 premises when the inspection reveals that the premises does not meet the  
41 minimum standards established by board rules and regulations or other  
42 provisions of this act; ~~in which event~~. *Upon such denial*, the applicant  
43 shall pay the inspection fee for each additional reinspection required to

1 determine whether or not the premises has been brought into compliance  
2 with the minimum standards and other provisions of this act.

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

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

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

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

41 (i) Each registrant shall have a policy—~~which~~ *that* addresses  
42 emergency and after-hour veterinary services and shall inform each client  
43 of the policy. If the policy changes, the registrant shall notify clients of the



1 new policy.

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

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

5 (a) In addition to the board's authority to refuse licensure *or registration* or  
6 impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the  
7 board shall have the authority to assess a fine not in excess of \$5,000  
8 against a licensee *or registrant* for each of the causes specified in K.S.A.  
9 47-830, and amendments thereto. Such fine may be assessed in lieu of or  
10 in addition to such discipline. The proceedings under this act shall be  
11 conducted in accordance with the Kansas administrative procedure act,  
12 and the board shall have all the powers granted therein. All fines collected  
13 pursuant to this ~~section~~ *subsection* shall be remitted to the state treasurer in  
14 accordance with the provisions of K.S.A. 75-4215, and amendments  
15 thereto. Upon receipt of each such remittance, the state treasurer shall  
16 deposit the entire amount in the state treasury to the credit of the state  
17 general fund. ~~Actual costs related to investigation, adjudication and~~  
18 ~~enforcement shall be deducted and credited to the veterinary examiners fee~~  
19 ~~fund.~~

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

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

31 ~~(a) Any person may report to the board or to an appropriate state~~  
32 ~~professional society or organization of veterinarians any information such~~  
33 ~~person may have relating to an alleged impaired veterinarian. If the report~~  
34 ~~is made to the appropriate state professional society or organization, such~~  
35 ~~society or organization shall refer the matter to an impaired veterinarian~~  
36 ~~committee duly constituted pursuant to the society's or organization's~~  
37 ~~bylaws. The committee shall investigate all such reports and take~~  
38 ~~appropriate action.~~

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

42 ~~(c) The impaired veterinarian committee referred to in subsection (a)~~  
43 ~~shall submit to the board, on a form promulgated by such board, at least~~

1 once every three months, a report summarizing the reports received  
2 pursuant[to] this section. The report shall include the number of reports  
3 concerning impaired veterinarians, whether an investigation was  
4 conducted and any action taken.

5 ~~(d) If the board determines that the impaired veterinarian committee~~  
6 ~~referred to in subsection (a) is not fulfilling its duties under this section,~~  
7 ~~the board, upon notice and an opportunity to be heard, may require such~~  
8 ~~state professional society or organization to transfer to the board all reports~~  
9 ~~made pursuant to this section to such state professional society or~~  
10 ~~organization.~~ (a) *Upon reasonable suspicion that the ability of an*  
11 *applicant for licensure or registration, a licensed veterinarian or a*  
12 *registered veterinary technician to practice with reasonable skill and*  
13 *safety towards patients is impaired by reason of physical or mental illness*  
14 *or condition, or use of alcohol, drugs or controlled substances, the board*  
15 *shall have the authority to compel the person to submit to a mental or*  
16 *physical examination, substance abuse evaluation or drug screen, or any*  
17 *combination thereof, by such persons as the board may designate either in*  
18 *the course of an investigation or a disciplinary proceeding. The reports of*  
19 *any such examination or evaluation shall be provided by the examiner or*  
20 *evaluator to the board.*

21 (b) *To determine whether reasonable suspicion of impaired ability*  
22 *exists, the investigative information shall be presented to a probable cause*  
23 *committee the board. Information submitted, including reports, findings*  
24 *and other records, shall be confidential and shall not be subject to*  
25 *discovery, subpoena or other means of legal compulsion for their release*  
26 *to any person or entity and shall not be admissible in any civil or*  
27 *administrative action other than a disciplinary proceeding by the board.*

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

38 (d) *In any proceeding by the board pursuant to the provisions of this*  
39 *section, or any board proceeding involving the mental and physical*  
40 *examination, substance abuse evaluation or drug screen, or a combination*  
41 *thereof, the testimony and records shall be considered confidential and*  
42 *shall not be subject to discovery, subpoena or other means of legal*  
43 *compulsion for their release to any person or entity and shall not be*

1 *admissible in any civil or administrative action other than a disciplinary*  
2 *proceeding by the board.*

3 *(e) No person or entity that, in good faith, reports, provides*  
4 *information or conducts an investigation regarding the potential*  
5 *impairment of any veterinarian or veterinary technician shall be liable in*  
6 *a civil action for damages or other relief arising from the reporting,*  
7 *providing of information or investigation except upon clear and*  
8 *convincing evidence that the report or information was completely false,*  
9 *or that the investigation was based on false information, and the falsity*  
10 *was actually known to the person making the report, providing the*  
11 *information or conducting the investigation at the time thereof.*

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

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

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

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

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

30 Sec. 13. K.S.A. 47-816, 47-817, 47-820, 47-821, 47-829, 47-830, 47-  
31 834, 47-835, 47-837, 47-840, 47-842, 47-843, 47-844, 47-846, 47-847, 47-  
32 848, 47-849, 47-850, 47-851, 47-852, 47-853 and 47-854 are hereby  
33 repealed.

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