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STATE BOARD OF VETERINARY EXAMINERS STATUTES

REGISTRATION OF VETERINARIANS

ARTICLE 8

K.S.A. 47-814. Purpose of act. In order to promote the public health, safety and welfare, the legislature hereby declares that the practice of veterinary medicine is a privilege granted to persons possessed of the personal and professional qualifications specified in this act.

History: L. 1969, ch. 261, § 1; L. 1993, ch. 129, § 1; July 1.

K.S.A. 47-815. Short title. 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.

History: L. 1969, ch. 261, § 2; L. 1993, ch. 129, § 2; July 1; L. 2015, ch. 61, § 3; May 19.

K.S.A. 47-816. Definitions. As used in the Kansas veterinary practice act:

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

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

(c) "Companion animal" means any dog, cat or other domesticated animal possessed by a person for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability but shall exclude any animal raised on a farm or ranch and used or intended for use as food.

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

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

(1) Is on the veterinary premises or in the same general area in a field setting;

(2) is quickly and easily available;

(3) examines the animal prior to delegating any veterinary practice activity to the supervisee and performs any additional examination of the animal required by good veterinary practice; and

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

(f) "Licensed veterinarian" means a veterinarian who is validly and currently licensed to practice veterinary medicine in this state.

(g) "Indirect supervision" means that the supervising licensed veterinarian:

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

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

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

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

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

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

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

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

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

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

(j) "Veterinarian" means a person who has received a doctor of veterinary medicine degree or the equivalent from a school of veterinary medicine.

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

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

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

(n) "Veterinary-client-patient relationship" means:

(1) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment, and the client, owner or other caretaker has agreed to follow the instruction of the veterinarian;

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

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

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

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

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

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

History: L. 1969, ch. 261, § 3; L. 1980, ch. 155, § 1; L. 1993, ch. 129, § 3; L. 1997, ch. 1, § 1; L. 1998, ch. 93, § 72; L. 1999, ch. 25, § 1; L. 2001, ch. 30, § 1; L. 2004, ch. 101, § 80; L. 2006, ch. 112, § 1; July 1; L. 2012, ch. 140, sec. 80; July 1.

K.S.A. 47-817. Practice without license prohibited; exceptions. 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.

History: L. 1969, ch. 261, § 4; L. 1980, ch. 155, § 2; L. 1993, ch. 129, § 4; L. 1999, ch. 25, § 2; July 1; L. 2015, ch. 61, § 4; May 19.

K.S.A. 47-818. State board of veterinary examiners; appointment; terms; vacancies; qualifications; removal by governor. (a) In order to promote the public health, safety and welfare in relation to the practice of veterinary medicine, there is hereby established the state board of veterinary examiners which shall consist of seven members, six of whom shall be licensed veterinarians and one member who shall not be a veterinarian. Upon the expiration of any member's term, the governor shall appoint a successor to ensure the representation of the major facets of veterinary medical practice for a term of four years, which term shall commence on July 1 and shall expire on June 30. Before entering into a term of office, each member of the board shall file with the secretary of state a written oath to discharge the member's duties in a faithful manner.

(b) The procedure for appointing members of the board under this act shall be as follows:

(1) The board of directors of the Kansas veterinary medical association shall submit the names of three or more, or any other person may submit the name of one or more qualified veterinarians to the governor at least 30 days before the expiration of the term of any member of the board who is a licensed veterinarian. The governor may appoint one of the persons whose name is so submitted to the veterinarian member's seat.

(2) A vacancy occurring on the board prior to expiration of the term of a member who is a veterinarian shall be filled for the remainder of the unexpired term in the same manner as prescribed in paragraph (1) of this subsection (b).

(c) No person shall be qualified to serve as a veterinarian member of the board unless such person:

(1) Is a legal resident of the state of Kansas;
(2) is a graduate of a board-approved school of veterinary medicine;
(3) is licensed to practice veterinary medicine in this state; and
(4) has had three years of actual practice in veterinary medicine in the state of Kansas preceding the time of appointment.

(d) No person shall be qualified to serve as the nonveterinarian member of the board unless such person:

(1) Has been a legal resident of the state of Kansas for three or more years;
(2) is not a family member, as defined in K.A.R. 19-40-4 and amendments thereto of a veterinarian;
(3) has no financial interest in any veterinary practice or veterinary premises as an owner or employee, or as a family member of an owner or employee, of such practice or premises; and
(4) has never engaged in the profession or business of educating or training veterinarians or students of veterinary medicine.

(e) The governor may remove any member of the board upon recommendation of the board.

History: L. 1969, ch. 261, § 5; L. 1978, ch. 308, § 50; L. 1980, ch. 155, § 3; L. 1981, ch. 299, § 49; L. 1993, ch. 129, § 5; L. 1999, ch. 25, § 3; July 1.

K.S.A. 47-819. State board of veterinary examiners; meetings; quorum; officers, election and duties; compensation and expenses. (a) The board shall meet each year at such times and places as specified by the board.

(b) Except as otherwise provided in this act, a majority of the board shall constitute a quorum.

(c) At its first meeting following April 1 of each year, the board shall organize by electing a president and a vice-president. Each officer so elected shall serve for a term of one year or until a successor is elected and qualifies. A special election shall be held whenever a vacancy occurs in an office of the board.

(d) In general, but not by way of limitation, the officers and the executive director of the board shall have and exercise the following powers and duties:

(1) The president's duties shall include the calling of and presiding at meetings of the board.

(2) The vice-president's duties shall include serving as presiding officer at meetings of the board in the absence of the president or upon the president's inability or refusal to act and overseeing budgetary and financial aspects of the operation of the board.

(3) The executive director shall perform duties which shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for license, keeping a register of all persons currently licensed by the board, and furnishing a copy of the Kansas veterinary practice act to each newly licensed veterinarian. All board records, except as otherwise provided by law, shall be open to the public during regular office hours.

(4) The executive director shall be bonded as required by the state surety bond committee pursuant to K.S.A. 75-4103 to 75-4106, and amendments thereto.

(e) Each member of the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, when engaged in the performance of the member's official duties or other board business or board activities away from the member's place of residence.

History: L. 1969, ch. 261, § 6; L. 1974, ch. 348, § 19; L. 1980, ch. 155, § 5; L. 1993, ch. 129, § 6; L. 1999, ch. 25, § 4; July 1.

K.S.A. 47-820. Disposition of moneys; veterinary examiners fee fund. (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.

History: L. 1969, ch. 261, § 7; L. 1973, ch. 309, § 16; L. 1993, ch. 129, § 7; L. 2001, ch. 5, § 165; L. 2011, ch. 53, § 17; L. 2014, ch. 12, § 2; July 1.

K.S.A. 47-821. Powers of board. (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.

History: L. 1969, ch. 261, § 8; L. 1980, ch. 155, § 6; L. 1987, ch. 201, § 1; L. 1993, ch. 129, § 8; L. 1999, ch. 25, § 5; L. 2012, ch. 10, § 1; L. 2014, ch. 12, § 3; July 1.

K.S.A. 47-822. Fees for examinations, registrations, inspections, licenses and renewals. (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 be not 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.

History: L. 1969, ch. 261, § 9; L. 1980, ch. 155, § 7; L. 1982, ch. 224, § 1; L. 1987, ch. 201, § 2; L. 1993, ch. 129, § 9; L. 2001, ch. 30, § 2; July 1; L. 2012, ch. 10, sec. 2; July 1; L. 2015, ch. 61, § 5; May 19.

K.S.A. 47-824. Application for license; issuance of license; qualifications. (a) Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on forms provided for that purpose. The board shall issue a license to practice veterinary medicine to an applicant who:

(1) Is a graduate of a school of veterinary medicine as defined in K.S.A. 47-816 and amendments thereto or meets all education requirements prescribed by the board pursuant to rules and regulations of the board;

(2) has passed the examination or examinations prescribed by the board within time limits prescribed by the board pursuant to rules and regulations of the board;

(3) has passed the Kansas veterinary legal practice examination;

(4) is a person of good moral character;

(5) has paid the license application fee and when applicable, the examination fee as established pursuant to this section; and

(6) provides other information and proof as the board may establish by rules and regulations.

(b) If the applicant graduated from a school of veterinary medicine more than five years prior to the year in which the application is submitted, the application shall show proof that:

(1) The applicant has actively practiced veterinary medicine for at least 3,000 hours during the three years immediately preceding such application; or

(2) the applicant has passed the examination or examinations prescribed by the board within the five years preceding such application.

(c) If an applicant is found not qualified for a license pursuant to subsection (a)(1) or (a)(4), the executive director of the board shall notify the applicant in writing of such findings and the grounds therefor. An applicant found unqualified pursuant to subsection (a)(1) or (a)(4) may request a hearing on the question of the applicant's qualification under the procedure set forth in the Kansas administrative procedure act. Any applicant who is found not qualified shall forfeit any application fee which the applicant has paid.

History: L. 1969, ch. 261, § 11; L. 1980, ch. 155, § 8; L. 1984, ch. 313, § 75; L. 1988, ch. 243, § 1; L. 1993, ch. 129, § 10; L. 1999, ch. 25, § 6; L. 2006, ch. 112, § 2; July 1.

K.S.A. 47-825. Examinations; rules and regulations; notice of results; recordation and issuance of license. (a) The board shall provide for at least one examination during each year and may provide for such

additional examinations as are necessary. A person desiring to take an examination shall make application at least 60 days before taking the examination.

(b) The preparation, administration, reexamination and grading of the examination shall be governed by the rules and regulations prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in schools of veterinary medicine and the laws and rules and regulations dealing with the practice of veterinary medicine in Kansas. The board may adopt and use the examinations prepared by any national testing service for veterinary medicine. The examination of applicants for license to practice veterinary medicine shall be conducted according to methods deemed by the board to be the most practical and expeditious to test the applicant's abilities and qualifications. The minimum passing scores shall be established by rules and regulations.

(c) After each examination, the executive director shall notify each examinee in writing of the result of the examinee's examination within 60 days, and the board shall issue a license to each applicant for a license who has successfully completed the examination. The executive director shall record each new license and issue a license to each new licensee. Any applicant for examination who does not attend the examination shall forfeit the examination fee.

History: L. 1969, ch. 261, § 12; L. 1980, ch. 155, § 9; L. 1993, ch. 129, § 11; L. 1999, ch. 25, § 7; L. 2001, ch. 30, § 3; L. 2006, ch. 112, § 3; July 1.

K.S.A. 47-829. Licenses; expiration; renewal; continuing education requirements. (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 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) 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 qualifies 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 any person holding a Kansas veterinary license or institutional license during the period when such 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.

History: L. 1969, ch. 261, § 16; L. 1980, ch. 155, § 13; L. 1993, ch. 129, § 13; L. 1999, ch. 25, § 8; July 1; L. 2015, ch. 61, § 6; May 19.

K.S.A. 47-830. Grounds for refusal to issue or revocation or suspension of license or other restrictions. 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.

History: L. 1969, ch. 261, § 17; L. 1984, ch. 313, § 76; L. 1991, ch. 153, § 1; L. 1993, ch. 129, § 14; L. 1999, ch. 25, § 9; L. 2006, ch. 46, § 1; July 1; L. 2012, ch. 10, sec. 3; July 1; L. 2015, ch. 61, § 7; May 19.

K.S.A. 47-832. Reinstatement of revoked or suspended license. Any person whose license is suspended or revoked pursuant to K.S.A. 47-830 and amendments thereto may, at the discretion of the board, be relicensed or reinstated at any time, by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement and on such terms and conditions as specified by the board.

History: L. 1969, ch. 261, § 19; L. 1999, ch. 25, § 10; July 1.

K.S.A. 47-834. Prohibition against practice without license; unlawful practice of veterinary medicine; unlawful operation or management by a person of veterinary premises; criminal penalties; remedies of board; actions by board against persons other than licensees, registrants or veterinarians. (a) Unlawful practice of veterinary medicine is the practice of veterinary medicine by a person without a license unless that person is exempt from such requirement pursuant to the provisions of K.S.A. 47-817 and amendments thereto.

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

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

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

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

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

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

(1) Issue a cease and desist order;

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

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

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

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

History: L. 1969, ch. 261, § 21; L. 1980, ch. 155, § 16; L. 1993, ch. 129, § 15; L. 1999, ch. 25, § 11; L. 2006, ch. 112, § 4; July 1.

K.S.A. 47-835. Abandonment of animals; notice to owner; relief from liability for disposal; "abandoned" defined. (a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or its owner's agent for a period of more than ten (10) days after written notice by registered or certified mail, return receipt requested, is given the owner or the owner's agent at such person's last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or dog pound or disposed of as the custodian may deem proper.

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

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

History: L. 1969, ch. 261, § 22; L. 1980, ch. 155, § 17; July 1.

K.S.A. 47-836. Lien for veterinary services; preference. A veterinarian, a veterinary partnership or a veterinary corporation offering veterinary service to animals in the field or otherwise, who shall, at the request of the owner or lawful possessor of any animal or animals, bestow any professional attention, care, vaccines, antisera, virus, antibiotics, or other medical treatment, food or service upon the same shall have a lien upon such animal or animals for the just and reasonable charges therefor, and may hold and retain possession of such animal until such charges are paid, but such lien shall be valid if the veterinarian recorded a verified notice of the lien upon such animal or animals in the office of the register of deeds in the county in which such veterinary services were rendered prior to the expiration of 60 days after such services were rendered. The possessory lien hereby created shall have preference over any and all other liens or encumbrances upon such animal or animals, regardless of where such veterinary service has been rendered. The nonpossessory lien created under this section shall have preference over any and all other liens or encumbrances upon such animal or animals, except for possessory liens under K.S.A. 58-207 and 58-220, and amendments thereto, and previously perfected security interests, regardless of where such

veterinary service has been rendered. A lien under this section may not be enforced against a subsequent purchaser of the animal treated unless the purchaser has received actual prior notice of the existence of such lien.

History: L. 1969, ch. 261, § 23; L. 1988, ch. 188, § 1; July 1.

K.S.A. 47-837. Savings clause. The amendments in this act to the Kansas veterinary practice act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this act.

History: L. 1969, ch. 261, § 24; L. 1993, ch. 129, § 16; July 1.

K.S.A. 47-838. Severability. If any clause, sentence, paragraph, section or part of the Kansas veterinary practice act or the application thereof to any person or circumstances shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence or paragraph, section or part thereof involved in the controversy, in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been enacted had such unconstitutional or invalid provisions not been included.

History: L. 1969, ch. 261, § 25; L. 1993, ch. 129, § 17; July 1.

K.S.A. 47-839. Confidentiality; exceptions; waiver. (a) Except as otherwise provided under K.S.A. 47-622 and 47-624, and amendments thereto, a licensed veterinarian shall not disclose any information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian who releases information under written authorization or other waiver by the client or under court order or subpoena shall not be liable to the client or any other person. The privilege provided by this section shall be waived under the following circumstances:

- (1) Reporting cruel or inhumane treatment of any animal to federal, state or local governmental agencies;
- (2) where information is necessary to provide care in an emergency where the absence of immediate medical attention could reasonably be expected to place the animal's health in serious jeopardy or impair bodily function;
- (3) where the failure to disclose vaccination information may endanger the public's health, safety or welfare;
- (4) where the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding; or
- (5) in relation to any investigation by the board and any subsequent administrative disciplinary action brought by the board.

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

History: L. 1991, ch. 153, § 2; L. 1999, ch. 25, § 12; L. 2006, ch. 46, § 2; July 1.

K.S.A. 47-840. Registration of veterinary premises; application; inspections; renewals; fees. (a) Each veterinary premises as defined by K.S.A. 47-816 and amendments thereto, shall be registered by the board.

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

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

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

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

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

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

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

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

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

History: L. 1993, ch. 129, § 19; L. 1999, ch. 25, § 13; L. 2006, ch. 112, § 5; July 1.

K.S.A. 47-841. Veterinarian not liable for good faith volunteer actions. (a) Any licensed Kansas veterinarian or licensed veterinarian resident of another state or in the District of Columbia who in good faith as a volunteer and without fee renders emergency care or treatment to an animal shall not be liable in a suit for damages as a result of such veterinarian's acts or omissions which may occur during such emergency care or treatment, nor shall such veterinarian be liable to any animal hospital for such hospital's expense if under such emergency conditions such veterinarian orders an animal hospitalized or causes admission to such hospital.

(b) Any licensed veterinarian who in good faith renders or attempts to render emergency care at the scene of an accident or emergency to the human victim or victims thereof shall not be liable for any civil damages as a result of any act or omission by such persons rendering or attempting to render the emergency care.

History: L. 1993, ch. 129, § 20; July 1.

K.S.A. 47-842. Authority of board to assess fines; grounds; proceedings conducted in accordance with Kansas administrative procedure act. In addition to the board's authority to refuse licensure or impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the board shall have the authority to assess a fine not in excess of \$5,000 against a licensee for each of the causes specified in K.S.A. 47-830, and amendments thereto. Such fine may be assessed in lieu of or in addition to such discipline. The proceedings under this act shall be conducted in accordance with the Kansas administrative procedure act, and the board shall have all the powers granted therein. All fines collected pursuant to this section shall be remitted 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 state general fund. Actual costs related to investigation, adjudication and enforcement shall be deducted and credited to the veterinary examiners fee fund.

History: L. 1993, ch. 129, § 21; L. 1999, ch. 25, § 14; L. 2001, ch. 5, § 166; L. 2006, ch. 46, § 3; July 1; L. 2012, ch. 10, sec. 4; July 1.

K.S.A. 47-843. Violation of act; civil citation; penalties. (a) If, upon completion of an investigation, the executive director has probable cause to believe that a veterinarian violated the provisions of the Kansas veterinary practice act, in lieu of proceedings pursuant to K.S.A. 47-830 and amendments thereto, the executive director may issue a citation to the veterinarian, as provided in this section. The investigation shall include attempts to contact the veterinarian to discuss and resolve the alleged violation. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Kansas veterinary practice act alleged to have been violated. In addition, each citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of a civil penalty not in excess of \$2,000. The citation shall be served upon the veterinarian by any type of mailing requiring a return receipt. Before any citation may be issued, the executive director shall submit the alleged violation for review and investigation to at least two designees

of the board who are veterinarians licensed in or employed by the state. Upon conclusion of the board designee's review, the designees shall prepare a finding of fact and a recommendation. If the board's designees conclude that probable cause exists that the veterinarian has violated any provisions of the Kansas veterinary practice act, a civil citation shall be issued to the veterinarian, according to policies adopted by the board through rules and regulations.

(b) The board shall adopt rules and regulations covering the assessment of civil penalties under this section which give due consideration to the appropriateness of the penalty with respect to the following factors:

- (1) The gravity of the violation;
- (2) the good faith of the person being charged; and
- (3) the history of previous violations.

History: L. 1993, ch. 129, § 22; L. 1999, ch. 25, § 15; July 1.

K.S.A. 47-844. Civil citation; notice to contest; procedures; disciplinary actions and civil penalties. (a) If a veterinarian desires to contest administratively a civil citation or the proposed assessment of a civil penalty such veterinarian, within 30 days after service of the citation, shall notify the executive director in writing of such veterinarian's request for an informal conference with the executive director or the executive director's designee. The executive director or the executive director's designee, within 60 days from the receipt of the request, shall hold an informal conference. At the conclusion of the informal conference, the executive director may affirm, modify or dismiss the citation or proposed assessment of a civil penalty, and the executive director shall state with particularity in writing the reasons for the action, and shall immediately transmit a copy thereof to the board, the veterinarian, and the person who submitted the complaint. If the veterinarian desires to contest administratively a decision made after the informal conference, such veterinarian shall inform the executive director in writing within 30 days after such person receives the decision resulting from the informal conference. If the veterinarian fails to notify the executive director in writing that such veterinarian intends to contest the citation or the proposed assessment of a civil penalty or the decision made after an informal conference within the time specified in this section, the citation or the proposed assessment of a civil penalty or the decision made after an informal conference shall be deemed a final order of the board and shall not be subject to further administrative review. Notwithstanding any other provision of law, where a fine is paid to satisfy an assessment based on the findings of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(b) A veterinarian, in lieu of contesting a citation pursuant to this section, may transmit to the board the amount assessed in the citation as a civil penalty, within 30 days after service of the citation. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged.

(c) If a veterinarian has notified the executive director within 30 days of the issuance of the assessment or citation that such veterinarian intends to contest the decision made after the informal conference, the board shall hold a hearing to be held in accordance with the Kansas administrative procedure act. After the hearing, the board shall issue a decision, based on findings of fact, affirming, modifying, or vacating the citation, or directing other appropriate relief which shall include, but need not be limited to, a notice that the failure of a veterinarian to comply with any provision of the board's decision constitutes grounds for suspension, or denial of licensure, or both. The proceedings under this section shall be conducted in accordance with the Kansas administrative procedure act and the board shall have all the powers granted therein.

(d) After the exhaustion of the review procedures provided for in this section, the board may bring an action pursuant to the act for judicial review and civil enforcement of agency action to enforce any order issued pursuant to this section.

(e) Failure of the licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. When a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(f) All civil penalties received under this act shall be deposited in the state general fund following payment of all costs related to investigation, adjudication and enforcement which shall be credited to the veterinary examiners fee fund.

History: L. 1993, ch. 129, § 23; L. 1999, ch. 25, § 16; July 1.

K.S.A. 47-845. Construction of act. Nothing in this act shall be construed as forbidding or further restricting any merchant or manufacturer from selling at such person's regular place of business, medicines, pharmaceutical products, biological products, feed additives, feed, appliances or other products used in the prevention or treatment of animal diseases or any person from selling or applying any pesticide, insecticide or herbicide.

History: L. 1993, ch. 129, § 24; July 1.

K.S.A. 47-846. Definitions. As used in this act:

- (a) "Board" means the state board of veterinary examiners.
- (b) "Committee" means an executive or review committee of a state professional society or organization or an

impaired veterinarian committee.

(c) "Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety due to physical or mental disabilities, including deterioration through the aging process, loss of motor skill or abuse of drugs or alcohol.

(d) "Veterinarian" means an individual licensed to practice veterinary medicine in this state.

History: L. 1989, ch. 155, § 1; July 1.

K.S.A. 47-847. Reports relating to impaired veterinarians; board or committee investigation. (a) Any person may report to the board or to an appropriate state professional society or organization of veterinarians any information such person may have relating to an alleged impaired veterinarian. If the report is made to the appropriate state professional society or organization, such society or organization shall refer the matter to an impaired veterinarian committee duly constituted pursuant to the society's or organization's bylaws. The committee shall investigate all such reports and take appropriate action.

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

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

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

History: L. 1989, ch. 155, § 2; July 1.

K.S.A. 47-848. Same; board agreement with committee; responsibilities; evaluations; restricted license; immunity from civil liability for report or investigation; diagnostic examination. (a) The board may refer reports under K.S.A. 47-847, and amendments thereto, and other reports or complaints filed with such board which relate to impaired veterinarians to an impaired veterinarian committee of the appropriate state professional society or organization.

(b) The board shall have the authority to enter into an agreement with the impaired veterinarian committee of the appropriate state professional society or organization to undertake those functions and responsibilities specified in the agreement and to provide for payment therefor from moneys appropriated to the agency for that purpose. Such functions and responsibilities may include any or all of the following:

- (1) Contracting with providers of treatment programs;
- (2) receiving and evaluating reports of suspected impairment from any source;
- (3) intervening in cases of verified impairment;
- (4) referring impaired veterinarians to treatment programs;
- (5) monitoring the treatment and rehabilitation of impaired veterinarians;
- (6) providing posttreatment monitoring and support of rehabilitated impaired veterinarians; and
- (7) performing such other activities as agreed upon by the board and the impaired veterinarian committee.

(c) The impaired veterinarian committee shall develop procedures in consultation with the board for:

- (1) Periodic reporting of statistical information regarding impaired veterinarian program activity;
- (2) periodic disclosure and joint review of such information as the board considers appropriate regarding reports received, contacts or investigations made and the disposition of each report;
- (3) immediate reporting to the board of the name and results of any contact or investigation regarding any impaired veterinarian who is believed to constitute an imminent danger to the public or to self;
- (4) reporting to the board, in a timely fashion, any impaired veterinarian who refuses to cooperate with the impaired veterinarian committee or refuses to submit to treatment, or whose impairment is not substantially alleviated through treatment, and who in the opinion of the committee exhibits professional incompetence; and
- (5) informing each participant of the impaired veterinarian committee of the procedures, the responsibilities of participants and the possible consequences of noncompliance.

(d) If the board has reasonable cause to believe that a veterinarian is impaired, the board may cause an evaluation of such veterinarian to be conducted by the impaired veterinarian committee or its designee for the purpose of determining if there is an impairment. The impaired veterinarian committee or its designee shall report the findings of its evaluation to the board.

(e) An impaired veterinarian may submit a written request to the board for a restriction of such veterinarian's license. The board may grant such request for restriction and shall have authority to attach conditions to the licensure of the veterinarian to practice within specified limitations. Removal of a voluntary restriction on licensure to practice shall be subject to the statutory procedure for reinstatement of license.

(f) Notwithstanding any other provision of law, a state professional society or organization and the members

thereof shall not be liable to any person for any acts, omissions or recommendations made in good faith while acting within the scope of the responsibilities imposed pursuant to this section.

(g) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires a licensee to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's choice.

History: L. 1989, ch. 155, § 3; L. 1993, ch. 129, § 18; July 1.

K.S.A. 47-849. Same; contents of; reports, records and proceedings confidential and privileged. (a) The reports and records made pursuant to K.S.A. 47-847 or 47-848, and amendments thereto, shall be confidential and privileged, including:

- (1) Reports and records of executive or review committees of a professional society or organization;
- (2) reports and records of the board or impaired veterinarian committee of a professional society or organization; and
- (3) reports made pursuant to this act to or by any committee or any consultant.

Such reports and records shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in any civil or administrative action other than a disciplinary proceeding by the board.

(b) No person in attendance at any meeting of an executive or review committee of a state professional society or organization while such committee is engaged in the duties imposed by K.S.A. 47-847 and amendments thereto shall be compelled to testify in any civil, criminal or administrative action, other than a disciplinary proceeding by the board, as to any committee discussions or proceedings.

(c) No person in attendance at any meeting of an impaired veterinarian committee shall be required to testify, nor shall the testimony of such person be admitted into evidence, in any civil, criminal or administrative action, other than a disciplinary proceeding by the board, as to any committee discussions or proceedings.

(d) Nothing in this section shall limit the authority, which may otherwise be provided by law, of the board to require an executive or review committee or officer or impaired veterinarian committee to report to the board any action or recommendation of such committee or officer or to transfer to the board records of such committee's or officer's proceedings or actions. Reports and records so furnished shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the board.

(e) A committee or officer may report to and discuss its activities, information and findings with other committees or officers without waiver of the privilege provided under this section, and the records of all such committees or officers relating to such report shall be privileged as provided under this section.

History: L. 1989, ch. 155, § 4; July 1.

K.S.A. 47-850. Immunity from civil liability for report or investigation, limits. No person or entity which, in good faith, reports or provides information or investigates any veterinarian as authorized by K.S.A. 47-847 or 47-848, and amendments thereto, shall be liable in a civil action for damages or other relief arising from the reporting, providing of information or investigation except upon clear and convincing evidence that the report or information was completely false, or that the investigation was based on false information, and that the falsity was actually known to the person making the report, providing the information or conducting the investigation at the time thereof.

History: L. 1989, ch. 155, § 5; July 1.

K.S.A. 47-851. Failure to report; immunity from civil liability. (a) No person or entity shall be subject to liability in a civil action for failure to report as authorized by K.S.A. 47-847 or 47-848, and amendments thereto.

(b) In no event shall a professional society or organization or impaired veterinarian committee be liable in damages for the alleged failure to properly investigate or act upon any report made pursuant to K.S.A. 47-847 and amendments thereto.

History: L. 1989, ch. 155, § 6; July 1.

K.S.A. 47-852. Employer retribution for reporting; prohibition; remedy. (a) No employer shall discharge or otherwise discriminate against any employee for making any report pursuant to K.S.A. 47-847 or 47-848, and amendments thereto.

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

reasonable attorney fees as part of the costs.

History: L. 1989, ch. 155, § 7; July 1.

K.S.A. 47-853. Purpose of reporting impaired veterinarians; status of entities conducting programs; antitrust immunity. (a) The legislature of the state of Kansas recognizes the importance and necessity of protecting the public from impaired veterinarians to help insure the provision of quality veterinary services. The provisions of this act effectuate this policy.

(b) Veterinarians, review, executive or impaired veterinarian committees performing duties under this act for the purposes expressed in subsection (a) shall be considered to be state officers engaged in a discretionary function and all immunity of the state shall be extended to such persons and committees, including that from the federal and state antitrust laws.

(c) Nothing in this section shall be construed to require veterinarians or review, executive or impaired veterinarian committees to be subject to or comply with any other law relating to or regulating state agencies, officers or employees.

History: L. 1989, ch. 155, § 8; July 1.

K.S.A. 47-854. Act supplemental to existing law. K.S.A. 47-846 to 47-853, inclusive, shall be supplemental to and a part of the Kansas veterinary practice act.

History: L. 1989, ch. 155, § 9; July 1.

K.S.A. 47-855. 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.

History: L. 2015, ch.61, § 1; May 19.

K.S.A. 47-856. New Section 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.

History: L. 2015, ch.61, § 2; May 19.

STATE BOARD OF VETERINARY EXAMINERS REGULATIONS

Agency 68

Kansas State Board of Pharmacy

Article 14 – Wholesale Distributors

K.A.R. 68-14-8. Wholesale distributors transaction. (a) Notwithstanding any other provision of these regulations under article 14, a wholesale distributor, duly registered with the board, may sell or deliver to a layperson responsible for the control of an animal, a prescription-only drug to be administered to the animal only if a licensed veterinarian practitioner has issued, before the sale or delivery, a lawful written prescription or order for the prescription-only drug in the course of an existing, valid veterinarian-client-patient relationship as defined in K.S.A. 47-816 and amendments thereto. As used in these regulations under article 14, “wholesale distribution” shall include this transaction.

(1) Except as otherwise provided in this regulation, at the time the prescription-only drug leaves the registered location of the wholesale distributor, the wholesale distributor shall possess, at the registered location, a copy of the written prescription or order for the drug.

(2) Except as otherwise provided in this regulation, at the time the prescription-only drug is delivered to the layperson, the person making the delivery shall possess a copy of the written prescription or order for the drug.

(3) The wholesale distributor shall retain, for a period of five years, a copy of the written prescription or order in a manner that makes it readily available for review by a board representative.

(b) In lieu of receiving a written prescription or order from a licensed veterinarian practitioner before a prescription-only drug leaves the registered location, the wholesale distributor may accept a verbal order from a licensed veterinarian practitioner if all of the following conditions are met:

(1) The licensed veterinarian practitioner has created a written prescription or order, but advised the wholesale distributor that, under the circumstances, it is not reasonably possible for the licensed veterinarian practitioner to provide the written prescription or order to the wholesale distributor before the prescription-only drug leaves the registered location.

(2) The licensed veterinarian practitioner provides to the wholesale distributor all of the information required by K.A.R. 70-7-1(n) to be included in a written order for a prescription of legend drugs.

(3) The verbal order is received in a communication directly with the licensed veterinarian practitioner.

(4) The wholesale distributor makes, at the time the verbal order is received, a written confirmation of the information provided by the licensed veterinarian practitioner and records the following information:

(A) The name of the licensed veterinarian practitioner;

(B) the date and time the verbal order was received; and

(C) the name of the person making the written confirmation.

(5) At the time of receiving the verbal order, the wholesale distributor requests that the licensed veterinarian practitioner send a written prescription for the prescription-only drugs so that it is received by the wholesale distributor within 72 hours of receipt of the verbal order and, if it is not received, advises the Kansas board of veterinary examiners of this in writing.

(6) At the time the prescription-only drug leaves the registered location of the wholesale distributor, the wholesale distributor possesses, at the registered location, the original written confirmation.

(7) At the time the prescription-only drug is delivered to the layperson responsible for the control of the animal, the person making the delivery possesses a copy of the written confirmation.

(8) The original written confirmation is maintained by the wholesale distributor for five years in a manner that makes it readily available for review by a board representative. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1999 Supp.65-1635(d); effective July 23, 1999; amended Nov.27, 2000.)

Agency 70

Kansas Board of Veterinary Medical Examiners

Article 1—DEFINITIONS

K.A.R. 70-1-1. Continuing education. “Continuing education course” means a program or activity designed to enhance the veterinarian’s level of knowledge, skill, or abilities to practice veterinary medicine. (Authorized by and implementing K.S.A. 47-829(b); effective Jan. 1, 1974; amended Feb. 21, 1997.)

K.A.R. 70-1-2. Attendance at meetings. Attendance at a state or national veterinary association meeting shall be defined as the registration and attendance of the licensee for at least one day of activity at such meetings. (Authorized by K.S.A. 47-829(b); effective Jan. 1, 1974.)

K.A.R. 70-1-4. “Mobile veterinary clinic” means a vehicular veterinary premises capable of moving from one location to another. (Authorized by and implementing K.S.A. 47-821(a)(10); effective Dec. 27, 1994.)

K.A.R. 70-1-5. “Dental operation” means the following. (a) The application or use of any instrument or device to any portion of an animal’s tooth, gum, or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal’s tooth, gum or related tissue; and (b) Preventative dental procedures including, but not limited to, the removal of calculous, soft deposits, plaque, stains or the smoothing, filing or polishing of tooth surfaces. (Authorized by and implementing K.S.A. 47-821(a)(10); effective Dec. 27, 1994.)

K.A.R. 70-1-6. “Anesthetized” means in a condition of general anesthesia, caused by the administration of a drug or combination of drugs in sufficient quantity to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus. At a minimum, each anesthetized patient shall be under continuous observation until the swallowing reflex has returned. (Authorized by and implementing K.S.A. 47-816; effective April 4, 1997.)

Article 3.—EXAMINATIONS

K.A.R. 70-3-1. General rules. All examinations will be given in the English language. All examinees shall be tested by a written examination or oral examination or by both written and oral examinations. The preparation, administration and grading of the examinations shall be according to the protocol of the national testing service selected by the board for the examination. (Authorized by and implementing K.S.A. 47-825(b); effective Jan. 1, 1974; amended March 13, 1995.)

K.A.R. 70-3-2. Standard to pass. To pass the examination administered by the board, the examinee shall demonstrate scientific and practical knowledge sufficient in the judgment of the board to prove competency to practice veterinary medicine. The successful examinee shall obtain a total test converted scale score of seventy (70.00) or above on each of the national tests, and a score of ninety (90.00) percent or above on the state jurisprudence examination. (Authorized by and implementing K.S.A. 47-825(b); effective Jan. 1, 1974; amended March 13, 1995.)

K.A.R. 70-3-3. Cheating. Any applicant detected giving or obtaining aid during any examination will be dismissed instantly and will not be permitted to continue the examination. (Authorized by K.S.A. 47-825(b); effective Jan. 1, 1974.)

K.A.R. 70-3-5. Failure of previous examination. Any person who fails an examination shall be admitted to any subsequent examination on payment of the application fee. (Authorized by K.S.A. 47-825(c); effective Jan. 1, 1974.)

Article 4 –APPLICATIONS

K.A.R. 70-4-8. Applications for licensure. (a) Each applicant for a license shall request a license application form from the board office.

(b) Each applicant for a license shall submit application materials to the board and complete the application procedures in this regulation and the Kansas veterinary practice act, K.S.A. 47-814 *et seq.* As part of the application process, each applicant shall complete the following steps:

- (1) submit the completed application form;
- (2) submit the full licensure application fee as provided in K.A.R. 70-5-1(a); and
- (3) arrange for the applicant's scores on national board and clinical competency exams to be sent directly from the interstate reporting service to the board office.

(c) Recognized and approved colleges. The following colleges of veterinary medicine are recognized and approved by the board as conforming to the standards required for accreditation by the American veterinary medical association, as provided in K.S.A. 47-816:

- (1) Kansas State University, College of Veterinary Medicine, Manhattan, Kansas;
 - (2) University of Missouri, School of Veterinary Medicine, Columbia, Missouri;
 - (3) Iowa State University, College of Veterinary Medicine, Ames, Iowa;
 - (4) Oklahoma State University, College of Veterinary Medicine, Stillwater, Oklahoma;
 - (5) Colorado State University, College of Veterinary Medicine and Biomedical Sciences, Fort Collins, Colorado;
 - (6) Texas A & M University, College of Veterinary Medicine, College Station, Texas;
 - (7) University of Illinois, School of Veterinary Medicine, Urbana, Illinois;
 - (8) The Ohio State University, College of Veterinary Medicine, Columbus, Ohio;
 - (9) Auburn University, School of Veterinary Medicine, Auburn, Alabama;
 - (10) Cornell University, New York State Veterinary College, Ithaca, New York;
 - (11) Purdue University, School of Veterinary Medicine, West Lafayette, Indiana;
 - (12) Tuskegee Institute, School of Veterinary Medicine, Tuskegee, Alabama;
 - (13) Tufts University, School of Veterinary Medicine, Boston, Massachusetts;
 - (14) University of California, Davis, School of Veterinary Medicine, Davis, California;
 - (15) Michigan State University, College of Veterinary Medicine, East Lansing, Michigan;
 - (16) University of Minnesota, College of Veterinary Medicine, St. Paul, Minnesota;
 - (17) University of Wisconsin-Madison, School of Veterinary Medicine, Madison, Wisconsin;
 - (18) University of Pennsylvania, School of Veterinary Medicine, Philadelphia, Pennsylvania;
 - (19) Washington State University, College of Veterinary Medicine, Pullman, Washington;
 - (20) Oregon State University, School of Veterinary Medicine, Corvallis, Oregon;
 - (21) Mississippi State University, College of Veterinary Medicine, Starkville, Mississippi;
 - (22) Louisiana State University, School of Veterinary Medicine, Baton Rouge, Louisiana;
 - (23) University of Florida, College of Veterinary Medicine, Gainesville, Florida;
 - (24) University of Tennessee, College of Veterinary Medicine, Knoxville, Tennessee;
 - (25) University of Georgia, College of Veterinary Medicine, Athens, Georgia;
 - (26) North Carolina State University, School of Veterinary Medicine, Raleigh, North Carolina;
 - (27) Virginia Tech and University of Maryland, Virginia-Maryland Regional College of Veterinary Medicine, Blacksburg, Virginia;
 - (28) University of Guelph, Ontario Veterinary College, Guelph, Ontario, Canada;
 - (29) Universite de Montreal, Ecole de Medicine Veterinaire, Saint-Hyacinthe, Quebec, Canada;
 - (30) University of Saskatchewan, Western College of Veterinary Medicine, Saskatoon, Canada;
 - (31) University of Prince Edward Island, Atlantic Veterinary College, Charlotte Town, Prince Edward Island, Canada;
- and
- (32) Rijksuniversiteit te Utrecht, Faculteit der Diergeneeskunde, Utrecht, Netherlands.

(d) Each applicant who graduated from a school of veterinary medicine that is not recognized by the board shall be determined to meet the education requirement of K.S.A. 47-826 upon submitting a certificate of program completion from the educational commission for foreign veterinary graduates.

(e) Recognized national specialty boards or colleges. The following list of national specialty boards and colleges are recognized by the board as provided in K.S.A. 47-826:

- (1) American College of Veterinary Anesthesiologists;
- (2) American College of Veterinary Behaviorists;
- (3) American College of Veterinary Clinical Pharmacology;
- (4) American Veterinary Dental College;
- (5) American College of Veterinary Dermatology;
- (6) American College of Veterinary Emergency and Critical Care;
- (7) American College of Veterinary Internal Medicine;
- (8) American College of Laboratory Animal Medicine;
- (9) American College of Microbiologists;
- (10) American College of Veterinary Nutrition;

- (11) American College of Veterinary Ophthalmologists;
- (12) American College of Veterinary Pathologists;
- (13) American College of Poultry Veterinarians;
- (14) American Board of Veterinary Practitioners;
- (15) American College of Veterinary Preventive Medicine;
- (16) American College of Veterinary Radiology;
- (17) American College of Veterinary Surgeons;
- (18) American College of Theriogenologists;
- (19) American Board of Veterinary Toxicology; and
- (20) American College of Zoological Medicine.

(f) Each applicant applying for licensure under a specialty status as provided in K.S.A. 47-826 shall provide the board with a copy of a diplomate status certification from a specialty academy or college recognized by the board in subsection (e).

(g) Each applicant shall also provide the following identifying information on the application form provided by the board:

- (1) the applicant's full name as the applicant wishes the name to appear on the license. Maiden names shall be provided for use in office records only;
- (2) the applicant's complete and current address at the time of the application;
- (3) the applicant's telephone number;
- (4) the applicant's social security number, which may be used by this agency and by the professional examination service for identification only, except that it may be provided to the Kansas division of taxation upon request of the division. An applicant may legally decline to disclose this number;
- (5) a copy of the applicant's graduate diploma from a college identified in subsection (c), or a letter from the dean's office confirming successful completion of five or more semesters of education in a school of veterinary medicine identified in subsection (c);
- (6) the applicant's height, weight, color of hair and eyes, and a description of any distinguishing scars or marks and their location;
- (7) a list of other licenses, registrations, or permits related to veterinary science that are held by the applicant, including the issuing state, the date issued, the status, and the number of each;
- (8) a list of any drug enforcement agency (D.E.A.) numbers held by the applicant, including the issuing state, the date issued, the status, and the number of each;
- (9) a list of any United States department of agriculture (U.S.D.A.) accreditations held by the applicant, including the issuing state, the date issued, the status, and the number of each;
- (10) a list of previous experiences or employment related to veterinary science, beginning with the most recent experience; and
- (11) a passport photograph, which shall have a frontal face image that is a minimum of 1 square inch and an overall photo size that does not exceed 3 2 4 inches. The photo may be rejected if it is of a poor quality, if it is a snapshot or group picture, or if a cap, hat, or glasses obscure parts of the face.

(h) Signed affidavit. Each applicant shall read and sign an affidavit as to the truth, correctness, and completeness of the application.

(i) Letters of good standing. Each applicant shall submit a letter from each jurisdiction in which the applicant is now or has ever been licensed to practice as a veterinarian indicating the status of that license.

(j) Each applicant shall answer the following questions truthfully and completely under penalty of law. The applicant shall enclose, on a separate sheet of paper, a complete explanation for a "yes" answer to any of the questions below:

- (1) Is the applicant currently enrolled in an E.C.F.V.G. program or the holder of an E.C.F.V.G. certificate?
- (2) Is the applicant or has the applicant ever been registered or licensed in any other health-related profession?
- (3) Has the applicant ever been denied licensure to practice veterinary medicine in any state, United States territory, or country for any reason other than failure of an examination?
- (4) Has a license to practice veterinary medicine issued to the applicant by any state ever been subject to any disciplinary action or is any such action now pending? If "yes," the applicant shall supply details of the action.
- (5) Has the applicant ever been convicted of any felony or misdemeanor, excluding minor traffic or juvenile offenses?
- (6) Has the applicant ever been convicted of a charge of cruelty to animals?
- (7) Has the applicant within the past year received treatment for alcohol or other substance abuse?
- (8) Has the federal drug enforcement administration ever taken action against or warned the applicant about any matter pertaining to the applicant's D.E.A. number or withdrawn a D.E.A. number assigned to the applicant?
- (9) Has there ever been any action taken against or warning issued to an applicant in relation to any U.S.D.A. accreditation held by the applicant?
- (10) Has the applicant ever been a defendant or a respondent in any malpractice action?
- (11) Has the applicant ever voluntarily relinquished or intentionally allowed to lapse any license, accreditation, D.E.A. number or other certificate in relation to the practice of veterinary medicine?
- (12) Is the applicant now or has the applicant been registered or licensed with any state racing commission? If "yes," the applicant shall supply details of the registration or license.

- (13) Is the applicant a diplomat of any specialty in veterinary medicine?
- (14) Is the applicant now using a different name other than the name used on any educational or professional documents in the applicant's past?
- (k) Upon notification that the board has received the application, the applicant shall arrange to take the Kansas veterinary legal practice examination required by K.S.A. 47-826.
- (l) Any application may be suspended for a period not to exceed one year for lack of qualifications or as the result of an incomplete application. If the applicant has not met the qualifications or has not submitted a complete application prior to the end of the one-year period, the application shall expire. Upon expiration, the applicant may reapply by submitting a new application, the required fees, and all supporting documents. (Authorized by and implementing K.S.A. 47-824, 47-825, and 47-826; effective April 4, 1997.)

K.A.R. 70-4-9. License renewal applications. (a) Each licensee who is on active military duty during a time of national emergency shall not be required to pay any license renewal fee due at that time.

(b) The annual continuing education requirement shall be waived for any licensee who is either on active military duty during a time of national emergency or impaired, as defined by K.S.A. 47-846(c) and amendments thereto. (Authorized by and implementing K.S.A. 47-821 and 47-829; effective April 4, 1997.)

K.A.R. 70-4-10. Examination applications. Each applicant for examination shall be enrolled in or be a graduate of a college of veterinary medicine identified in K.A.R. 70-4-8(c) or shall be enrolled in or have graduated from the American veterinary medical association's educational commission for foreign veterinary graduate program. (Authorized by and implementing K.S.A. 47-824, 47-825, and 47-826; effective April 4, 1997.)

Article 5.—FEES

K.A.R. 70-5-1. Amount of fees. The following fees shall be charged.

- (a) Veterinary medicine license; application. \$125.00
- (b) Veterinary medicine license; application with national board examination application fee. \$75.00
- (c) National board examination; application fee. \$50.00
- (d) Veterinary medicine license; annual renewal. \$95.00
- (e) Veterinary medicine license renewal if renewal is for an initial license that was issued after April 30 of the preceding license year. \$20.00
- (f) Veterinary medicine license; late renewal penalty. \$50.00
- (g) Veterinary premises registration; application. \$75.00
- (h) Veterinary premises registration; renewal. \$50.00
- (i) Veterinary premises registration; late renewal penalty. \$50.00
- (j) Veterinary premises; initial inspection. \$75.00
- (k) Veterinary premises; noncompliance inspections. \$100.00
- (l) Veterinary technician registration; application. \$20.00
- (m) Veterinary technician registration; renewal. \$10.00

(Authorized by K.S.A. 47-821, K.S.A. 2006 Supp. 47-822, K.S.A. 47-829, K.S.A. 2006 Supp. 47-840; implementing K.S.A. 2006 Supp. 47-822, K.S.A. 47-829, and K.S.A. 2006 Supp. 47-840; effective May 1, 1985; amended, T-70-6-13-88, June 13, 1988; amended July 3, 1989; amended May 23, 1994; amended Feb. 21, 1997; amended April 9, 2004; amended Dec. 21, 2007.)

Article 6.—MINIMUM STANDARDS FOR VETERINARY PREMISES SANITARY CONDITIONS AND PHYSICAL PLANT

K.A.R. 70-6-1. Premises sanitary conditions and physical plant. (a) Each veterinary premises, except for a mobile veterinary clinic, shall meet all of the following minimum standards for sanitary conditions and a physical plant.

- (1) General facilities and grounds.
 - (A) Sanitation. All areas of a veterinary premises, and all instruments, apparatus and apparel used in connection with the practice of veterinary medicine shall be maintained in a clean and sanitary, inoffensive, and orderly condition at all times. Cleaning agents capable of killing viruses and bacteria shall be used to disinfect the premises.
 - (B) Safety. All public areas of a veterinary premises shall be maintained in a safe condition for the client and patient.
- (2) Exterior and grounds.
 - (A) Exterior structure. The exterior structure shall exhibit evidence of regular maintenance.
 - (B) Signs. Signs shall be kept in good repair.
 - (C) Landscaping. The grounds shall exhibit evidence of regular maintenance.
 - (D) Parking lot and sidewalks. Parking lots shall be large enough for both staff and clientele. Parking lots and

sidewalks shall be kept in good repair and free of debris.

(E) Loading and unloading structures of a facility. The loading and unloading structures of a facility shall be of adequate strength, and in good repair.

(F) Outside housing. If the temperature is below 50 degrees Fahrenheit or above 85 degrees Fahrenheit, small animals housed outside shall have adequate shelter.

(G) Holding facilities. Holding facilities shall be of adequate size and design to insure the animals' safety and well being. The area shall contain provisions for food and water when necessary.

(H) Windows. All windows shall be kept clean. If windows are opened for ventilation purposes, effective screening shall be required.

(3) Interior.

(A) Space. Adequate space to safeguard each patient shall be available.

(B) Environment. Adequate heating, cooling, and ventilation necessary to maintain comfort of the patient, client and staff shall be provided.

(C) Water. Hot and cold running water shall be available.

(D) Storage. Adequate sanitary storage for the building size shall be available.

(E) Library. A library shall be provided with basic veterinary textbooks and current veterinary periodicals.

(F) Restraint devices. Restraint devices shall be of adequate design, clean and in good working order to insure the safety of the animals and personnel.

(G) Lighting. Indoor lighting for halls, wards, reception areas, examining and surgical rooms shall be adequate for the intended purpose.

(H) Odor and waste control. Ventilation and cleaning shall be provided to keep odors from lingering in the rooms.

(4) Reception room.

(A) Seating. Adequate seating shall be provided for the clientele.

(B) Lavatory. A clean lavatory shall be available to the clients.

(C) Permit. A current facility permit shall be conspicuously displayed.

(5) Examination room or rooms. An examination room or rooms shall be available for the complete physical examination of patients by a veterinarian.

(A) Size. This room shall be of sufficient size to accommodate the doctor, assistant, patient and client comfortably.

(B) Sanitation. The exam table surface shall be sanitized between patients.

(C) Equipment. Proper diagnostic equipment needed for the physical examination shall be readily available.

(6) Wards. Those premises where animals are retained overnight shall meet all of the following requirements.

(A) Exercise. Exercise shall be provided for animals having to stay in an overnight facility. Walking the animal shall meet this requirement.

(B) Walls and floors. Floors shall be smooth, waterproof, nonabsorbent, capable of being scrubbed with detergents and effective sanitizing products and in good repair. Walls shall be smooth and free of cracks or gaps large enough to interfere with effective cleaning.

(C) Temperature. The temperature shall be maintained in a range that is comfortable and safe for all patients.

(D) Separate compartments. A separate compartment shall be available for each animal.

(E) Compartment size. Caging or housing shall be designed with the animal's physical comfort as the primary consideration.

(i) Physical comfort assuring that the animal is dry and clean shall be provided.

(ii) Sufficient space shall be provided to assure freedom of movement and normal postural adjustments with convenient access to food and water.

(F) Good repair. Cages, runs, stalls, pens, and other animal compartments shall be kept in good repair to prevent injury to the animal and to promote physical comfort.

(i) Sharp corners and edges, broken wires and any dangerous surfaces shall not be present.

(ii) Cages made of metal other than stainless steel shall be kept in good repair by regular painting or other maintenance as required.

(G) Cleaning procedures. Compartments shall be sanitized between patients. Floors and walls shall be regularly disinfected. Waste cans shall be metal or plastic, shall be leakproof and have tightfitting lids.

(H) Drains in runways. Drains shall be constructed so that they facilitate sanitization between runways. To maintain proper sanitation, runways shall be cleaned between uses.

(I) Food Storage. Bulk food shall be stored in a vermin-proof container. Opened canned food shall be refrigerated until used.

(J) Sanitizing feeding dishes. Water and feed dishes, if not disposable, shall be sanitized.

(K) Feeding. Adequate daily feedings, with a wholesome, nutritional, palatable food, except where medically contra-indicated, shall be provided.

(L) Water. Adequate daily fresh water within easy reach of all patients, except where medically contra-indicated, shall be provided.

(M) Identification. An animal identification system shall be used.

(N) Isolation. Premises shall allow for the effective separation of contagious and noncontagious cases.

(7) Operating room. If other than minor surgical procedures are to be performed, room for major surgical procedures shall be provided, and shall meet the following requirements.

- (A) Floors. The floors shall be made of impervious materials, including but not limited to terrazzo, sealed cement, and linoleum.
- (B) Intravenous fluid setup. An intravenous setup for fluid administration shall be available.
- (C) Emergency drugs. Emergency drugs shall be readily available.
- (D) Surgery table. The surgery table shall be constructed of impervious material that is easily sanitized.
- (E) Instruments. Instruments and equipment commensurate with the type of surgical services shall be provided.
- (8) Sterilization. Articles to be used in surgery shall be sterilized either by gas sterilization or steam sterilization. Chemical sterilization shall be acceptable under field situations and in emergency situations. Surgical packs shall be dated as to the last time sterilized. Monitors shall be included within surgical packs regularly to detect proper sterilization. Caps, masks, gowns, drapes, towels, and sterile gloves shall be available.
- (9) Oxygen. A mechanism of oxygen administration shall be available.
- (10) Pharmacy. The veterinarian shall insure the storage, safekeeping and preparation of drugs.
- (11) Radiology.
- (A) Service availability. If radiology services are not available in the facility, arrangements shall be made to promote this service outside the facility within a reasonable distance.
- (B) Film badge monitoring. Film badge monitoring of exposure levels shall be provided for all personnel working with or near an X-ray generator.
- (C) Film identification. Permanent identification of the radiograph shall occur at the time of exposure or just prior to development.
- (D) Protective apparel. "Leaded" aprons and gloves or mitts shall be available for anyone helping to restrain or position patients during radiography.
- (12) Laboratory. The clinical pathology services shall be available either in the hospital or in a medical facility, and the results shall be made available within a reasonable time frame.
- (13) Waste disposal.
- (A) Dead animals and animal tissues. Prompt and sanitary disposal of dead animals and animal tissues shall be required. All animal tissues and dead animals shall be contained in plastic bags and kept in an area away from the public before being picked up for disposal. Dead animals held until a delayed pick up shall be placed in a refrigerator or freezer.
- (B) Needles and syringes. Needles and syringes shall be destroyed or adequately disposed of in a proper manner.
- (b) A mobile veterinary clinic shall meet the minimum standards for sanitary conditions and physical plant established in subsection (a) of this regulation except for paragraphs (a)(2)(E), Loading and unloading structures of a facility, (a)(2)(F), Outside housing, (a)(3)(B), Lavatory, (a)(6), Wards, and (a)(9), Oxygen. (Authorized by and implementing K.S.A. 47-840(b); effective Dec.27, 1994.)

Article 7.—STANDARDS OF VETERINARY PRACTICE

K.A.R. 70-7-1. The practice of veterinary medicine. Each veterinarian shall meet the following minimum standards in the practice of veterinary medicine.

- (a) Storage compartments. Each veterinarian shall maintain clean, orderly, and protective storage compartments for drugs, supplies, and equipment.
Refrigeration shall be available for drugs that require it.
- (b) Field sterilization. Each veterinarian shall provide a means of sterilizing instruments when practicing veterinary medicine away from a veterinary premises.
- (c) Conflict of interest. When representing conflicting interests, including representation of both the buyer and seller of an animal to be inspected for soundness, the veterinarian shall make full disclosure of the dual relationship and shall obtain express consent from all parties to the transaction.
- (d) Health certificates. A veterinarian shall not issue a certificate of health unless the veterinarian has personal knowledge, obtained through actual inspection and appropriate tests of the animal, that the animal meets the requirements of the certificate.
- (e) Patient acceptance. Each veterinarian shall decide which medical cases will be accepted in the veterinarian's professional capacity and what course of treatment will be followed once a patient has been accepted. The veterinarian shall be responsible for advising the client as to the treatment to be provided.
- (f) Control of services. A veterinarian shall not allow any professional services to be controlled or exploited by any lay entity, personal or corporate, that intervenes between the client and the veterinarian. A veterinarian shall not allow a nonlicensed person or entity to interfere with or intervene in the veterinarian's practice of veterinary medicine. Each veterinarian shall be responsible for the veterinarian's own actions and shall be directly responsible to the client for the care and treatment of the patient.
- (g) Anesthesia and anesthetic equipment. Each veterinarian shall provide anesthesia services as needed. Each anesthetic agent shall be administered only by a veterinarian or a person trained in its administration under the direct supervision of a licensed veterinarian. Each veterinarian shall use disinfectants capable of eliminating harmful

viruses and bacteria for cleaning anesthetic equipment.

(h) Patient records.

(1) Length of maintenance. Each veterinarian shall maintain a patient record for three years from the date of the last visit.

(2) Necessary elements. Each veterinarian shall ensure that all patient records are legible and made contemporaneously with treatment or services rendered. All records shall include the following elements:

(A) Patient identification. Patient identification shall include the patient's name, species, breed, age or date of birth, sex, color, and markings;

(B) client identification. Client identification shall include the owner's name, home address, and telephone number;

(C) a vaccination record; and

(D) a complete record of the physical examination findings and treatment or services rendered.

(3) Manner of maintenance. Each veterinarian shall maintain records in a manner that will permit any authorized veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient.

(i) Medication records. The veterinarian shall ensure that each dose of a medication administered is properly recorded on the patient's medical record. All drugs shall be administered and dispensed only upon the order of a licensed veterinarian.

(j) Controlled drugs. The veterinarian shall ensure that a separate written ledger is maintained when a controlled drug is administered or dispensed.

(k) Locked area. If controlled drugs are used, the veterinarian shall ensure that a locked area for the storage of controlled substances is provided.

(l) Dispensation of medications for companion animals.

(1) All prescription drugs to be dispensed for use by a companion animal may be dispensed only on the order of a licensed veterinarian who has an existing veterinary-client-patient relationship as defined by the Kansas veterinary practice act. The veterinarian shall ensure that labels will be affixed to any unlabeled container containing any medication dispensed and to each factory-labeled container that contains prescription drugs or controlled substances dispensed for companion animals. The label shall be affixed to the immediate container and shall include the following information:

(A) The name and address of the veterinarian and, if the drug is a controlled substance, the veterinarian's telephone number;

(B) the date of delivery or dispensing;

(C) the name of the patient, the client's name, and, if the drug is a controlled substance, the client's address;

(D) the species of the animal;

(E) the name, active ingredient, strength, and quantity of the drug dispensed;

(F) directions for use specified by the practitioner including dosage, frequency, route of administration, and duration of therapy; and

(G) any cautionary statements required by law, including statements indicating that the drug is not for human consumption, is poisonous, or has withdrawal periods associated with the drug. If the size of the immediate container is insufficient to be labeled, the container shall be enclosed within another container large enough to be labeled.

(2) The term "companion animal" shall have the meaning specified in K.S.A. 47-816 and amendments thereto.

(m) Dispensation of medications for food or commercial animals. All prescription drugs to be dispensed for food used by a food animal or used by a commercial animal may be dispensed only on a written order of a licensed veterinarian with an existing veterinary-client-patient relationship as defined by the Kansas veterinary practice act. That veterinarian shall maintain the original written order on file in the veterinarian's office. A copy of the written order shall be on file with the distributor, and a second copy shall be maintained on the premises of the patient-client. The written order shall include the following information:

(1) The name and address of the veterinarian and, if the drug is a controlled substance, the veterinarian's telephone number;

(2) the date of delivery or dispensing;

(3) the name of the patient, the client's name, and, if the drug is a controlled substance, the client's address;

(4) the species or breed, or both, of the animal;

(5) (A) The established name or active ingredient of each drug or, if formulated from more than one ingredient, the established name of each ingredient; and

(B) the strength and quantity of each drug dispensed; and

(6) directions for use specified by the practitioner, including the following:

(A) The class or species of the animal or animals receiving the drug or some other identification of the animals; and

(B) the dosage, the frequency and route of administration, and duration of therapy; and

(C) any cautionary statements required by law, including statements indicating whether the drug is not for human consumption or is poisonous or whether there are withdrawal periods associated with the drug.

(n) Supervision.

(1) Each veterinarian shall provide direct supervision of any employee or associate of the veterinarian who participates in the practice of veterinary medicine, except that a veterinarian may provide indirect supervision to any person who meets either of the following conditions:

- (A) Is following the written instructions for treatment of the animal patient on the veterinary premises; or
- (B) has completed three or more years of study in a school of veterinary medicine.
- (2) A veterinarian may delegate to an employee or associate of the veterinarian only those activities within the practice of veterinary medicine that are consistent with that person's training, experience, and professional competence. A veterinarian shall not delegate any of the following:
 - (A) The activities of diagnosis;
 - (B) performance of any surgical procedure; or
 - (C) prescription of any drug, medicine, biologic, apparatus, application, anesthesia, or other therapeutic or diagnostic substance or technique
- (o) Pain management. Each veterinarian shall use appropriate and humane methods of anesthesia, analgesia, and sedation to minimize pain and distress during any procedures on companion animals. (Authorized by and implementing K.S.A. 47-821; effective Feb 21, 1997; amended Jan. 20, 2012.)

Article 8.—UNPROFESSIONAL CONDUCT

K.A.R. 70-8-1. Acts of unprofessional conduct. The following acts by a Kansas licensed veterinarian shall be considered unprofessional conduct and shall constitute grounds for disciplinary action against the licensee:

- (a) failing to meet the minimum standards for either veterinary premises or veterinary practice;
- (b) engaging in conduct likely to deceive, defraud or harm the public or demonstrating a willful or careless disregard for the health, welfare or safety of a patient;
- (c) claiming to have performed or charging for an act or treatment that was, in fact, not performed or given;
- (d) stating or implying that the veterinarian is a certified or recognized specialist unless the veterinarian is certified in the specialty by the board, as recognized by the American veterinary medical association;
- (e) stating or implying any claims of professional superiority in the practice of veterinary medicine that cannot be substantiated by education, training or experience, or using any certificate, diploma or degree to which a person is not entitled;
- (f) practicing veterinary medicine under a false or assumed name or impersonating another practitioner of a like, similar or different name;
- (g) practicing under an expired, revoked or suspended Kansas veterinary license;
- (h) failing to provide a written response, within 30 days, to a written request made by the board pursuant to an investigation by or on behalf of the board;
- (i) promoting, aiding, abetting or permitting the practice of veterinary medicine by an unlicensed person except as provided by this act;
- (j) allowing an unlicensed person to issue pre-signed animal health certificates with the veterinarian's signature affixed to the certificate, or to inoculate or treat animals unless the inoculation or treatment is done under the direct supervision of the licensed veterinarian;
- (k) failing to establish a valid veterinarian, client, and patient relationship;
- (l) prescribing, providing, obtaining, ordering, administering, dispensing, giving or delivering controlled drugs to or for an animal solely for training, show or racing purposes and not for a medically sound reason;
- (m) performing surgery to conceal genetic or congenital defects, in any species, with the knowledge the surgery has been requested to deceive a third party;
- (n) refusing the board or its agent the right to inspect a veterinary facility at reasonable hours, pursuant to an investigation by or on behalf of the board;
- (o) representing conflicting interests unless the veterinarian's dual relationship is fully disclosed and all parties to the transaction consent;
- (p) failing to report to the proper authorities cruel or inhumane treatment to animals, if the veterinarian has direct knowledge of the cruel or inhumane treatment;
- (q) fraudulently issuing or using any of the following documents:
 - (1) a certificate of veterinary inspection;
 - (2) a test chart;
 - (3) a vaccination report; or
 - (4) any other official form used in the practice of veterinary medicine to prevent the following:
 - (A) the dissemination of animal disease
 - (B) the transportation of diseased animals; or
 - (C) the sale of edible products of animal origin for human consumption;
- (r) issuing a certificate of veterinary inspection for an animal unless the veterinarian performs the inspection and the appropriate tests as required to the best of the veterinarian's knowledge;
- (s) having a United States department of agriculture accreditation removed for cause by federal authority;
- (t) using a corporate or assumed name for a veterinary practice which would be false, deceptive or misleading to the public;

- (u) extending the practice of veterinary medicine to the care of humans, except that any veterinarian may render first aid or emergency care, without expectation of compensation, in an emergency or disaster situation;
- (v) guaranteeing a cure or specific results or creating an unjustified or inflated expectation of a cure or specific result;
- (w) obtaining any of the following information through theft, unauthorized copying, duplicating or other means:
 - (1) client lists;
 - (2) mailing lists;
 - (3) medical records;
 - (4) computer records; or
 - (5) other records that are the property of another veterinarian, veterinary partnership or professional veterinary corporation;
- (x) failing to report to the board within 90 days any disciplinary action taken against the veterinary license issued to the veterinarian by any other licensing jurisdiction, professional veterinary association, veterinary specialty board, or government or regulatory agency;
- (y) failing to refer a client when additional expertise is advisable, a second opinion is desirable or upon the client's request;
- (z) making a false, deceptive or misleading claim or statement;
- (aa) failing to provide the public with necessary label warnings on dispensed veterinary products;
- (bb) failing to provide a client with a verbal or written estimated fee range for veterinary services offered when requested by the client;
- (cc) acting in a manner that is likely to injure the professional reputation, standing, prospect of practice or employment of another member of the profession and which could be deemed malicious, false, or misleading;
- (dd) failing to obtain consent of the client prior to placing an animal under anesthesia, performing any surgical procedure, or transporting the animal to another facility except in emergency situations;
- (ee) violating the confidential relationship between the licensed veterinarian and the client;
- (ff) delegating activities within the practice of veterinary medicine in violation of K.A.R. 70-7- 1(o); and
- (gg) using prescription drugs in any of the following ways:
 - (1) prescribing or dispensing, delivering, or ordering any prescription drug without first having established a veterinarian/client/patient relationship and determining that such prescription drug is therapeutically indicated for the health or well being of the animal or animals; or
 - (2) prescribing, providing, ordering, administering, possessing, dispensing, giving or delivering prescription drugs to or for any person under the following circumstances:
 - (A) when the drugs are not necessary or required for the medical care of animals; or
 - (B) when the use or possession of the drugs would promote addiction thereto. For purposes of this subsection, the term "Prescription drugs" includes all controlled substances in Schedules I through V, and all legend drugs which bear the federal legends, as such drugs are recognized by any law of the state of Kansas or of the United States. (Authorized by and implementing K.S.A. 47-830(o); effective Feb. 21, 1997.)

Article 9.—IMPAIRMENT

K.A.R. 70-9-1. Waiver of continuing education requirement for license renewal under impairment status. Each applicant for license renewal who wishes to have the required 20 hours of continuing education waived due to impairment of the applicant, as defined in K.S.A. 47- 846(c) during the prior license year shall submit a written request to the board.

(a) An assessment or assessments of the licensee's degree of impairment shall be submitted to the board. The assessment shall be made by a designee of the board or by one or more appropriate, qualified professionals chosen by the licensee and approved by the board. The assessment shall establish the nature of, the prognosis for, and the duration of the licensee's impairment. Based on this assessment, the continuing education requirement may be waived by the board. The licensee may also be subject to restrictions and appropriate conditions established by the board.

(b) If the waiver is issued, the licensee shall sign an affidavit acknowledging that individual's impairment, and shall agree not to engage in the practice of veterinary medicine beyond the restrictions and conditions placed on the licensee by the board. If the licensee does engage in the practice of veterinary medicine beyond the restrictions and conditions of the board, such action shall be grounds for disciplinary action against the licensee.

(c) The degree of impairment shall be monitored by a designee of the board. Whenever recovery from the impairment is assessed and documented by a designee of the board or by the appropriate, qualified professional chosen by the licensee and approved by the board, the licensee may seek to have the license reinstated, subject to the statutory procedure for reinstatement of a license as stated in K.S.A. 47-832. Such reinstatement shall be subject to completion of all of the continuing education hours waived during the impairment period. (Authorized by K.S.A. 47-821(a)(3) and 47-829(b); implementing K.S.A. 47-829(b) and 47-848; effective Aug. 22, 1997.)

Article 10.—FINES

K.A.R. 70-10-1. Fines. (a) Each citation issued pursuant to K.S.A. 47-843(b) which includes an assessment of a civil penalty shall be classified according to the nature of the violation as set out below. The citation shall indicate the classification on its face.

(1) A Class "A" violation shall be a violation which the executive officer of the board has determined meets the following criteria:

(A) the violation meets the criteria for a class "B" violation; and

(B) the violation was committed by a person who has been issued two or more prior citations for a class "B" violation within a 24-month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A" violation shall be subject to a civil penalty in an amount not less than \$1,001.00 and not exceeding \$2,000.00 for each citation.

(2) A Class "B" violation shall be a violation which the executive officer has determined meets the following criteria:

(A) the violation involves a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine; and

(B)(i) the violation caused bodily injury to an animal which is not significant and substantial in nature;

(ii) the violation presents a substantial probability that death or serious harm would result; or

(iii) the violation meets the criteria for a class "C" violation and was committed by a person who has two or more prior citations for a class "C" violation within the 24-month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "B" violation shall be subject to a civil penalty in an amount not less than \$501.00 and not exceeding \$1,000.00 for each citation.

(3) A Class "C" violation shall be a violation which the executive officer has determined involves the following:

(A) a violation committed by a person while engaged in the practice of veterinary medicine; and

(B) a violation that has not caused either death or bodily injury to a patient and which does not present a substantial probability that death or serious harm to an animal patient would result therefrom. A class "C" violation shall be subject to a civil penalty in an amount not less than \$50.00 and not exceeding \$500.00 for each citation.

(b) In assessing a civil penalty, the following criteria shall be considered by the executive director:

(1) the good or bad faith exhibited by the cited person;

(2) the nature and severity of the violation;

(3) evidence that the violation was willful;

(4) any history of violations of the same or a similar nature;

(5) the extent to which the cited person has cooperated with the board's investigations;

(6) the extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation; and

(7) such other matters as justice may require. (Authorized by and implementing K.S.A. 47-843(a); effective Feb. 21, 1997.)