

As Amended by House Committee

Session of 2015

SENATE BILL No. 189

By Committee on Agriculture

2-10

1 AN ACT concerning the Kansas veterinary practice act; relating to
2 licensure; providing for an institutional license to practice veterinary
3 medicine; amending K.S.A. 47-815, 47-817 and 47-829 and K.S.A.
4 2014 Supp. 47-822~~—and~~, 47-830 **and 76-4,112** and repealing the
5 existing sections.
6

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

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

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

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

36 (d) A license issued under this section shall be canceled by the board

1 upon receipt of information that the holder of the license has left or has
2 otherwise been discontinued from employment at a school of veterinary
3 medicine within this state.

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

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

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

15 (1) Has obtained the degree of doctor of veterinary medicine or its
16 equivalent;

17 (2) has passed the Kansas veterinary legal practice examination,
18 which may be completed in person, by mail or by electronic means;

19 (3) is a person of good moral character;

20 (4) has paid the license application fee;

21 (5) provides proof of employment with a school of veterinary
22 medicine within this state. This proof shall be provided by an authorized
23 administrative official of the school of veterinary medicine;

24 (6) certifies that such person understands and agrees that the
25 institutional license is valid only for the practice of veterinary medicine
26 associated with such person's employment as a faculty member, intern,
27 resident or locum of the school of veterinary medicine where employed;
28 and

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

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

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

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

41 Sec. 4. K.S.A. 47-817 is hereby amended to read as follows: 47-817.
42 No person shall practice veterinary medicine in this state who is not
43 currently and validly a licensed veterinarian. This act shall not be

1 construed to prohibit:

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

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

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

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

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

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

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

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

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

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

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

39 (i) A nonstudent employee, independent contractor or any other
40 associate of the veterinarian or a student in a school of veterinary medicine
41 who has not completed at least three years of study and who performs
42 prescribed veterinary procedures under the direct supervision of a licensed
43 veterinarian or under the indirect supervision of a licensed veterinarian

1 pursuant to rules and regulations of the board.

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

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

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

14 ~~(b)~~ (c) The annual fee for renewal of license required under K.S.A.
15 47-829, and amendments thereto, shall be not less than \$20 nor more than
16 \$100.

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

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

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

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

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

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

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

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

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

1 Sec. 6. K.S.A. 47-829 is hereby amended to read as follows: 47-829.

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

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

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

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

39 ~~(c) All veterinarian licenses shall expire annually and must be~~
40 ~~renewed by making application to the board and payment of the license~~
41 ~~renewal fee.—~~Any person who practices veterinary medicine after the
42 expiration of such person's license and willfully or by neglect fails to
43 renew such license shall be practicing in violation of this act. Any license

1 renewal application which is submitted beyond the annual renewal date
2 shall be assessed a penalty fee not to exceed \$100 as established by the
3 board by rules and regulations. In the event that the application for
4 renewal of any veterinarian license *or institutional license* has not been
5 submitted within 60 days of the expiration date of such license, the board
6 shall notify the veterinarian by certified mail, return receipt requested, that
7 the license has expired and shall not be reinstated unless such veterinarian
8 submits an application for and requalifies for a new license and pays the
9 license application fee not to exceed \$250 as established by the board by
10 rules and regulations.

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

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

24 (a) The employment of fraud, misrepresentation or deception in
25 obtaining a license;

26 (b) an adjudication of incapacity by a court of competent jurisdiction;

27 (c) for having professional connection with or lending one's name to
28 any illegal practitioner of veterinary medicine and the various branches
29 thereof;

30 (d) false or misleading advertising;

31 (e) conviction of a felony or entering into a plea agreement or a
32 diversion agreement in lieu of further criminal proceedings on a complaint
33 alleging a violation of a felony;

34 (f) failure to provide a written response within the time prescribed by
35 the board to a written request made by the board pursuant to an
36 investigation by or on behalf of the board;

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

39 (h) fraud or dishonest conduct in applying, treating or reporting
40 diagnostic biological tests of public health significance or in issuing health
41 certificates;

42 (i) failure of the veterinarian who is responsible for the operation and
43 management of a veterinary premises to keep the veterinary premises in

- 1 compliance with minimum standards established by rules and regulations
2 as to sanitary conditions and physical plant;
- 3 (j) failure to report as required by law, or making false report of any
4 contagious or infectious disease;
- 5 (k) dishonesty or negligence in the inspection of foodstuffs;
- 6 (l) cruelty or inhumane treatment to animals;
- 7 (m) disciplinary or administrative action taken by any federal, state or
8 local regulatory agency or any foreign country on grounds other than
9 nonpayment of registration fees;
- 10 (n) disclosure of any information in violation of K.S.A. 47-839, and
11 amendments thereto;
- 12 (o) unprofessional conduct as defined in rules and regulations
13 adopted by the board includes, but is not limited to, the following:
- 14 (1) Conviction of a charge of violating any federal statute or any
15 statute of this state, regarding controlled substances as defined in K.S.A.
16 65-4101, and amendments thereto;
- 17 (2) using unless lawfully prescribed, prescribing or administering to
18 oneself or another person any of the controlled substances as defined in
19 K.S.A. 65-4101, and amendments thereto or using, prescribing or
20 administering any of the controlled substances as defined in K.S.A. 65-
21 4101, and amendments thereto or alcoholic beverages or any other drugs,
22 chemicals or substances to the extent, or in such a manner as to be
23 dangerous or injurious to a person licensed under the Kansas veterinary
24 practice act, to oneself or to any other person or to the public, or to the
25 extent that such use impairs the ability of such person so licensed to
26 conduct with safety the practice authorized by the license;
- 27 (3) the conviction of more than one misdemeanor or any felony
28 involving the use, consumption or self-administration of any of the
29 substances referred to in this section or any combination thereof;
- 30 (4) violation of or attempting to violate, directly or indirectly, any
31 provision of the Kansas veterinary practice act or any rules and regulations
32 adopted pursuant to such act; and
- 33 (5) violation of an order of the board;
- 34 (p) conviction of a crime substantially related to qualifications,
35 functions or duties of veterinary medicine, surgery or dentistry;
- 36 (q) fraud, deception, negligence or incompetence in the practice of
37 veterinary medicine;
- 38 (r) the use, prescription, administration, dispensation or sale of any
39 veterinary prescription drug or the prescription of an extra-label use of any
40 over-the-counter drug in the absence of a valid veterinary-client-patient
41 relationship;
- 42 (s) failing to furnish details or copies of a patient's medical records or
43 failing to provide reasonable access to or a copy of a patient's radiographs

1 to another treating veterinarian, hospital or clinic, upon the written request
2 of and authorization from an owner or owner's agent, or failing to provide
3 the owner or owner's agent with a summary of the medical record within a
4 reasonable period of time and upon proper request by the owner or owner's
5 agent, or failing to comply with any other law relating to medical records;
6 or

7 (t) determination that the veterinarian is impaired, as defined in
8 K.S.A. 47-846, and amendments thereto, by a representative of the
9 impaired veterinarian committee, or as determined by the board after a
10 hearing.

11 **Sec. 8. K.S.A. 2014 Supp. 76-4,112 is hereby amended to read as**
12 **follows: 76-4,112. (a) There is hereby established the veterinary**
13 **training program for rural Kansas at the college of veterinary**
14 **medicine at Kansas state university which shall be developed and**
15 **implemented in order to provide encouragement, opportunities and**
16 **incentives for persons pursuing a veterinary medicine degree program**
17 **at Kansas state university to locate their veterinary practice in rural**
18 **Kansas communities and receive specialized training targeted to meet**
19 **the needs of livestock producers and rural Kansas communities. The**
20 **program shall be administered by the college of veterinary medicine at**
21 **Kansas state university.**

22 (b) Subject to the provisions of appropriation acts, in accordance
23 with the provisions of this section, the college may enter into program
24 agreements with up to five first-year veterinary students per year who
25 have entered into a program agreement. Preference shall be given to
26 those students who are Kansas residents and who agree to serve in a
27 county as described in subsection (d)(3) which is determined to be an
28 underserved area for the practice of veterinary medicine as
29 determined by the college.

30 (c) Subject to the provisions of appropriation acts, each student
31 entering into a program agreement under this section shall receive a
32 loan in the amount of \$20,000 per year for not more than four years
33 for tuition, books, supplies and other school expenses, and travel and
34 training expenses incurred by the student in pursuing a veterinary
35 medicine degree. Upon satisfaction of all commitments under the
36 provisions of the agreement and the provisions of this section, the
37 loans provided pursuant to this section shall be deemed satisfied and
38 forgiven.

39 (d) Each program agreement shall require that the person
40 receiving the loan:

41 (1) Complete the veterinary medicine degree program at the
42 college;

43 (2) complete all advanced training in public health, livestock

1 biosecurity, foreign animal disease diagnosis, regulatory veterinary
2 medicine and zoonotic disease, and an externship and mentoring
3 requirement with a licensed, accredited veterinarian in rural Kansas
4 as required by the college;

5 (3) engage in the full-time practice of veterinary medicine in any
6 county in Kansas which has a population not exceeding 35,000 at the
7 time the person entered into the program agreement for a period of at
8 least 12 continuous months for each separate year a student receives a
9 loan under the program, unless such obligation is otherwise satisfied
10 as provided in this section. A program agreement whereby the person
11 pursuant to such agreement is engaging in the full-time practice of
12 veterinary medicine in a county that no longer meets the maximum
13 population requirements provided in this subsection after the date
14 that such program agreement was entered into by the college and the
15 person shall continue in full force and effect subject to the other
16 requirements contained in this section;

17 (4) commence such full-time practice of veterinary medicine
18 within 90 days after completion of such person's degree program, or if
19 such person enters a post-degree training program such as a graduate
20 school or internship or residency program, within 90 days after
21 completion of such post-degree training program; and

22 (5) upon failure to satisfy the obligation to engage in the full-time
23 practice of veterinary medicine in accordance with the provisions of
24 this section, repay to the college, within 90 days of such failure, the
25 amount equal to the amount loaned to such person less a prorated
26 amount based on any such periods of practice of veterinary medicine
27 meeting the requirements of this section, plus interest at the prime
28 rate of interest plus 2% from the date such loan accrued. Such interest
29 shall be compounded annually.

30 (e) An obligation to engage in the practice of veterinary medicine
31 in accordance with the provisions of this section shall be postponed
32 during: (1) Any period of temporary medical disability during which
33 the person obligated is unable to practice veterinary medicine due to
34 such disability; and (2) any other period of postponement agreed to or
35 determined in accordance with criteria agreed to in the practice
36 agreement.

37 (f) An obligation to engage in the practice of veterinary medicine
38 in accordance with the provisions of the agreement and this section
39 shall be satisfied: (1) If the obligation to engage in the practice of
40 veterinary medicine in accordance with the agreement has been
41 completed; (2) if, because of permanent disability, the person
42 obligated is unable to practice veterinary medicine; or (3) the person
43 obligated dies.

1 (g) The college may adopt additional provisions, requirements or
2 conditions to participate in this program as are practicable and
3 appropriate to accomplish the provisions of the program or may be
4 required for the implementation or administration of the program,
5 and, in any case, as are not inconsistent with the provisions of this
6 section or the provisions of appropriation acts.

7 (h) As used in this section: (1) "College" means the college of
8 veterinary medicine at Kansas state university; (2) "program" means
9 the veterinary training program for rural Kansas established
10 pursuant to this section; and (3) "program agreement" means an
11 agreement to meet all the obligations provided in this section by a
12 person who is a first-year veterinary student at the college, and
13 provides benefits to such person as provided in this section.

14 (i) ~~The college shall not enter into any program agreements pursuant~~
15 ~~to the provisions of this section after July 1, 2016. All program agreements~~
16 ~~entered into prior to such date shall continue in full force and effect subject~~
17 ~~to the requirements of this section.~~

18 Sec. ~~9~~. K.S.A. 47-815, 47-817 and 47-829 and K.S.A. 2014 Supp.
19 47-822 ~~and~~, 47-830 ~~and~~ **76-4,112** are hereby repealed.

20 Sec. ~~9~~ **10**. This act shall take effect and be in force from and after its
21 publication in the statute book.