

**HOUSE BILL No. 2523**

By Committee on Agriculture and Natural Resources

1-25

1 AN ACT concerning animal care; relating to the Kansas veterinary  
2 practice act; posting hours of animal supervision; amending K.S.A.  
3 2015 Supp. 47-816 and repealing the existing section.  
4

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

6 New Section 1. (a) Every veterinary premises shall post its normal  
7 business hours in a conspicuous location easily visible to the public.

8 (b) (1) A veterinarian overseeing the care of a companion animal on a  
9 veterinary premises that does not provide companion animals with direct  
10 supervision after normal business hours by a person physically on the  
11 premises shall provide written notification to each person bringing a  
12 companion animal to the veterinary premises for care or treatment. The  
13 written notification may be provided as a sign posted next to the posting  
14 required pursuant to subsection (a), as part of a sign used to meet the  
15 posting requirement of subsection (a), or on an intake form provided to  
16 each person bringing a companion animal to the veterinary premises.

17 (2) The written notification provided pursuant to subsection (a) shall  
18 include the following specific language: "This veterinary premises does  
19 not provide supervision for animals after normal business hours by a  
20 person physically on these premises." This language shall be printed in no  
21 less than 12 point font in an intake form and no less than 24 point font on a  
22 posted sign.

23 (c) This section shall be part of and supplemental to the Kansas  
24 veterinary practice act, and amendments thereto.

25 Sec. 2. K.S.A. 2015 Supp. 47-816 is hereby amended to read as  
26 follows: 47-816. As used in the Kansas veterinary practice act:

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

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

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

35 (d) "Clock hour of continuing education" means 60 minutes of  
36 participation in a continuing education program or activity which meets

1 the minimum standards for continuing education according to rules and  
2 regulations adopted by the board.

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

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

6 (2) is quickly and easily available;

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

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

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

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

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

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

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

29 (h) *"Normal business hours" means the times posted on a veterinary  
30 premises indicating the hours that the veterinary premises is open for  
31 business with supervising staff available.*

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

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

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

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

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

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

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

22 ~~(k)~~ (k) "Veterinarian" means a person who has received a doctor of  
23 veterinary medicine degree or the equivalent from a school of veterinary  
24 medicine.

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

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

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

39 ~~(o)~~ (o) "Veterinary-client-patient relationship" means:

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

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

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

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

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

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

19 ~~(s)~~ (s) "Person" means any individual, corporation, partnership,  
20 association or other entity.

21 Sec. 3. K.S.A. 2015 Supp. 47-816 is hereby repealed.

22 Sec. 4. This act shall take effect and be in force from and after its  
23 publication in the statute book.