

SENATE BILL No. 189

AN ACT concerning animal care; relating to the Kansas veterinary practice act; licensure; providing for an institutional license to practice veterinary medicine; the Kansas pet animal act; euthanasia; amending K.S.A. 47-815, 47-817, 47-829 and 47-1718 and K.S.A. 2014 Supp. 47-822, 47-830 and 76-4,112 and repealing the existing sections.

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

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

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

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

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

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

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

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

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

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

(3) is a person of good moral character;

(4) has paid the license application fee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b)~~(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.

~~(e)~~(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.

~~(d)~~(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.

~~(e)~~(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.

~~(f)~~(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.

~~(g)~~(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.

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

~~(i)~~(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.

~~(j)~~(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.

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

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

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

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

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

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

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

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

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

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

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

(d) false or misleading advertising;

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

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

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

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

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

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

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

(l) cruelty or inhumane treatment to animals;

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

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

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

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

(2) using unless lawfully prescribed, prescribing or administering to oneself or another person any of the controlled substances as defined in K.S.A. 65-4101, and amendments thereto or using, prescribing or administering any of the controlled substances as defined in K.S.A. 65-4101,

and amendments thereto or alcoholic beverages or any other drugs, chemicals or substances to the extent, or in such a manner as to be dangerous or injurious to a person licensed under the Kansas veterinary practice act, to oneself or to any other person or to the public, or to the extent that such use impairs the ability of such person so licensed to conduct with safety the practice authorized by the license;

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

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

(5) violation of an order of the board;

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

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

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

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

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

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

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

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

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

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

(2) complete all advanced training in public health, livestock biosecurity, foreign animal disease diagnosis, regulatory veterinary medicine and zoonotic disease, and an externship and mentoring requirement with a licensed, accredited veterinarian in rural Kansas as required by the college;

(3) engage in the full-time practice of veterinary medicine in any

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

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

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

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

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

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

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

~~(i) The college shall not enter into any program agreements pursuant to the provisions of this section after July 1, 2016. All program agreements entered into prior to such date shall continue in full force and effect subject to the requirements of this section. The dean of the college shall annually submit a report to the senate committee on agriculture and the house committee on agriculture and natural resources. Such annual report shall include details on the veterinary training program for rural Kansas, the veterinary diagnostic laboratory, the national bio and agro defense facility and other programs of the college.~~

Sec. 9. K.S.A. 47-1718 is hereby amended to read as follows: 47-1718.

(a) No animal shall be euthanized by any animal control officer, licensee, permittee, officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except through the most current, approved euthanasia methods established by the American veterinary medical association panel on euthanasia. *The commissioner shall promulgate rules and regulations by December 31, 2015, regarding acceptable methods of euthanasia. Such acceptable methods may be more stringent than those established by the American veterinary medical association.*

(b) This section shall be part of and supplemental to article 17 of chapter 47 of the Kansas Statutes Annotated, *and amendments thereto*.

Sec. 10. K.S.A. 47-815, 47-817, 47-829 and 47-1718 and K.S.A. 2014 Supp. 47-822 and 47-830 and 76-4,112 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*