

## HOUSE BILL No. 2148

By Committee on Governmental Organization and Elections

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9 AN ACT concerning veterinarians; relating to disciplinary actions and the  
10 disclosure of information relating thereto; amending K.S.A. 47-844 and  
11 repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 47-844 is hereby amended to read as follows: 47-  
15 844. (a) If a veterinarian desires to contest administratively a civil citation  
16 or the proposed assessment of a civil penalty such veterinarian, within 30  
17 days after service of the citation, shall notify the executive director in  
18 writing of such veterinarian's request for an informal conference with the  
19 executive director or the executive director's designee. The executive di-  
20 rector or the executive director's designee, within 60 days from the receipt  
21 of the request, shall hold an informal conference. At the conclusion of  
22 the informal conference, the executive director may affirm, modify or  
23 dismiss the citation or proposed assessment of a civil penalty, and the  
24 executive director shall state with particularity in writing the reasons for  
25 the action, and shall immediately transmit a copy thereof to the board,  
26 the veterinarian, and the person who submitted the complaint. If the  
27 veterinarian desires to contest administratively a decision made after the  
28 informal conference, such veterinarian shall inform the executive director  
29 in writing within 30 days after such person receives the decision resulting  
30 from the informal conference. If the veterinarian fails to notify the ex-  
31 ecutive director in writing that such veterinarian intends to contest the  
32 citation or the proposed assessment of a civil penalty or the decision made  
33 after an informal conference within the time specified in this section, the  
34 citation or the proposed assessment of a civil penalty or the decision made  
35 after an informal conference shall be deemed a final order of the board  
36 and shall not be subject to further administrative review. Notwithstanding  
37 any other provision of law, where a fine is paid to satisfy an assessment  
38 based on the findings of a violation, payment of the fine shall be repre-  
39 sented as satisfactory resolution of the matter for purposes of public  
40 disclosure.

41 (b) A veterinarian, in lieu of contesting a citation pursuant to this  
42 section, may transmit to the board the amount assessed in the citation as  
43 a civil penalty, within 30 days after service of the citation. If a hearing is

1 not requested pursuant to this section, payment of any fine shall not  
2 constitute an admission of the violation charged.

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

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

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

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

29 (g) *Upon the request of any person, the executive director shall dis-*  
30 *close the amount of the fine imposed pursuant to this section and the*  
31 *citation for which it was imposed.*

32 Sec. 2. K.S.A. 47-844 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its  
34 publication in the statute book.