

HOUSE BILL No. 2835

AN ACT concerning the Kansas veterinary practice act; amending K.S.A. 47-830 and 47-839 and K.S.A. 2005 Supp. 47-842 and repealing the existing sections.

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

Section 1. K.S.A. 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 ~~or~~, suspend ~~for a time certain the license of, or otherwise~~, limit, condition, reprimand; ~~or restrict; deny a license or assess a fine, not to exceed \$2,000, to any licensed veterinarian~~ a license to practice veterinary medicine 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;
- (f) ~~failure to furnish to the board, upon written request, any report or information relating to any investigation~~ 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 another state, territory or district of the United States~~ 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 statutes or any statute of this state, regarding 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; ~~and~~
 - (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) ~~employment of anyone but a veterinarian licensed in Kansas to demonstrate the use of biologics in the treatment of animals;~~

—~~(r)~~ fraud, deception, negligence or incompetence in the practice of veterinary medicine;

~~(s)~~ *(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 ~~veterinarian~~ *veterinary-client-patient* relationship;

~~(t)~~ *(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

~~(u)~~ *(t)* determination that the veterinarian is impaired, as defined in ~~subsection (c) of 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. 2. K.S.A. 47-839 is hereby amended to read as follows: 47-839.

(a) Except as otherwise provided under K.S.A. 47-622 and 47-624, and amendments thereto, a *licensed* veterinarian ~~licensed under the Kansas veterinary practice act~~ 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's releasing~~ *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 ~~to the extent that 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. The privilege provided by this section shall also be waived; 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.

Sec. 3. K.S.A. 2005 Supp. 47-842 is hereby amended to read as follows: 47-842. ~~The board may revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in this state after notice and hearing for any of the causes provided in the Kansas veterinary practice act.~~ In addition to the board's authority to ~~suspend or revoke a license~~ *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 ~~\$2,000~~ *\$5,000* against a licensee for any 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 ~~a suspension or revocation~~ *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.

Sec. 4. K.S.A. 47-830 and 47-839 and K.S.A. 2005 Supp. 47-842 are hereby repealed.

Sec. 5. 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 HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.