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- (8) American College of Laboratory Animal Medicine;
  - (9) American College of Microbiologists;
  - (10) American College of Veterinary Nutrition;
  - (11) American College of Veterinary Ophthalmologists;
  - (12) American College of Veterinary Pathologists;
  - (13) American College of Poultry Veterinarians;
  - (14) American Board of Veterinary Practitioners;
  - (15) American College of Veterinary Preventive Medicine;
  - (16) American College of Veterinary Radiology;
  - (17) American College of Veterinary Surgeons;
  - (18) American College of Theriogenologists;
  - (19) American Board of Veterinary Toxicology; and
  - (20) American College of Zoological Medicine.
- (f) Each applicant applying for licensure under a specialty status as provided in K.S.A. 47-826 shall provide the board with a copy of a diplomate status certification from a specialty academy or college recognized by the board in subsection (e).
- (g) Each applicant shall also provide the following identifying information on the application form provided by the board:
- (1) the applicant's full name as the applicant wishes the name to appear on the license. Maiden names shall be provided for use in office records only;
  - (2) the applicant's complete and current address at the time of the application;
  - (3) the applicant's telephone number;
  - (4) the applicant's social security number, which may be used by this agency and by the professional examination service for identification only, except that it may be provided to the Kansas division of taxation upon request of the division. An applicant may legally decline to disclose this number;
  - (5) a copy of the applicant's graduate diploma from a college identified in subsection (c), or a letter from the dean's office confirming successful completion of five or more semesters of education in a school of veterinary medicine identified in subsection (c);
  - (6) the applicant's height, weight, color of hair and eyes, and a description of any distinguishing scars or marks and their location;
  - (7) a list of other licenses, registrations, or permits related to veterinary science that are held by the applicant, including the issuing state, the date issued, the status, and the number of each;
  - (8) a list of any drug enforcement agency (D.E.A.) numbers held by the applicant, including the issuing state, the date issued, the status, and the number of each;
  - (9) a list of any United States department of agriculture (U.S.D.A.) accreditations held by the applicant, including the issuing state, the date issued, the status, and the number of each;
  - (10) a list of previous experiences or employment related to veterinary science, beginning with the most recent experience; and
  - (11) a passport photograph, which shall have a frontal face image that is a minimum of 1 square inch and an overall photo size that does not exceed 3 2 4 inches. The photo may be rejected if it is of a poor quality, if it is a snapshot or group picture, or if a cap, hat, or glasses obscure parts of the face.
- (h) Signed affidavit. Each applicant shall read and sign an affidavit as to the truth, correctness, and completeness of the application.
- (i) Letters of good standing. Each applicant shall submit a letter from each jurisdiction in which the applicant is now or has ever been licensed to practice as a veterinarian indicating the status of that license.
- (j) Each applicant shall answer the following questions truthfully and completely under penalty of law. The applicant shall enclose, on a separate sheet of paper, a complete explanation for a "yes" answer to any of the questions below:
- (1) Is the applicant currently enrolled in an E.C.F.V.G. program or the holder of an E.C.F.V.G. certificate?
  - (2) Is the applicant or has the applicant ever been registered or licensed in any other health-related profession?
  - (3) Has the applicant ever been denied licensure to practice veterinary medicine in any state, United States territory, or country for any reason other than failure of an examination?
  - (4) Has a license to practice veterinary medicine issued to the applicant by any state ever been subject to any disciplinary action or is any such action now pending? If "yes," the applicant shall supply details of the action.
  - (5) Has the applicant ever been convicted of any felony or misdemeanor, excluding minor traffic or juvenile offenses?
  - (6) Has the applicant ever been convicted of a charge of cruelty to animals?
  - (7) Has the applicant within the past year received treatment for alcohol or other substance abuse?
  - (8) Has the federal drug enforcement administration ever taken action against or warned the applicant about any matter pertaining to the applicant's D.E.A. number or withdrawn a D.E.A. number assigned to the applicant?
  - (9) Has there ever been any action taken against or warning issued to an applicant in relation to any U.S.D.A. accreditation held by the applicant?
  - (10) Has the applicant ever been a defendant or a respondent in any malpractice action?
  - (11) Has the applicant ever voluntarily relinquished or intentionally allowed to lapse any license, accreditation, D.E.A.

number or other certificate in relation to the practice of veterinary medicine?

(12) Is the applicant now or has the applicant been registered or licensed with any state racing commission? If “yes,” the applicant shall supply details of the registration or license.

(13) Is the applicant a diplomat of any specialty in veterinary medicine?

(14) Is the applicant now using a different name other than the name used on any educational or professional documents in the applicant’s past?

(k) ) Upon notification that the board has received the application, the applicant shall arrange to take the Kansas veterinary legal practice examination required by K.S.A. 47-826.

(l) Any application may be suspended for a period not to exceed one year for lack of qualifications or as the result of an incomplete application. If the applicant has not met the qualifications or has not submitted a complete application prior to the end of the one-year period, the application shall expire. Upon expiration, the applicant may reapply by submitting a new application, the required fees, and all supporting documents. (Authorized by and implementing K.S.A. 47-824, 47-825, and 47-826; effective April 4, 1997.)

**K.A.R. 70-4-9. License renewal applications.** (a) Each licensee who is on active military duty during a time of national emergency shall not be required to pay any license renewal fee due at that time.

(b) The annual continuing education requirement shall be waived for any licensee who is either on active military duty during a time of national emergency or impaired, as defined by K.S.A. 47-846(c) and amendments thereto. (Authorized by and implementing K.S.A. 47-821 and 47-829; effective April 4, 1997.)

**K.A.R. 70-4-10. Examination applications.** Each applicant for examination shall be enrolled in or be a graduate of a college of veterinary medicine identified in K.A.R. 70-4-8(c) or shall be enrolled in or have graduated from the American veterinary medical association’s educational commission for foreign veterinary graduate program. (Authorized by and implementing K.S.A. 47-824, 47-825, and 47-826; effective April 4, 1997.)

## Article 5.—FEES

**K.A.R. 70-5-1. Amount of fees.** The following fees shall be charged.

(a) Veterinary medicine license; application.....	\$ 125.00
(b) Veterinary medicine license; annual renewal.....	\$ 100.00
(c) Veterinary medicine license renewal if renewal is for an initial license that was issued after April 30 of the preceding license year.....	\$ 20.00
(d) Veterinary medicine license; late renewal penalty.....	\$ 100.00
(e) Veterinary premises registration; application.....	\$ 75.00
(f ) Veterinary premises registration; renewal.....	\$ 50.00
(g) Veterinary premises registration; late renewal penalty.....	\$ 50.00
(h) Veterinary premises; inspection.....	\$ 75.00
(i) Veterinary premises; audit and compliance inspections.....	\$ 100.00
(j) Veterinary technician registration; application.....	\$ 50.00
(k) Veterinary technician registration; renewal.....	\$ 25.00
(l) Institutional license; application.....	\$ 50.00
(m) Institutional license; annual renewal.....	\$ 25.00
(n) Mobile clinic; records audit.....	\$ 75.00

(Authorized by K.S.A. 2016 Supp. 47-821 and 47-822; implementing K.S.A. 2016 Supp. 47-822, 47-829, and 47-840; effective May 1, 1985; amended, T-70-6-13-88, June 13, 1988; amended July 3, 1989; amended May 23, 1994; amended Feb. 21, 1997; amended April 9, 2004; amended Dec. 21, 2007; amended May 27, 2016; amended March 10, 2017; amended Dec 18, 2020.)

## Article 6.—MINIMUM STANDARDS FOR VETERINARY PREMISES SANITARY CONDITIONS AND PHYSICAL PLANT

**K.A.R. 70-6-1. Veterinary premises and mobile veterinary clinic; minimum requirements.** Each veterinary premises, including mobile veterinary clinics (MVCs) except as specified in this regulation, shall meet all of the following minimum requirements:

(a) General

All areas of the veterinary premises, and all instruments, apparatus, and apparel used in connection with the practice of veterinary medicine, shall be maintained in a clean and sanitary condition at all times. Cleaning agents capable of killing viruses and bacteria shall be used to disinfect the veterinary premises.

All public areas of the veterinary premises shall be maintained in a safe condition for each client and patient.

(b) Exterior and grounds.

(1) The exterior structure shall exhibit evidence of regular maintenance. All windows shall be kept clean. If windows are open for ventilation, screens shall be required. All signs shall be kept in good repair. The grounds shall exhibit evidence of regular maintenance. Parking lots shall be large enough for both staff and clientele. Parking lots and sidewalks shall be kept in good repair and free of debris.

(2) The loading and unloading structures of the facility shall be of sufficient strength to ensure the safety and containment of each patient being loaded or unloaded and shall be in good repair. The requirements of this paragraph shall not apply to MVCs.

(3) Companion animals housed outside shall have shelter constructed and maintained to ensure the safety and comfort of the companion animals being housed. Shelter shall be adequate based on the species and health status of each companion animal housed. The requirements of this paragraph shall not apply to MVCs.

(c) Holding facilities. The size and design of all holding facilities shall ensure the animals' safety and well-being. The area shall contain provisions for food and water when necessary.

(d) Interior.

(1) Space sufficient to safeguard each patient shall be available.

Hot and cold running water shall be available.

Sanitary storage sufficient for the reasonable and customary operation of the veterinary premises shall be available.

Restraint devices shall be of a design that conforms to standards commonly accepted by the veterinary profession, clean, and in good working order to ensure the safety of the animals and personnel.

Indoor lighting for the halls, wards, reception areas, and examining and surgical rooms shall conform to the standards accepted as reasonable and customary by the veterinary profession for the intended purpose.

Ventilation and cleaning shall be provided to keep odors from lingering in the rooms.

(2) A resource center providing access to current veterinary information, written or electronic, shall be provided.

(3) Heating, cooling, and ventilation necessary to maintain the safety and comfort of the patients, clients, and staff shall be provided.

(e) Reception room.

Seating designed for that purpose shall be provided for the clientele.

A clean lavatory shall be available to the clients, unless the facility is an MVC.

A current premises registration certificate issued by the board of veterinary examiners shall be conspicuously displayed.

(f) Examination room or rooms. An examination room or rooms shall be available for the complete physical examination of patients by a veterinarian.

Each examination room shall be of sufficient size to accommodate the doctor, assistant, patient and client comfortably. The exam table surface shall be disinfected between patients.

All diagnostic equipment needed for the physical examination shall be readily available.

(g) Wards. Each veterinary premises, except an MVC, where any animals are retained overnight shall meet all of the following requirements:

(1) Exercise shall be provided for animals having to stay in an overnight facility. Walking the animal shall meet this requirement.

(2) The floors shall be smooth, waterproof, nonabsorbent, capable of being disinfected, and in good repair. The walls shall be smooth and free of cracks or gaps large enough to interfere with effective cleaning.

(3) The temperature shall be maintained in a range that is comfortable and safe for all patients.

(4) A separate compartment shall be available for each animal.

Caging or housing shall be designed with each animal's physical comfort as the primary consideration.

(A) Physical comfort ensuring that each animal is dry and clean shall be provided.

(B) Sufficient space shall be provided to ensure each animal's freedom of movement and normal postural adjustments with convenient access to food and water.

(5) All cages, runs, stalls, pens, and other animal compartments shall be kept in good repair to prevent injury to the animal and to promote physical comfort.

(A) Sharp corners and edges, broken wires, and any dangerous surfaces shall not be present.

(B) Cages made of metal other than stainless steel shall be kept in good repair by regular painting or other maintenance as required.

(6) The compartments shall be disinfected between occupants. The floors and walls shall be regularly disinfected. All waste cans shall be metal or plastic, be leakproof, and have tightfitting lids.

(7) The drains shall be constructed so that they facilitate disinfection between runways. To maintain proper sanitation, the runways shall be cleaned between uses.

(8) Bulk food shall be stored in a verminproof container. Opened canned food shall be refrigerated until used.

(9) Water and feed dishes, if not disposable, shall be disinfected.

(10) Daily feedings suitable for each animal, with a wholesome, nutritional, palatable food and daily fresh water suitable for each animal, within easy reach of each animal, shall be provided unless medically contraindicated.

(11) An animal identification system shall be used.

(12) The veterinary premises shall allow for the effective separation of contagious and noncontagious patients.

(h) Operating room. If other than minor surgical procedures are to be performed, an operating room for major surgical procedures shall be provided and shall meet the following requirements:

(1) The floors shall be made of terrazzo, sealed cement, linoleum, or any other impervious materials.

(2) A setup for intravenous fluid administration shall be available.

Emergency drugs shall be readily available.

(3) The surgery table shall be constructed of impervious material that is easily disinfected.

Instruments and equipment accepted as reasonable and customary by the veterinary profession for the type of surgical services shall be provided.

(i) Sterilization. All articles to be used in surgery shall be sterilized by either gas sterilization or steam sterilization. Chemical sterilization shall be acceptable under field situations and in emergency situations. Surgical packs shall be dated to indicate the last time sterilized. A sterile monitor shall be included within each surgical pack to detect proper sterilization. Caps, masks, and gowns, and sterile drapes, towels, and gloves shall be available.

(j) Oxygen. A mechanism for oxygen administration shall be available. This subsections shall not apply to MVCs.

(k) Pharmacy. The veterinarian shall ensure the storage, safekeeping and preparation of all drugs.

(l) Radiology.

If radiology services are not available in the facility, clients shall be referred to a facility that does provide those services when these services are indicated.

Permanent identification of the radiograph shall occur at the time of exposure or just before development.

Leaded aprons, thyroid shields, and either gloves or mitts shall be available for anyone helping to restrain or position patients during radiography.

(m) Laboratory. The clinical pathology services shall be available either on the veterinary premises or in a medical facility. All test results shall be made available within a time frame accepted as reasonable and customary by the veterinary profession.

(n) Waste disposal.

(1) The prompt and sanitary disposal of all dead animals and animal tissues shall be required. All animal tissues and dead companion animals weighing up to 150 pounds shall be contained in plastic bags and kept in an area away from the public before being picked up for disposal. Each dead companion weighing up to 150 pounds held overnight for pick up shall be contained in one or more plastic bags and placed in a refrigerator or freezer.

(2) Needles and syringes shall be destroyed or adequately disposed of in a safe manner.

(Authorized by K.S.A.2016 Supp.47-821; implementing K.S.A.2016 Supp. 47-821 and 47-840; effective Dec.27, 1994; amended Dec.22, 2017.)

## **Article 7.—STANDARDS OF VETERINARY PRACTICE**

**K.A.R. 70-7-1. The practice of veterinary medicine.** Each veterinarian shall meet the following minimum standards in the practice of veterinary medicine.

(a) Storage compartments. Each veterinarian shall maintain clean, orderly, and protective storage compartments for drugs, supplies, and equipment.

Refrigeration shall be available for drugs that require it.

(b) Field sterilization. Each veterinarian shall provide a means of sterilizing instruments when practicing veterinary medicine away from a veterinary premises.

(c) ) Conflict of interest. When representing conflicting interests, including representation of both the buyer and the seller of an animal to be inspected for soundness, the veterinarian shall make full disclosure of the dual relationship and shall obtain documented consent from all parties to the transaction.

(d) Certificates of veterinary inspection. A veterinarian shall not issue a certificate of veterinary inspection unless the veterinarian has personal knowledge, obtained through actual inspection and appropriate tests of the animal, that the animal meets the requirements of the certificate.

(e) Patient acceptance. Each veterinarian shall decide which medical cases will be accepted in the veterinarian's professional capacity and what course of treatment will be followed once a patient has been accepted. The veterinarian shall be responsible for advising the client as to the treatment to be provided.

(f) Control of services. A veterinarian shall not allow any professional services to be controlled or exploited by any lay entity, personal or corporate, that intervenes between the client and the veterinarian. A veterinarian shall not allow a nonlicensed person or entity to interfere with or intervene in the veterinarian's practice of veterinary medicine. Each veterinarian shall be responsible for the veterinarian's own actions and shall be directly responsible to the client for the care and treatment of the patient.

(g) Anesthesia and anesthetic equipment. Each veterinarian shall provide anesthesia services as needed. Each anesthetic agent shall be administered only by a veterinarian or a person trained in its administration under the direct supervision of a licensed veterinarian. Each veterinarian shall use disinfectants capable of eliminating harmful viruses and bacteria for cleaning anesthetic equipment.



(h) Patient records.

(1) Length of maintenance. Each veterinarian shall maintain a patient record for three years from the date of the last visit.

(2) Necessary elements. Each veterinarian shall ensure that all patient records are legible and made contemporaneously with treatment or services rendered. All records shall include the following elements:

(A) Patient identification. Patient identification shall include the patient's name, species, breed, age or date of birth, sex, color, and markings;

(B) client identification. Client identification shall include the owner's name, home address, and telephone number;

(C) a vaccination record; and

(D) a complete record of the physical examination findings and treatment or services rendered.

(3) Manner of maintenance. Each veterinarian shall maintain records in a manner that will permit any authorized veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient.

(i) Medication records. The veterinarian shall ensure that each dose of a medication administered is properly recorded on the patient's medical record. All drugs shall be administered and dispensed only upon the order of a licensed veterinarian.

(j) Controlled drugs. The veterinarian shall ensure that a separate written ledger that includes the current quantity on hand is maintained when a controlled drug is administered or dispensed.

(k) Locked area. If controlled drugs are used, the veterinarian shall ensure that a locked area for the storage of controlled substances is provided.

(l) Dispensation of medications for companion animals.

(1) All prescription drugs to be dispensed for use by a companion animal may be dispensed only on the order of a licensed veterinarian who has an existing veterinary-client-patient relationship as defined by the Kansas veterinary practice act. The veterinarian shall ensure that labels will be affixed to any unlabeled container containing any medication dispensed and to each factory-labeled container that contains prescription drugs or controlled substances dispensed for companion animals. The label shall be affixed to the immediate container and shall include the following information:

(A) The name and address of the veterinarian and, if the drug is a controlled substance, the veterinarian's telephone number;

(B) the date of delivery or dispensing;

(C) the name of the patient, the client's name, and, if the drug is a controlled substance, the client's address;

(D) the species of the animal;

(E) the name, active ingredient, strength, and quantity of the drug dispensed;

(F) directions for use specified by the practitioner including dosage, frequency, route of administration, and duration of therapy; and

(G) any cautionary statements required by law, including statements indicating that the drug is not for human consumption, is poisonous, or has withdrawal periods associated with the drug. If the size of the immediate container is insufficient to be labeled, the container shall be enclosed within another container large enough to be labeled.

(2) Upon request of a client, each licensed veterinarian shall provide a written prescription for a prescription drug to a client instead of dispensing the prescription drug.

(m) Dispensation of medications for food or commercial animals. All prescription drugs to be dispensed for food used by a food animal or used by a commercial animal may be dispensed only on a written order of a licensed veterinarian with an existing veterinary-client-patient relationship as defined by the Kansas veterinary practice act. That veterinarian shall maintain the original written order on file in the veterinarian's office. A copy of the written order shall be on file with the distributor, and a second copy shall be maintained on the premises of the patient-client. The written order shall include the following information:

(1) The name and address of the veterinarian and, if the drug is a controlled substance, the veterinarian's telephone number;

(2) the date of delivery or dispensing;

(3) the name of the patient, the client's name, and, if the drug is a controlled substance, the client's address;

(4) the species or breed, or both, of the animal;

(5) (A) The established name or active ingredient of each drug or, if formulated from more than one ingredient, the established name of each ingredient; and

(B) the strength and quantity of each drug dispensed; and

(6) directions for use specified by the practitioner, including the following:

(A) The class or species of the animal or animals receiving the drug or some other identification of the animals; and

(B) the dosage, the frequency and route of administration, and duration of therapy; and

(C) any cautionary statements required by law, including statements indicating whether the drug is not for human consumption or is poisonous or whether there are withdrawal periods associated with the drug.

(n) Supervision.

(1) Each veterinarian shall provide direct supervision of any employee or associate of the veterinarian who participates in the practice of veterinary medicine, except that a veterinarian may provide indirect supervision to any person who meets either of the following conditions:

(A) Is following the written instructions for treatment of the animal patient on the veterinary premises; or

(B) has completed three or more years of study in a school of veterinary medicine.

(2) A veterinarian may delegate to an employee or associate of the veterinarian only those activities within the practice of veterinary medicine that are consistent with that person's training, experience, and professional competence. A veterinarian shall not delegate any of the following:

(A) The activities of diagnosis;

(B) performance of any surgical procedure; or

(C) prescription of any drug, medicine, biologic, apparatus, application, anesthesia, or other therapeutic or diagnostic substance or technique

(o) Pain management. Each veterinarian shall use appropriate and humane methods of anesthesia, analgesia, and sedation to minimize pain and distress during any procedures on companion animals. (Authorized by and implementing K.S.A.2016 Supp. 47-821; effective Feb 21, 1997; amended Jan. 20, 2012; amended Dec.22, 2017.)

## Article 8.—UNPROFESSIONAL CONDUCT

**K.A.R. 70-8-1. Acts of unprofessional conduct.** Each of the following acts by a Kansas licensed veterinarian shall be considered unprofessional conduct and shall constitute grounds for disciplinary action against the licensee:

(a) failing to meet the minimum standards for either veterinary premises or veterinary practice;

(b) engaging in conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient;

(c) claiming to have performed or charging for an act or treatment that was not performed or given;

(d) stating or implying that the veterinarian is a certified or recognized specialist unless the veterinarian is certified in the specialty by the board, as recognized by the American veterinary medical association;

(e) stating or implying any claims of professional superiority in the practice of veterinary medicine that cannot be substantiated by education, training, or experience, or using any certificate, diploma, or degree to which the person is not entitled;

(f) practicing veterinary medicine under a false or assumed name or impersonating another practitioner;

(g) practicing under an expired, revoked or suspended Kansas veterinary license;

(h) failing to provide a written response, within 30 days, to a written request made by the board pursuant to an investigation by or on behalf of the board;

(i) failing to comply with an order issued by the board;

(j) promoting, aiding, abetting, or permitting the practice of veterinary medicine by an unlicensed person, except as provided by the Kansas veterinary practice act or the implementing regulations;

(k) allowing an unlicensed person to issue pre-signed animal health certificates with the veterinarian's signature affixed to the certificate, or to inoculate or treat animals unless the inoculation or treatment is done under the direct supervision of the licensed veterinarian;

(l) failing to establish a valid veterinarian, client, and patient relationship;

(m) prescribing, providing, obtaining, ordering, administering, dispensing, giving, or delivering controlled drugs to or for an animal solely for training, show, or racing purposes and not for a medically sound reason;

(n) performing surgery to conceal genetic or congenital defects, in any species, with the knowledge that the surgery has been requested to deceive a third party;

(o) refusing the board or its agent the right to inspect a veterinary facility at reasonable hours, pursuant to an investigation by or on behalf of the board;

(p) representing conflicting interests unless the veterinarian's dual relationship is fully disclosed and all parties to the transaction consent;

(q) failing to report to the proper authorities cruel or inhumane treatment to animals, if the veterinarian has direct knowledge of the cruel or inhumane treatment;

(r) fraudulently issuing or using any of the following documents:

(1) A certificate of veterinary inspection;

(2) a test chart;

(3) a vaccination report; or

(4) any other official form used in the practice of veterinary medicine to prevent the following:

(A) the dissemination of animal disease

(B) the transportation of diseased animals; or

(C) the sale of edible products of animal origin for human consumption;

- (s) issuing a certificate of veterinary inspection for an animal unless the veterinarian performs the inspection and the appropriate tests as required to the best of the veterinarian's knowledge;
  - (t) issuing a certificate of veterinary inspection that has been falsified or is incomplete;
  - (u) having a United States department of agriculture accreditation removed for cause by federal authority;
  - (v) using a corporate or assumed name for a veterinary practice that would be false, deceptive, or misleading to the public;
  - (w) extending the practice of veterinary medicine to the care of humans, except that any veterinarian may render first aid or emergency care, without expectation of compensation, in an emergency or disaster situation;
  - (x) guaranteeing a cure or specific results or creating an unjustified or inflated expectation of a cure or specific result;
  - (y) obtaining any of the following information through theft, unauthorized copying, duplicating, or other means:
    - (1) Client lists;
    - (2) mailing lists;
    - (3) medical records;
    - (4) computer records; or
    - (5) any other records that are the property of another veterinarian, veterinary partnership, or professional veterinary corporation;
  - (z) ) failing to report to the board within 90 days any disciplinary action taken against the veterinary license issued to the veterinarian by any other licensing jurisdiction, professional veterinary association, veterinary specialty board, or government or regulatory agency;
  - (aa) failing to refer a client if additional expertise is advisable, a second opinion is desirable, or the client requests a referral;
  - (bb) making a false, deceptive, or misleading claim or statement;
  - (cc) failing to provide the public with necessary label warnings on dispensed veterinary products;
  - (dd) failing to provide a client with a verbal or written estimated fee range for veterinary services offered when requested by the client;
  - (ee) acting in a manner that is likely to injure the professional reputation, standing, prospect of practice, or employment of another member of the profession and that could be deemed malicious, false, or misleading;
  - (ff) failing to obtain the client's consent before placing an animal under anesthesia, performing any surgical procedure, or transporting the animal to another facility, except in emergency situations;
  - (gg) violating the confidential relationship between the licensed veterinarian and the client;
  - (hh) delegating activities within the practice of veterinary medicine in violation of K.A.R. 70-7- 1; and (ii) using prescription drugs in either of the following ways:
    - (1) Prescribing or dispensing, delivering, or ordering any prescription drug without first having established a veterinary-client-patient relationship and determining that the prescription drug is therapeutically indicated for the health or well-being of the animal or animals; or
    - (2) prescribing, providing, ordering, administering, possessing, dispensing, giving, or delivering prescription drugs to or for any person under either of the following circumstances:
      - (A) The drugs are not necessary or required for the medical care of animals; or
      - (B) the use or possession of the drugs would promote addiction.
- For purposes of this subsection, the term "Prescription drugs" shall include all controlled substances placed in Schedules I through V pursuant to 21 U.S.C.812, any drug that bears on the label the federal legend indicating that the use of the drug is restricted to, by, or on the order of a licensed veterinarian, and any other drug designated as prescription-only by any Kansas law or regulation. (Authorized by and implementing K.S.A.2016 Supp. 47-830; effective Feb. 21, 1997; amended Dec. 22, 2017.)

## Article 9.—IMPAIRMENT

**K.A.R. 70-9-1. Waiver of continuing education requirement for license renewal under impairment status.** Each applicant for license renewal who wishes to have the required 20 hours of continuing education waived due to impairment of the applicant, as defined in K.S.A. 47- 846(c) during the prior license year shall submit a written request to the board.

(a) An assessment or assessments of the licensee's degree of impairment shall be submitted to the board. The assessment shall be made by a designee of the board or by one or more appropriate, qualified professionals chosen by the licensee and approved by the board. The assessment shall establish the nature of, the prognosis for, and the duration of the licensee's impairment. Based on this assessment, the continuing education requirement may be waived by the board. The licensee may also be subject to restrictions and appropriate conditions established by the board.

(b) If the waiver is issued, the licensee shall sign an affidavit acknowledging that individual's impairment, and shall agree not to engage in the practice of veterinary medicine beyond the restrictions and conditions placed on the licensee by the board. If the licensee does engage in the practice of veterinary medicine beyond the restrictions and conditions of the board, such action shall be grounds for disciplinary action against the licensee.

(c) The degree of impairment shall be monitored by a designee of the board. Whenever recovery from the impairment is assessed and documented by a designee of the board or by the appropriate, qualified professional chosen by the licensee and approved by the board, the licensee may seek to have the license reinstated, subject to the statutory procedure for reinstatement of a license as stated in K.S.A. 47-832. Such reinstatement shall be subject to completion of all of the continuing education hours waived during the impairment period. (Authorized by K.S.A. 47-821(a)(3) and 47-829(b); implementing K.S.A. 47-829(b) and 47-848; effective Aug. 22, 1997.)

## Article 10.—FINES

**K.A.R. 70-10-1. Fines.** (a) Each citation issued pursuant to K.S.A. 47-843(b) which includes an assessment of a civil penalty shall be classified according to the nature of the violation as set out below. The citation shall indicate the classification on its face.

(1) A Class "A" violation shall be a violation which the executive officer of the board has determined meets the following criteria:

(A) the violation meets the criteria for a class "B" violation; and

(B) ) the violation was committed by a person who has been issued two or more prior citations for a class "B" violation within a 24-month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A" violation shall be subject to a civil penalty in an amount not less than \$1,001.00 and not exceeding \$2,000.00 for each citation.

(2) A Class "B" violation shall be a violation which the executive officer has determined meets the following criteria:

(A) the violation involves a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine; and

(B)(i) the violation caused bodily injury to an animal which is not significant and substantial in nature;

(ii) the violation presents a substantial probability that death or serious harm would result; or

(iii) the violation meets the criteria for a class "C" violation and was committed by a person who has two or more prior citations for a class "C" violation within the 24-month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "B" violation shall be subject to a civil penalty in an amount not less than \$501.00 and not exceeding \$1,000.00 for each citation.

(3) A Class "C" violation shall be a violation which the executive officer has determined involves the following:

(A) a violation committed by a person while engaged in the practice of veterinary medicine; and

(B) a violation that has not caused either death or bodily injury to a patient and which does not present a substantial probability that death or serious harm to an animal patient would result therefrom. A class "C" violation shall be subject to a civil penalty in an amount not less than \$50.00 and not exceeding \$500.00 for each citation.

(b) In assessing a civil penalty, the following criteria shall be considered by the executive director:

(1) the good or bad faith exhibited by the cited person;

(2) the nature and severity of the violation;

(3) evidence that the violation was willful;

(4) any history of violations of the same or a similar nature;

(5) the extent to which the cited person has cooperated with the board's investigations;

(6) the extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation; and

(7) such other matters as justice may require. (Authorized by and implementing K.S.A. 47-843(a); effective Feb. 21, 1997.)