

Proposed

**STATE OF KANSAS
BOARD OF VETERINARY EXAMINERS
NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9:00 a.m., Wednesday, November 8, 2017, in the meeting room, 714 Plum St, Wamego, Kansas, to consider the adoption of proposed change in existing rules and regulations of the Kansas Board of Veterinary Examiners.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Dr. Jay Hedrick the agency executive director, P.O. Box 379, Wamego, KS 66547 or E-mail: vetboard@ks.gov

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Dr. Jay Hedrick the agency executive director, at (785) 456-8781.

The following regulations are proposed for adoption on a permanent basis.

K.A.R. 70-1-7- "Companion animal"; definition. Refers definition of a term to an already existing statutory definition. Eliminates conflict and redundancy in definitions.

K.A.R. 70-3-1- General requirements. Eliminates language no longer applicable. Updates.

K.A.R. 70-3-2 - Standard to pass. Eliminates superfluous language, and adds clarifying language. Updates.

K.A.R. 70-3-5 - Failing any examination. Establishes exam retake limitations consistent with national standard. Secures exam integrity, and ensures competency assessment.

K.A.R. 70-6-1 -Veterinary premises and mobile veterinary clinic; minimum requirements. Revises language grammar and streamlines language. Adds thyroid shield to protective apparel required when radiology services are provided. Protects public.

K.A.R. 70-7-1- The practice of veterinary medicine. Adds to standards of practice requirements pertaining to controlled ledgers and prescriptions. Protects public.

K.A.R. 70-8-1- Acts of unprofessional conduct. Adds to acts of unprofessional conduct pertaining to compliance with Board orders, and certificates of veterinary inspection. Protects public and ensures compliance.

The following Proposed regulations should have no economic impact upon other governmental agencies, private business or individuals.

K.A.R. 70-1-7

K.A.R. 70-3-1

K.A.R. 70-3-2

K.A.R. 70-3-5

K.A.R. 70-8-1

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K.A.R. 70-6-1 will have an economic impact associated with:

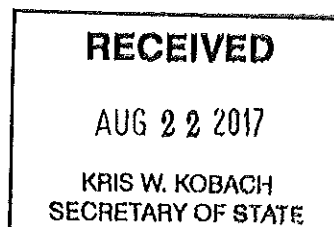
Subsection (l) adding the requirement of a leaded thyroid shield will cause a one-time cost to a veterinary premises that does not already have such a shield of \$35-50. Most premises already have such a shield on premises.

K.A.R. 70-7-1 will have an economic impact on veterinarians and livestock producers associated with:

Subsection (l)(2) this requirement may decrease the demand for veterinarian dispensed medications, which, in turn, would decrease revenue to the veterinarian. However, this requirement will allow the consumer the option to fill prescriptions from the most cost effective source.

The Kansas Board of Veterinary Examiners can determine no environmental impact through the passage of these regulations.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Board of Veterinary Examiners, P.O. Box 379, Wamego, Kansas 665476-0242. (785) 456-8781.



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K.A.R. 70-1-7. "Companion animal"; definition. The term "companion animal" shall have the meaning specified in K.S.A. 47-816, and amendments thereto. (Authorized by K.S.A. 2016 Supp. 47-821; implementing K.S.A. 2016 Supp. 47-816; effective P-_____.)

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K.A.R. 70-3-1. General rules requirements. ~~All examinations will~~ Each examination shall be given in the English language. ~~All examinees shall be tested by a written examination or oral examination or by both written and oral examinations.~~ The preparation, administration, and grading of the all examinations shall be performed according to the protocol of the ~~national testing service~~ international council for veterinary assessment selected by the board for the ~~examination~~ examinations. (Authorized by and implementing K.S.A. 2016 Supp. 47-825(b); effective Jan. 1, 1974; amended March 13, 1995; amended P-_____.)

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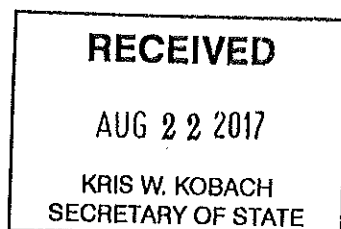
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K.A.R. 70-3-2. Standard to pass. ~~To pass the examination administered by the board, the examinee shall demonstrate scientific and practical knowledge sufficient in the judgment of the board to prove competency to practice veterinary medicine. The~~ Each successful examinee shall obtain achieve the following:

(a) ~~A total test converted scale~~ scaled score of seventy (70.00) ~~or above~~ at least 70 on each of the national tests; and

(b) ~~a score of ninety (90.00) percent or above~~ at least 90 percent on the state jurisprudence examination. (Authorized by and implementing K.S.A. 2016 Supp. 47-825(b); effective Jan. 1, 1974; amended March 13, 1995; amended P-_____.)

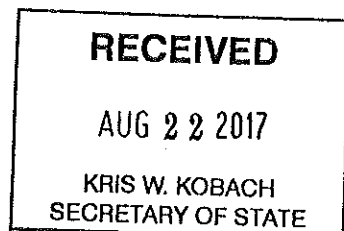


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K.A.R. 70-3-5. ~~Failure of previous~~ Failing any examination. Any person who fails an examination shall be admitted to any subsequent examination on payment of the application fee. A candidate for licensure shall not be admitted to take any examination more than five times. No applicant may retake any examination more than five years after that individual's initial attempt, except that the fourth and fifth attempts shall be at least one year after the previous attempt. (Authorized by and implementing K.S.A. 2016 Supp. 47-825(e); effective Jan. 1, 1974; amended P-_____.)



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K.A.R. 70-6-1. Veterinary premises sanitary conditions and physical plant and mobile veterinary clinic; minimum requirements. (a) Each veterinary premises, ~~except for a~~

including mobile veterinary elinie clinics (MVCs) except as specified in this regulation, shall meet all of the following minimum standards for sanitary conditions and a physical plant. requirements:

~~(1)(a)~~ General facilities and grounds.

~~(A) Sanitation:~~ All areas of a 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, ~~inoffensive, and orderly~~ condition at all times. Cleaning agents capable of killing viruses and bacteria shall be used to disinfect the veterinary premises.

~~(B) Safety:~~ All public areas of a the veterinary premises shall be maintained in a safe condition for the each client and patient.

~~(2)(b)~~ Exterior and grounds.

~~(A)(1) Exterior structure:~~ The exterior structure shall exhibit evidence of regular maintenance. All windows shall be kept clean. If windows are opened for ventilation, screens shall be required.

~~(B) Signs:~~ All signs shall be kept in good repair.

~~(C) Landseaping:~~ The grounds shall exhibit evidence of regular maintenance.

~~(D) Parking lot and sidewalks:~~ 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.

~~(E)(2) Loading and unloading structures of a facility:~~ The loading and unloading structures of a the facility shall be of adequate sufficient strength; to ensure the safety and

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containment of each patient being loaded or unloaded and shall be in good repair. The requirements of this paragraph shall not apply to MVCs.

~~(F)(3) Outside housing. If the temperature is below 50 degrees Fahrenheit or above 85 degrees Fahrenheit, small Companion animals housed outside shall have adequate 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.~~

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

~~(H) Windows. All windows shall be kept clean. If windows are opened for ventilation purposes, effective screening shall be required.~~

~~(3)(d) Interior:~~

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

~~(B) Environment. Adequate heating, cooling, and ventilation necessary to maintain comfort of the patient, client and staff shall be provided.~~

~~(C) Water. Hot and cold running water shall be available.~~

~~(D) Storage. Adequate Sanitary storage for the building size sufficient for the reasonable and customary operation of the veterinary premises shall be available.~~

~~(E) Library. A library shall be provided with basic veterinary textbooks and current veterinary periodicals.~~

~~(F) Restraint devices. Restraint devices shall be of adequate a design that conforms to~~

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standards commonly accepted by the veterinary profession, clean, and in good working order to insure ensure the safety of the animals and personnel.

(G) ~~Lighting~~. Indoor lighting for the halls, wards, reception areas, and examining and surgical rooms shall ~~be adequate~~ conform to the standards accepted as reasonable and customary by the veterinary profession for the intended purpose.

(H) ~~Odor and waste control~~. 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.

(4)(e) Reception room.

(A) ~~Seating~~. Adequate Seating designed for that purpose shall be provided for the clientele.

(B) ~~Lavatory~~. A clean lavatory shall be available to the clients, unless the facility is an MVC.

(C) ~~Permit~~. A current ~~facility permit~~ premises registration certificate issued by the board of veterinary examiners shall be conspicuously displayed.

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

(A) ~~Size~~. ~~This~~ Each examination room shall be of sufficient size to accommodate the doctor, assistant, patient, and client comfortably.

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~~(B) Sanitation.~~ The exam table surface shall be ~~sanitized~~ disinfected between patients.

~~(C) Equipment.~~ Proper All diagnostic equipment needed for the physical examination shall be readily available.

~~(6)(g) Wards.~~ Each veterinary premises, except an MVC, where any animals are retained overnight shall meet all of the following requirements: :

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

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

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

~~(D) (4) Separate compartments.~~ A separate compartment shall be available for each animal.

~~(E) Compartment size.~~ Caging or housing shall be designed with the each animal's physical comfort as the primary consideration.

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

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

~~(F)(5) Good repair.~~ All cages, runs, stalls, pens, and other animal compartments shall be

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kept in good repair to prevent injury to the animal and to promote physical comfort.

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

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

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

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

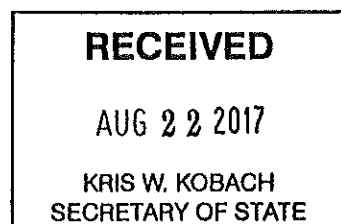
(I) (8) ~~Food storage.~~ Bulk food shall be stored in a ~~vermin-proof~~ verminproof container. Opened canned food shall be refrigerated until used.

(J) (9) ~~Sanitizing feeding dishes.~~ Water and feed dishes, if not disposable, shall be ~~sanitized~~ disinfected.

(K) (10) ~~Feeding.~~ Adequate 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, except where unless medically contra-indicated, shall be provided contraindicated.

(L) ~~Water.~~ Adequate daily fresh water within easy reach of all patients, ~~except where medically contra-indicated, shall be provided.~~

(M) (11) ~~Identification.~~ An animal identification system shall be used.



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~~(N)~~ (12) ~~Isolation.~~ The veterinary premises shall allow for the effective separation of contagious and noncontagious cases-patients.

~~(7)~~(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:

(A) (1) ~~Floors.~~ The floors shall be made of terrazzo, sealed cement, linoleum, or any other impervious materials, including but not limited to terrazzo, sealed cement, and linoleum.

(B) (2) ~~Intravenous-fluid-setup.~~ An intravenous A setup for intravenous fluid administration shall be available.

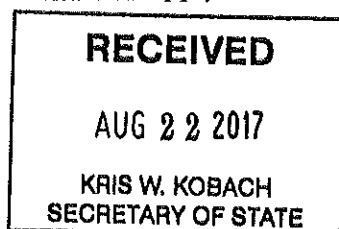
~~(C) Emergency drugs.~~ Emergency drugs shall be readily available.

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

~~(E) Instruments.~~ Instruments and equipment ~~commensurate with~~ accepted as reasonable and customary by the veterinary profession for the type of surgical services shall be provided.

~~(8)~~(i) Sterilization. All articles to be used in surgery shall be sterilized by either ~~by~~ gas sterilization or steam sterilization. Chemical sterilization shall be acceptable under field situations and in emergency situations. Surgical packs shall be dated as to indicate the last time sterilized. ~~Monitors~~ A sterile monitor shall be included within each surgical ~~packs~~ regularly pack to detect proper sterilization. Caps, masks, and gowns, ~~drapes, towels,~~ and sterile drapes, towels, and gloves shall be available.

~~(9)~~(j) Oxygen. A mechanism of for oxygen administration shall be available. This subsection shall not apply to MVCs.



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

(11)(l) Radiology.

(A) ~~Service availability.~~ If radiology services are not available in the facility, ~~arrangements clients shall be made to promote this service outside the~~ referred to a facility within a reasonable distance that does provide those services when these services are indicated.

(B) ~~Film badge monitoring. Film badge monitoring of exposure levels shall be provided for all personnel working with or near an X-ray generator.~~

(C) ~~Film identification.~~ Permanent identification of the radiograph shall occur at the time of exposure or just ~~prior to~~ before development.

(D) ~~Protective apparel.~~ "Leaded" aprons, thyroid shields, and either gloves or mitts shall be available for anyone helping to restrain or position patients during radiography.

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

(13)(n) Waste disposal.

(A)(1) ~~Dead animals and animal tissues.~~ 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 animals companion animal weighing up to 150 pounds held until a delayed pick-up overnight for pickup shall be contained in one or more

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plastic bags and placed in a refrigerator or freezer.

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

~~(b) A mobile veterinary clinic shall meet the minimum standards for sanitary conditions and physical plant established in subsection (a) of this regulation except for paragraphs (a)(2)(E), Loading and unloading structures of a facility, (a)(2)(F), Outside housing, (a)(3)(B), Lavatory, (a)(6), Wards, and (a)(9), Oxygen.~~ (Authorized by and K.S.A. 2016 Supp. 47-821; implementing K.S.A. 2016 Supp. 47-821 and 47-840(b); effective Dec. 27, 1994; amended P-
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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 express documented consent from all parties to the transaction.

(d) Health Certificates of veterinary inspection. A veterinarian shall not issue a certificate of ~~health~~ 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

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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:

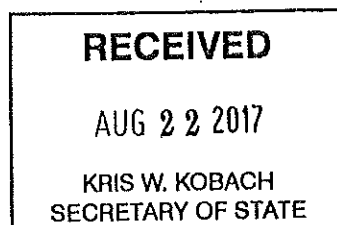
(A) Patient identification. Patient identification shall include the patient's name, species, breed, age or date of birth, sex, color, and markings;

(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



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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.

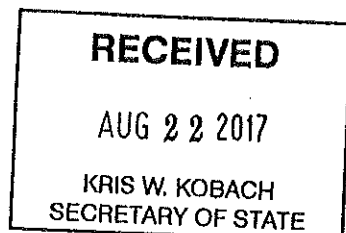
(l) Dispensation of medications for companion animals.

(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,



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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

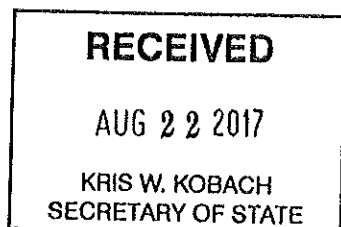
(G) any cautionary statements required by law, including statements indicating that the drug is not for human consumption, is poisonous, or has withdrawal periods associated with the drug. If the size of the immediate container is insufficient to be labeled, the container shall be enclosed within another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

(2) ~~The term "companion animal" shall have the meaning specified in K.S.A. 47-816 and amendments thereto. Upon request of a client, each licensed veterinarian shall provide a written prescription for a prescription drug to the 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;



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(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

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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 P-_____.)

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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, ~~in fact,~~ 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 a the person is not entitled;

(f) practicing veterinary medicine under a false or assumed name or impersonating another practitioner ~~of a like, similar or different name;~~

(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

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unlicensed person, except as provided by this act the Kansas veterinary practice act or the implementing regulations;

(j) ~~(k)~~ allowing an unlicensed person to issue presigned 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;

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

~~(l)~~ ~~(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;

~~(m)~~ ~~(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;

~~(n)~~ ~~(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;

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

~~(p)~~ ~~(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;

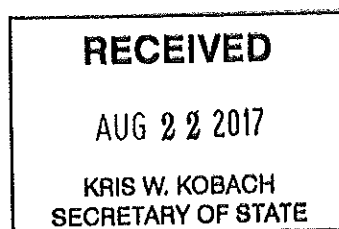
~~(q)~~ ~~(r)~~ fraudulently issuing or using any of the following documents:

(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



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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;

(~~s~~) (u) having a United States department of agriculture accreditation removed for cause by federal authority;

(~~t~~) (v) using a corporate or assumed name for a veterinary practice ~~which~~ that would be false, deceptive, or misleading to the public;

(~~u~~) (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;

(~~v~~) (x) guaranteeing a cure or specific results or creating an unjustified or inflated expectation of a cure or specific result;

(~~w~~) (y) obtaining any of the following information through theft, unauthorized copying, duplicating, or other means:

(1) Client lists;

(2) mailing lists;

(3) medical records;

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(4) computer records; or

(5) any other records that are the property of another veterinarian, veterinary partnership, or professional veterinary corporation;

(~~x~~) (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;

(~~y~~) (aa) failing to refer a client when if additional expertise is advisable, a second opinion is desirable, or ~~upon the client's request~~ the client requests a referral;

(~~z~~) (bb) making a false, deceptive, or misleading claim or statement;

(~~aa~~) (cc) failing to provide the public with necessary label warnings on dispensed veterinary products;

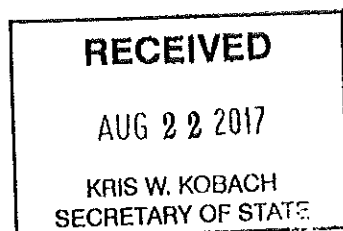
(~~bb~~) (dd) failing to provide a client with a verbal or written estimated fee range for veterinary services offered when requested by the client;

(~~ee~~) (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 ~~which~~ that could be deemed malicious, false, or misleading;

(~~dd~~) (ff) failing to obtain the client's consent ~~of the client prior to~~ before placing an animal under anesthesia, performing any surgical procedure, or transporting the animal to another facility, except in emergency situations;

(~~ee~~) (gg) violating the confidential relationship between the licensed veterinarian and the client;

(~~ff~~) (hh) delegating activities within the practice of veterinary medicine in violation of



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K.A.R. ~~70-7-1(e)~~ 70-7-1; and

~~(gg)~~ (ii) using prescription drugs in ~~any~~ either of the following ways:

(1) Prescribing or dispensing, delivering, or ordering any prescription drug without first having established a ~~veterinarian/client/patient~~ veterinary-client-patient relationship and determining that ~~such~~ the prescription drug is therapeutically indicated for the health or ~~well-being~~ 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) ~~when~~ The drugs are not necessary or required for the medical care of animals; or

(B) ~~when~~ the use or possession of the drugs would promote addiction thereto.

For purposes of this subsection, the term "prescription drugs" ~~includes~~ shall include all controlled substances placed in schedules I through V pursuant to 21 U.S.C. 812, and all legend drugs which bear any drug that bears on the label the federal legends legend indicating that the use of the drug is restricted to, by, or on the order of a licensed veterinarian, as such drugs are recognized and any other drug designated as prescription-only by any Kansas law of the state of Kansas or of the United States or regulation. (Authorized by and implementing K.S.A. 2016 Supp. 47-830(e); effective Feb. 21, 1997; amended P-_____.)

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**KANSAS BOARD VETERINARY EXAMINERS
IMPACT STATEMENT
Permanent Regulation Revisions
K.A.R. 70-1-7, 70-3-1, 70-3-2, 70-3-5, 70-6-1, 70-7-1, 70-8-1**

I. Summary of Proposed Regulation, Including Its Purpose.

- K.A.R. 70-1-7- Refers definition of a term to an already existing statutory definition.
- K.A.R. 70-3-1- Eliminates language no longer applicable.
- K.A.R. 70-3-2 – Eliminates superfluous language, and adds clarifying language.
- K.A.R. 70-3-5 – Establishes exam retake limitations consistent with national standard.
- K.A.R. 70-6-1 –Revises language grammar and streamlines language. Adds thyroid shield to protective apparel required when radiology services are provided.
- K.A.R. 70-7-1– Adds to standards of practice requirements pertaining to controlled ledgers and prescriptions.
- K.A.R. 70-8-1– Adds to acts of unprofessional conduct pertaining to compliance with Board orders, and certificates of veterinary inspection.

II. Reason Or Reasons The Proposed Regulation Is Required, Including Whether Or Not The Regulation Is Mandated By Federal Law.

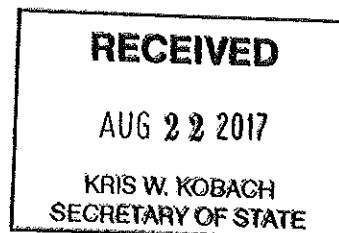
None of the proposed regulation revisions are mandated by federal law.

- K.A.R. 70-1-7 – Eliminates conflict and redundancy in definitions.
- K.A.R. 70-3-1 – Updates.
- K.A.R. 70-3-2 – Updates.
- K.A.R. 70-3-5 – Secures exam integrity, and ensures competency assessment.
- K.A.R. 70-6-1 – Protects public.
- K.A.R. 70-7-1 – Protects public.
- K.A.R. 70-8-1 – Protects public and ensures compliance.

III. Anticipated Economic Impact Upon The Kansas Board of Veterinary Examiners.

The following Proposed regulations should have no economic impact on KBVE.

- K.A.R. 70-1-7
- K.A.R. 70-3-1
- K.A.R. 70-3-2
- K.A.R. 70-3-5
- K.A.R. 70-6-1
- K.A.R. 70-7-1
- K.A.R. 70-8-1



IV. Anticipated Financial Impact Upon Other Governmental Agencies And Upon Private Business Or Individuals.

The following Proposed regulations should have no economic impact upon other governmental agencies, private business or individuals.

K.A.R. 70-1-7

K.A.R. 70-3-1

K.A.R. 70-3-2

K.A.R. 70-3-5

K.A.R. 70-8-1

K.A.R. 70-6-1 will have an economic impact associated with:

Subsection (l) adding the requirement of a leaded thyroid shield will cause a one-time cost to a veterinary premises that does not already have such a shield of \$35-50. Most premises already have such a shield on premises.

K.A.R. 70-7-1 will have an economic impact on veterinarians and livestock producers associated with:

Subsection (l)(2) this requirement may decrease the demand for veterinarian dispensed medications, which, in turn, would decrease revenue to the veterinarian. However, this requirement will allow the consumer the option to fill prescriptions from the most cost effective source.

V. Less Costly or Intrusive Methods That Were Considered, But Rejected, And The Reason For Rejection.

Relative to **K.A.R. 70-6-1 Subsection (l)**, not requiring a leaded thyroid shield was considered. The ultimate concern was that such shielding is necessary for the protection of staff involved in radiography at the premises. Most premises already have such a shield on premises.

Relative to **K.A.R. 70-7-1 Subsection (l)(2)**, not requiring veterinarians to provide a prescription when requested by the client was considered but rejected. The Board believes that requiring veterinarians to provide a prescription, in lieu of dispensing the drug, is desirable and may obviate the need for more restrictive legislation currently under consideration at the federal level.

VI. Environmental Impact

The Kansas Board of Veterinary Examiners can determine no environmental impact through the passage of these regulations.

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