

Kansas Administrative Regulations

State Board of Veterinary Examiners

Article 10.—Fines

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.)

***** Authenticated Kansas Administrative Regulation *****