

Kansas Administrative Regulations

State Board of Veterinary Examiners

Article 8.—Unprofessional Conduct

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 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;

(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.)

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