

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 88, Page 1, Section A, Line 3, by  
2 inserting after all of said section and line the following:

3  
4 "331.020. 1. Whenever in this chapter occurs the word "board", or "the board", such words  
5 shall be construed to mean the state board of chiropractic examiners.

6 2. For the purposes of this chapter the following terms mean:

7 (1) "Animal chiropractic", the examination and treatment of an animal through vertebral  
8 subluxation complex or spinal, joint, or musculoskeletal manipulation by an animal chiropractic  
9 practitioner. The term "animal chiropractic" shall not be construed to require supervision by a  
10 licensed veterinarian to practice or to allow the diagnosing of an animal; the performing of surgery;  
11 the dispensing, prescribing, or administering of medications, drugs, or biologics; or the performance  
12 of any other type of veterinary medicine when performed by an individual licensed by the state  
13 board of chiropractic examiners;

14 (2) "Animal chiropractic practitioner":

15 (a) A licensed veterinarian; or

16 (b) An individual who is licensed by the state board of chiropractic examiners to engage in  
17 the practice of chiropractic, as defined in section 331.010; who is certified by the AVCA or IVCA,  
18 as defined in section 340.200, or other equivalent certifying body; who has graduated from a  
19 certification course in animal chiropractic with not less than two hundred ten hours of instruction;  
20 and whose practice of animal chiropractic shall be regulated by the state board of chiropractic  
21 examiners.

22 331.060. 1. The board may refuse to issue any certificate of registration or authority,  
23 permit or license required pursuant to this chapter for one or any combination of causes stated in  
24 subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the  
25 refusal and shall advise the applicant of his right to file a complaint with the administrative hearing  
26 commission as provided by chapter 621.

27 2. The board may cause a complaint to be filed with the administrative hearing  
28 commission as provided by chapter 621 against any holder of any certificate of registration or  
29 authority, permit or license required by this chapter or any person who has failed to renew or has  
30 surrendered his certificate of registration or authority, permit or license for any one or any  
31 combination of the following causes:

32 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an  
33 extent that such use impairs a person's ability to perform the work of any profession licensed or

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1 regulated by this chapter;

2 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or  
3 nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of  
4 any country, for any offense directly related to the duties and responsibilities of the occupation, as  
5 set forth in section 324.012, regardless of whether or not sentence is imposed;

6 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
7 registration or authority, permit or license issued pursuant to this chapter or in obtaining permission  
8 to take any examination given or required pursuant to this chapter;

9 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
10 fraud, deception or misrepresentation;

11 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
12 in the performance of the functions or duties of any profession licensed or regulated by this chapter;

13 (6) Violation of, or assisting or enabling any person to violate, any provision of this  
14 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

15 (7) Impersonation of any person holding a certificate of registration or authority, permit  
16 or license or allowing any person to use his or her certificate of registration or authority, permit,  
17 license or diploma from school;

18 (8) Disciplinary action against the holder of a license or other right to practice any  
19 profession regulated by this chapter granted by another state, territory, federal agency or country  
20 upon grounds for which revocation or suspension is authorized in this state;

21 (9) A person is finally adjudged insane or incompetent by a court of competent  
22 jurisdiction;

23 (10) Assisting or enabling any person to practice or offer to practice any profession  
24 licensed or regulated by this chapter who is not registered and currently eligible to practice under  
25 this chapter;

26 (11) Issuance of a certificate of registration or authority, permit or license based upon a  
27 material mistake of fact;

28 (12) Failure to display a valid certificate or license if so required by this chapter or any  
29 rule promulgated hereunder;

30 (13) Violation of any professional trust or confidence;

31 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to  
32 the general public or persons to whom the advertisement or solicitation is primarily directed. False,  
33 misleading or deceptive advertisements or solicitations shall include, but not be limited to:

34 (a) Promises of cure, relief from pain or other physical or mental condition, or improved  
35 physical or mental health;

36 (b) Any self-laudatory statement;

37 (c) Any misleading or deceptive statement offering or promising a free service. Nothing  
38 herein shall be construed to make it unlawful to offer a service for no charge if the offer is  
39 announced as part of a full disclosure of routine fees including consultation fees;

40 (d) Any misleading or deceptive claims of patient cure, relief or improved condition;  
41 superiority in service, treatment or materials; new or improved service, treatment or material, or  
42 reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any  
43 such claim if it is readily verifiable by existing documentation, data or other substantial evidence.  
44 Any claim which exceeds or exaggerates the scope of its supporting documentation, data or  
45 evidence is misleading or deceptive;

46 (e) Failure to use the term "chiropractor", "doctor of chiropractic", "chiropractic  
47 physician", or "D.C." in any advertisement, solicitation, sign, letterhead, or any other method of  
48 addressing the public;

49 (f) Attempting to attract patronage in any manner which castigates, impugns, disparages,

1 discredits or attacks other healing arts and sciences or other chiropractic physicians;

2 (15) Violation of the drug laws or rules and regulations of this state, any other state or the  
3 federal government;

4 (16) Failure or refusal to properly guard against contagious, infectious or communicable  
5 diseases or the spread thereof;

6 (17) Fails to maintain a chiropractic office in a safe and sanitary condition;

7 (18) Engaging in unprofessional or improper conduct in the practice of chiropractic;

8 (19) Administering or prescribing any drug or medicine or attempting to practice  
9 medicine, surgery, or osteopathy within the meaning of chapter 334;

10 (20) Engaging in the practice of animal chiropractic without a patient referral from a  
11 licensed veterinarian with a current veterinarian-client-patient relationship;

12 (21) Being unable to practice as a chiropractic physician with reasonable skill and safety to  
13 patients because of one of the following: professional incompetency; illness, drunkenness, or  
14 excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this  
15 subdivision the board shall, after a hearing before the board, upon a finding of probable cause,  
16 require the chiropractor for the purpose of establishing his competency to practice as a chiropractic  
17 physician to submit to a reexamination, which shall be conducted in accordance with rules adopted  
18 for this purpose by the board, including rules to allow the examination of the chiropractic  
19 physician's professional competence by at least three chiropractic physicians, or to submit to a  
20 mental or physical examination or combination thereof by at least three physicians. One examiner  
21 shall be selected by the chiropractic physician compelled to take the examination, one selected by  
22 the board, and one shall be selected by the two examiners so selected. Notice of the physical or  
23 mental examination shall be given by personal service or certified mail. Failure of the chiropractic  
24 physician to submit to an examination when directed shall constitute an admission of the allegations  
25 against him, unless the failure was due to circumstances beyond his control. A chiropractic  
26 physician whose right to practice has been affected under this subdivision shall, at reasonable  
27 intervals, be afforded an opportunity to demonstrate that he can resume competent practice with  
28 reasonable skill and safety to patients.

29 (a) In any proceeding under this subdivision, neither the record of proceedings nor the  
30 orders entered by the board shall be used against a chiropractic physician in any other proceeding.  
31 Proceedings under this subdivision shall be conducted by the board without the filing of a complaint  
32 with the administrative hearing commission;

33 (b) When the board finds any person unqualified because of any of the grounds set forth  
34 in this subdivision, it may enter an order imposing one or more of the following: denying his  
35 application for a license; permanently withholding issuance of a license; administering a public or  
36 private reprimand; suspending or limiting or restricting his license to practice as a chiropractic  
37 physician for a period of not more than five years; revoking his license to practice as a chiropractic  
38 physician; requiring him to submit to the care, counseling or treatment of physicians designated by  
39 the chiropractic physician compelled to be treated. For the purpose of this subdivision, "license"  
40 includes the certificate of registration, or license, or both, issued by the board.

41 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
42 with the provisions of chapter 621. Upon a finding by the administrative hearing commission that  
43 the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may,  
44 singly or in combination:

45 (1) Censure or place the person named in the complaint on probation on such terms and  
46 conditions as the board deems appropriate for a period not to exceed five years; or

47 (2) May suspend the license, certificate or permit for a period not to exceed three years;

48 or

49 (3) Revoke the license, certificate or permit.

1           4. If at any time after disciplinary sanctions have been imposed under this section or  
 2 under any provision of this chapter, the licensee removes himself from the state of Missouri, ceases  
 3 to be currently licensed under the provisions of this chapter, or fails to keep the Missouri state board  
 4 of chiropractic examiners advised of his current place of business and residence, the time of his  
 5 absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of  
 6 the time of discipline so imposed."; and

7  
 8 Further amend said bill and page, Section 340.200, Line 7, by deleting the word "diagnosis"; and

9  
 10 Further amend said bill, page and section, Lines 11-12, by deleting said lines and inserting in lieu  
 11 thereof the following:

12  
 13           "allow the diagnosing of an animal; the performing of surgery; the dispensing, prescribing,  
 14 or administering of medications, drugs, or biologics; or the performance of any other type of  
 15 veterinary medicine when performed by an individual licensed by the state board of chiropractic  
 16 examiners"; and

17  
 18 Further amend said bill, page and section, Line 14, by deleting the words "certified by the AVCA or  
 19 IVCA"; and

20  
 21 Further amend said bill, page and section, Line 17, by deleting said line and inserting in lieu thereof  
 22 the following:

23  
 24 "the AVCA, IVCA, or other equivalent certifying body; who has graduated from a"; and

25  
 26 Further amend said bill and section, Page 2, Line 19, by inserting after the word "instruction;" the  
 27 following:

28  
 29 "and whose practice of animal chiropractic shall be regulated by the state board of chiropractic  
 30 examiners under chapter 331"; and

31  
 32 Further amend said bill and section, Page 5, Line 145, by deleting the phrase "[~~animal~~  
 33 ~~chiropractic,~~]" and inserting in lieu thereof the phrase "animal chiropractic,"; and

34  
 35 Further amend said bill, Page 7, Section 340.216, Lines 60-62, by deleting all of said lines and  
 36 inserting in lieu thereof the following:

37  
 38 "animal chiropractic if the animal chiropractic practitioner has received a referral of the animal from  
 39 a licensed veterinarian with a current veterinarian-client-patient relationship, as defined in section  
 40 340.200. The referring veterinarian may limit the number of visits or length of treatment at the time  
 41 of referral or after consultation"; and

42  
 43 Further amend said bill by amending the title, enacting clause, and intersectional references  
 44 accordingly.