

FIRST REGULAR SESSION

HOUSE BILL NO. 88

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

0095H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 340.200, 340.216, 340.218, and 340.222, RSMo, and to enact in lieu thereof four new sections relating to animal chiropractic practitioners.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 340.200, 340.216, 340.218, and 340.222, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 340.200, 340.216,
3 340.218, and 340.222, to read as follows:

340.200. When used in sections 340.200 to 340.330, the following terms mean:

2 (1) "Accredited school of veterinary medicine", any veterinary college or division of
3 a university or college that offers the degree of doctor of veterinary medicine or its equivalent
4 and is accredited by the American Veterinary Medical Association (AVMA);

5 (2) "Animal", any wild, exotic or domestic, living or dead animal or mammal other
6 than man, including birds, fish and reptiles;

7 (3) **"Animal chiropractic", the examination, diagnosis, and treatment of an**
8 **animal through vertebral subluxation complex or spinal, joint, or musculoskeletal**
9 **manipulation by an animal chiropractic practitioner. The term "animal chiropractic"**
10 **shall not be construed to allow the performing of surgery, dispensing or administering**
11 **of medications, or the performance of veterinary medicine;**

12 (4) **"Animal chiropractic practitioner":**

13 (a) **A licensed veterinarian certified by the AVCA or IVCA; or**

14 (b) **An individual who is licensed by the state board of chiropractic examiners to**
15 **engage in the practice of chiropractic, as defined in section 331.010; who is certified by**
16 **the AVCA, IVCA, or other applicable certifying body; and who has graduated from a**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **certification course in animal chiropractic with not less than two hundred ten hours of**
18 **instruction;**

19 (5) "Applicant", an individual who files an application to be licensed to practice
20 veterinary medicine or to be registered as a veterinary technician;

21 [~~4~~] (6) "Appointed member of the board", regularly appointed members of the
22 Missouri veterinary medical board, not including the state veterinarian who serves on the
23 board ex officio;

24 [~~5~~] (7) "AVCA", **the American Veterinary Chiropractic Association or its**
25 **successor organization;**

26 (8) "Board", the Missouri veterinary medical board;

27 [~~6~~] (9) "Consulting veterinarian", a veterinarian licensed in another state, country or
28 territory who gives advice or demonstrates techniques to a licensed Missouri veterinarian or
29 group of licensed Missouri veterinarians;

30 [~~7~~] (10) "ECFVG certificate", a certificate issued by the American Veterinary
31 Medical Association Educational Commission for Foreign Veterinary Graduates or its
32 successor. The certificate must indicate that the holder of the certificate has demonstrated
33 knowledge and skill equivalent to that possessed by a graduate of an accredited school of
34 veterinary medicine;

35 [~~8~~] (11) "Emergency", when an animal has been placed in a life-threatening
36 condition and immediate treatment is necessary to sustain life or where death is imminent and
37 action is necessary to relieve pain or suffering;

38 [~~9~~] (12) "Faculty member", full professors, assistant professors, associate
39 professors, clinical instructors and residents but does not include interns or adjunct
40 appointments;

41 [~~10~~] (13) "Foreign veterinary graduate", any person, including foreign nationals and
42 American citizens, who has received a professional veterinary medical degree from an
43 AVMA listed veterinary college located outside the boundaries of the United States, its
44 territories or Canada, that is not accredited by the AVMA;

45 [~~11~~] (14) "IVCA", **the International Veterinary Chiropractic Association or its**
46 **successor organization;**

47 (15) "License", any permit, approval, registration or certificate issued or renewed by
48 the board;

49 [~~12~~] (16) "Licensed veterinarian", an individual who is validly and currently
50 licensed to practice veterinary medicine in Missouri as determined by the board in accordance
51 with the requirements and provisions of sections 340.200 to 340.330;

52 ~~[(13)]~~ **(17)** "Minimum standards", standards as set by board rule and which establish
53 the minimum requirements for the practice of veterinary medicine in the state of Missouri as
54 are consistent with the intent and purpose of sections 340.200 to 340.330;

55 ~~[(14)]~~ **(18)** "Person", any individual, firm, partnership, association, joint venture,
56 cooperative or corporation or any other group or combination acting in concert; whether or
57 not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal
58 representative or as the successor in interest, assigning agent, factor, servant, employee,
59 director, officer or any other representative of such person;

60 ~~[(15)]~~ **(19)** "Practice of veterinary medicine", to represent directly, indirectly, publicly
61 or privately an ability and willingness to do any act described in subdivision ~~[(28)]~~ **(32)** of
62 this section;

63 ~~[(16)]~~ **(20)** "Provisional license", a license issued to a person while that person is
64 engaged in a veterinary candidacy program;

65 ~~[(17)]~~ **(21)** "Registered veterinary technician", a person who is formally trained for
66 the specific purpose of assisting a licensed veterinarian with technical services under the
67 appropriate level of supervision as is consistent with the particular delegated animal health
68 care task;

69 ~~[(18)]~~ **(22)** "Supervision":

70 (a) "Immediate supervision", the licensed veterinarian is in the immediate area and
71 within audible and visual range of the animal patient and the person treating the patient;

72 (b) "Direct supervision", the licensed veterinarian is on the premises where the animal
73 is being treated and is quickly and easily available and the animal has been examined by a
74 licensed veterinarian at such times as acceptable veterinary medical practice requires
75 consistent with the particular delegated animal health care task;

76 (c) "Indirect supervision", the licensed veterinarian need not be on the premises but
77 has given either written or oral instructions for the treatment of the animal patient or treatment
78 protocol has been established and the animal has been examined by a licensed veterinarian at
79 such times as acceptable veterinary medical practice requires consistent with the particular
80 delegated health care task; provided that the patient is not in a surgical plane of anesthesia and
81 the licensed veterinarian is available for consultation on at least a daily basis;

82 ~~[(19)]~~ **(23)** "Supervisor", a licensed veterinarian employing or utilizing the services of
83 a registered veterinary technician, veterinary intern, temporary provisional licensee,
84 veterinary medical student, unregistered assistant or any other individual working under
85 that veterinarian's supervision;

86 ~~[(20)]~~ **(24)** "Temporary license", any temporary permission to practice veterinary
87 medicine issued by the board pursuant to section 340.248;

88 ~~[(21)]~~ **(25)** "Unregistered assistant", any individual who is not a registered veterinary
89 technician or licensed veterinarian and is employed by a licensed veterinarian;

90 ~~[(22)]~~ **(26)** "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or
91 equivalent title, a person who has received a doctor's degree in veterinary medicine from an
92 accredited school of veterinary medicine or holds a ECFVG certificate issued by the AVMA;

93 ~~[(23)]~~ **(27)** "Veterinarian-client-patient relationship", the veterinarian has assumed the
94 responsibility for making medical judgments regarding the health of the animal and the need
95 for medical treatment, and the client, owner or owner's agent has agreed to follow the
96 instructions of the veterinarian. There is sufficient knowledge of the animal by the
97 veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of
98 the animal. Veterinarian-client-patient relationship means that the veterinarian has recently
99 seen and is personally acquainted with the keeping and care of the animal by virtue of an
100 examination or by medically appropriate and timely visits to the premises where the animal is
101 kept. The practicing veterinarian is readily available for follow-up care in case of adverse
102 reactions or failure of the prescribed course of therapy;

103 ~~[(24)]~~ **(28)** "Veterinary candidacy program", a program by which a person who has
104 received a doctor of veterinary medicine or equivalent degree from an accredited school of
105 veterinary medicine can obtain the practical experience required for licensing in Missouri
106 pursuant to sections 340.200 to 340.330;

107 ~~[(25)]~~ **(29)** "Veterinary facility", any place or unit from which the practice of
108 veterinary medicine is conducted, including but not limited to the following:

109 (a) "Veterinary or animal hospital or clinic", a facility that meets or exceeds all
110 physical requirements and minimum standards as established by board rule for veterinary
111 facilities; provides quality examination, diagnostic and health maintenance services for
112 medical and surgical treatment of animals and is equipped to provide housing and nursing
113 care for animals during illness or convalescence;

114 (b) "Specialty practice or clinic", a facility that provides complete specialty service by
115 a licensed veterinarian who has advanced training in a specialty and is a diplomate of an
116 approved specialty board. A specialty practice or clinic shall meet all minimum standards
117 which are applicable to a specialty as established by board rule;

118 (c) "Central hospital", a facility that meets all requirements of a veterinary or animal
119 hospital or clinic as defined in paragraph (a) of this subdivision and other requirements as
120 established by board rule, and which provides specialized care, including but not limited to
121 twenty-four-hour nursing care and specialty consultation on permanent or on-call basis. A
122 central hospital shall be utilized primarily on referral from area veterinary hospitals or clinics;

123 (d) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned
124 by or associated with and has ready access to a full-service veterinary hospital or clinic or a

125 central hospital providing all mandatory services and meeting all physical requirements and
126 minimum standards as established by sections 340.200 to 340.330 or by board rule;

127 (e) "Large animal mobile clinic", a facility that provides examination, diagnostic and
128 preventive medicine and minor surgical services for large animals not requiring confinement
129 or hospitalization;

130 (f) "Emergency clinic", a facility established to receive patients and to treat illnesses
131 and injuries of an emergency nature;

132 ~~[(26)]~~ (30) "Veterinary candidate", a person who has received a doctor of veterinary
133 medicine or equivalent degree from an accredited school or college of veterinary medicine
134 and who is working under the supervision of a board-approved licensed veterinarian;

135 ~~[(27)]~~ (31) "Veterinary intern", a person who has received a doctor of veterinary
136 medicine or equivalent degree from an accredited school or college of veterinary medicine
137 and who is participating in additional clinical training in veterinary medicine to prepare for
138 AVMA-recognized certification or specialization;

139 ~~[(28)]~~ (32) "Veterinary medicine", the science of diagnosing, treating, changing,
140 alleviating, rectifying, curing or preventing any animal disease, deformity, defect, injury or
141 other physical or mental condition, including, but not limited to, the prescription or
142 administration of any drug, medicine, biologic, apparatus, application, anesthesia or other
143 therapeutic or diagnostic substance or technique on any animal, including, but not limited to,
144 acupuncture, dentistry, animal psychology, ~~[animal chiropractic,]~~ theriogenology, surgery,
145 both general and cosmetic surgery, any manual, mechanical, biological or chemical procedure
146 for testing for pregnancy or for correcting sterility or infertility or to render service or
147 recommendations with regard to any of the procedures in this ~~[paragraph]~~ **subdivision**;

148 ~~[(29)]~~ (33) "Veterinary student preceptee", a person who is pursuing a veterinary
149 degree in an accredited school of veterinary medicine which has a preceptor program and who
150 has completed the academic requirements of such program.

340.216. 1. It is unlawful for any person not licensed as a veterinarian under the
2 provisions of sections 340.200 to 340.330 to practice veterinary medicine or to do any act
3 which requires knowledge of veterinary medicine for valuable consideration, or for any
4 person not so licensed to hold himself or herself out to the public as a practitioner of
5 veterinary medicine by advertisement, the use of any title or abbreviation with the person's
6 name, or otherwise; except that nothing in sections 340.200 to 340.330 shall be construed as
7 prohibiting:

8 (1) Any person from gratuitously providing emergency treatment, aid or assistance to
9 animals where a licensed veterinarian is not available within a reasonable length of time if the
10 person does not represent himself or herself to be a veterinarian or use any title or degree
11 appertaining to the practice thereof;

12 (2) Acts of a person who is a student in good standing in a school or college of
13 veterinary medicine or while working as a student preceptee, in performing duties or
14 functions assigned by the student's instructors, or while working under the appropriate level
15 of supervision of a licensed veterinarian as is consistent with the particular delegated animal
16 health care task as established by board rule, and acts performed by a student in a school or
17 college of veterinary medicine recognized by the board and performed as part of the
18 education and training curriculum of the school under the supervision of the faculty. The
19 unsupervised or unauthorized practice of veterinary medicine, even though on the premises of
20 a school or college of veterinary medicine, is prohibited;

21 (3) Personnel employed by the United States Department of Agriculture or the
22 Missouri department of agriculture from engaging in animal disease, parasite control or
23 eradication programs, or other functions specifically required and authorized to be performed
24 by unlicensed federal or state officials under any lawful act or statute, except that this
25 exemption shall not apply to such persons not actively engaged in performing or fulfilling
26 their official duties and responsibilities;

27 (4) Any merchant or manufacturer from selling drugs, medicine, appliances or other
28 products used in the prevention or treatment of animal diseases if such drug, medicine,
29 appliance or other product is not marked by the appropriate federal label. Such merchants or
30 manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or
31 disease in order to advise treatment, use of drugs, medicine, appliances or other products;

32 (5) The owner of any animal or animals and the owner's full-time employees from
33 caring for and treating any animals belonging to such owner, with or without the advice and
34 consultation of a licensed veterinarian, provided that the ownership of the animal or animals
35 is not transferred, or employment changed, to avoid the provisions of sections 340.200 to
36 340.330; however, only a licensed veterinarian may immunize or treat an animal for diseases
37 which are communicable to humans and which are of public health significance, except as
38 otherwise provided for by board rule;

39 (6) Any graduate of any accredited school of veterinary medicine while engaged in a
40 veterinary candidacy program or foreign graduate from a nonaccredited school or college of
41 veterinary medicine while engaged in a veterinary candidacy program or clinical evaluation
42 program, and while under the appropriate level of supervision of a licensed veterinarian
43 performing acts which are consistent with the particular delegated animal health care task;

44 (7) State agencies, accredited schools, institutions, foundations, business corporations
45 or associations, physicians licensed to practice medicine and surgery in all its branches,
46 graduate doctors of veterinary medicine, or persons under the direct supervision thereof from
47 conducting experiments and scientific research on animals in the development of
48 pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the

49 diagnosis or treatment of human ailments, or when engaged in the study and development of
50 methods and techniques directly or indirectly applicable to the problems of the practice of
51 veterinary medicine;

52 (8) Any veterinary technician, duly registered by, and in good standing with, the
53 board from administering medication, appliances or other products for the treatment of
54 animals while under the appropriate level of supervision as is consistent with the delegated
55 animal health care task; ~~and~~

56 (9) A consulting veterinarian while working in a consulting capacity in Missouri
57 while under the immediate supervision of a veterinarian licensed and in good standing under
58 sections 340.200 to 340.330; and

59 **(10) Any animal chiropractic practitioner from engaging in the practice of**
60 **animal chiropractic.**

61 2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's
62 authority to provide other exemptions or exceptions to the requirements of licensing as the
63 board may find necessary or appropriate under its rulemaking authority.

340.218. The use of any title, words, abbreviations, letters or symbol in a manner or
2 under circumstances which induce the reasonable belief that the person using them is
3 qualified to do any act described in subdivision [~~24~~] **(32)** of section 340.200 is prima facie
4 evidence of the intention to represent such person as engaged in the practice of veterinary
5 medicine under sections 340.200 to 340.330.

340.222. **1.** A supervisor, as defined in subdivision [~~19~~] **(23)** of section 340.200, is
2 individually and separately responsible and liable for the performance of the acts delegated to
3 and the omissions of the veterinary technician, veterinary medical candidate, temporary
4 licensee, veterinary medical preceptee, unregistered assistant or any other individual working
5 under his or her supervision.

6 **2.** Nothing in this section shall be construed to relieve veterinary technicians,
7 veterinary medical candidates, provisional licensees, temporary licensees, veterinary medical
8 preceptees or unregistered assistants of any responsibility or liability for any of their own acts
9 or omissions.

10 **3. Nothing in this section shall apply to animal chiropractic practitioners**
11 **engaged in the practice of animal chiropractic. Any provisions of this chapter relating**
12 **to supervision of persons described in subsection 2 of this section shall not apply to**
13 **animal chiropractic practitioners engaged in the practice of animal chiropractic.**

✓