

SECOND REGULAR SESSION

# HOUSE BILL NO. 2470

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FARNAN.

6198H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 340.200, 340.216, 340.218, 340.220, and 340.222, RSMo, and to enact in lieu thereof six new sections relating to livestock reproductive specialists.

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

Section A. Sections 340.200, 340.216, 340.218, 340.220, and 340.222, RSMo, are 2 repealed and six new sections enacted in lieu thereof, to be known as sections 340.200, 3 340.216, 340.218, 340.220, 340.222, and 340.295, to read as follows:

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

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

(2) "**Advanced reproductive technologies**", processes by which more offspring of 5 livestock can be propagated to help multiply the success of breeding and marketing 6 programs including, but not limited to, in vitro fertilization (IVF) and embryo transfer 7 (ET);

(3) "Animal", any wild, exotic or domestic, living or dead animal or mammal other 9 than man, including birds, fish and reptiles;

[~~(3)~~] (4) "Animal chiropractic", the examination and treatment of an animal through 11 vertebral subluxation complex or spinal, joint, or musculoskeletal manipulation by an animal 12 chiropractic practitioner. The term "animal chiropractic" shall not be construed to require 13 supervision by a licensed veterinarian to practice or to allow the diagnosing of an animal; the 14 performing of surgery; the dispensing, prescribing, or administering of medications, drugs, or 15

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.

16 biologics; or the performance of any other type of veterinary medicine when performed by an  
17 individual licensed by the state board of chiropractic examiners;

18 **[¶] (5) "Animal chiropractic practitioner":**

19 (a) A licensed veterinarian; or

20 (b) An individual who is licensed by the state board of chiropractic examiners to  
21 engage in the practice of chiropractic, as defined in section 331.010; who is certified by the  
22 AVCA, IVCA, or other equivalent certifying body; who has graduated from a certification  
23 course in animal chiropractic with not less than two hundred ten hours of instruction; and  
24 whose practice of animal chiropractic shall be regulated by the state board of chiropractic  
25 examiners under chapter 331;

26 **[¶] (6) "Applicant", an individual who files an application to be licensed to practice**

27 veterinary medicine or to be registered as a veterinary technician;

28 **[¶] (7) "Appointed member of the board", regularly appointed members of the**

29 Missouri veterinary medical board, not including the state veterinarian who serves on the  
30 board ex officio;

31 **[¶] (8) "AVCA", the American Veterinary Chiropractic Association or its successor**

32 organization;

33 **[¶] (9) "Board", the Missouri veterinary medical board;**

34 **[¶] (10) "Consulting veterinarian", a veterinarian licensed in another state, country**

35 or territory who gives advice or demonstrates techniques to a licensed Missouri veterinarian  
36 or group of licensed Missouri veterinarians;

37 **[¶] (11) "ECFVG certificate", a certificate issued by the American Veterinary**

38 Medical Association Educational Commission for Foreign Veterinary Graduates or its  
39 successor. The certificate must indicate that the holder of the certificate has demonstrated  
40 knowledge and skill equivalent to that possessed by a graduate of an accredited school of  
41 veterinary medicine;

42 **[¶] (12) "Embryo transfer" or "ET", a process of administering specific**  
**43 hormonal treatment with follicle-stimulating hormone to a donor animal to cause**  
**44 multiple follicles to ovulate, breeding the donor using artificial insemination, and**  
**45 nonsurgically collecting the embryos from the donor's uterus to transfer into a**  
**46 synchronous recipient who will serve as a surrogate mother, or freezing the embryo to**  
**47 be implanted at a later date, and including the administration of lidocaine by caudal**  
**48 epidural on the donor and recipient animals;**

49 **(13) "Emergency", when an animal has been placed in a life-threatening condition**  
**50 and immediate treatment is necessary to sustain life or where death is imminent and action is**  
**51 necessary to relieve pain or suffering;**

52        **[(12)] (14)** "Faculty member", full professors, assistant professors, associate  
53 professors, clinical instructors and residents but does not include interns or adjunct  
54 appointments;

55        **[(13)] (15)** "Foreign veterinary graduate", any person, including foreign nationals and  
56 American citizens, who has received a professional veterinary medical degree from an  
57 AVMA listed veterinary college located outside the boundaries of the United States, its  
58 territories or Canada, that is not accredited by the AVMA;

59        **[(14)] (16)** "In vitro fertilization" or "IVF", a process of harvesting unfertilized  
60 oocytes directly from the ovaries of a donor animal by needle aspiration, fertilizing the  
61 retrieved oocytes, and transferring the fertilized oocytes seven days postfertilization into  
62 a recipient animal, or freezing to be implanted at a later date, and including the  
63 administration of lidocaine by caudal epidural on the donor and recipient animals;

64        **(17)** "IVCA", the International Veterinary Chiropractic Association or its successor  
65 organization;

66        **[(15)] (18)** "License", any permit, approval, registration or certificate issued or  
67 renewed by the board;

68        **[(16)] (19)** "Licensed veterinarian", an individual who is validly and currently  
69 licensed to practice veterinary medicine in Missouri as determined by the board in accordance  
70 with the requirements and provisions of sections 340.200 to 340.330;

71        **[(17)] (20)** "Livestock", the same as defined in section 277.020, but shall not  
72 include:

73        **(a)** Ratite birds including, but not limited to, ostrich and emu; or

74        **(b)** Aquatic products as described in section 277.024;

75        **(21)** "Livestock reproductive specialist", an individual who is not a registered  
76 veterinary technician or licensed veterinarian but holds at least a master of science in  
77 animal sciences or other equivalent degree with coursework in reproductive physiology;

78        **(22)** "Minimum standards", standards as set by board rule and which establish the  
79 minimum requirements for the practice of veterinary medicine in the state of Missouri as are  
80 consistent with the intent and purpose of sections 340.200 to 340.330;

81        **[(18)] (23)** "Person", any individual, firm, partnership, association, joint venture,  
82 cooperative or corporation or any other group or combination acting in concert; whether or  
83 not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal  
84 representative or as the successor in interest, assigning agent, factor, servant, employee,  
85 director, officer or any other representative of such person;

86        **[(19)] (24)** "Practice of veterinary medicine", to represent directly, indirectly, publicly  
87 or privately an ability and willingness to do any act described in subdivision **[(32)] (37)** of  
88 this section;

89       **[(20)] (25)** "Provisional license", a license issued to a person while that person is  
90 engaged in a veterinary candidacy program;

91       **[(21)] (26)** "Registered veterinary technician", a person who is formally trained for  
92 the specific purpose of assisting a licensed veterinarian with technical services under the  
93 appropriate level of supervision as is consistent with the particular delegated animal health  
94 care task;

95       **[(22)] (27)** "Supervision":

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

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

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

108       **[(23)] (28)** "Supervisor", a licensed veterinarian employing or utilizing the services of  
109 a registered veterinary technician, veterinary intern, temporary provisional licensee,  
110 veterinary medical student, unregistered assistant or any other individual working under  
111 that veterinarian's supervision;

112       **[(24)] (29)** "Temporary license", any temporary permission to practice veterinary  
113 medicine issued by the board pursuant to section 340.248;

114       **[(25)] (30)** "Unregistered assistant", any individual who is not a registered veterinary  
115 technician or licensed veterinarian and is employed by a licensed veterinarian;

116       **[(26)] (31)** "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or  
117 equivalent title, a person who has received a doctor's degree in veterinary medicine from an  
118 accredited school of veterinary medicine or holds a ECFVG certificate issued by the AVMA;

119       **[(27)] (32)** "Veterinarian-client-patient relationship", the veterinarian has assumed the  
120 responsibility for making medical judgments regarding the health of the animal and the need  
121 for medical treatment, and the client, owner or owner's agent has agreed to follow the  
122 instructions of the veterinarian. There is sufficient knowledge of the animal by the  
123 veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of  
124 the animal. Veterinarian-client-patient relationship means that the veterinarian has recently  
125 seen and is personally acquainted with the keeping and care of the animal by virtue of an

126 examination or by medically appropriate and timely visits to the premises where the animal is  
127 kept. The practicing veterinarian is readily available for follow-up care in case of adverse  
128 reactions or failure of the prescribed course of therapy;

129 **[(28)] (33)** "Veterinary candidacy program", a program by which a person who has  
130 received a doctor of veterinary medicine or equivalent degree from an accredited school of  
131 veterinary medicine can obtain the practical experience required for licensing in Missouri  
132 pursuant to sections 340.200 to 340.330;

133 **[(29)] (34)** "Veterinary facility", any place or unit from which the practice of  
134 veterinary medicine is conducted, including but not limited to the following:

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

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

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

149 (d) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned  
150 by or associated with and has ready access to a full-service veterinary hospital or clinic or a  
151 central hospital providing all mandatory services and meeting all physical requirements and  
152 minimum standards as established by sections 340.200 to 340.330 or by board rule;

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

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

158 **[(30)] (35)** "Veterinary candidate", a person who has received a doctor of veterinary  
159 medicine or equivalent degree from an accredited school or college of veterinary medicine  
160 and who is working under the supervision of a board-approved licensed veterinarian;

161 **[(31)] (36)** "Veterinary intern", a person who has received a doctor of veterinary  
162 medicine or equivalent degree from an accredited school or college of veterinary medicine

163 and who is participating in additional clinical training in veterinary medicine to prepare for  
164 AVMA-recognized certification or specialization;

165 **[§32] (37)** "Veterinary medicine", the science of diagnosing, treating, changing,  
166 alleviating, rectifying, curing or preventing any animal disease, deformity, defect, injury or  
167 other physical or mental condition, including, but not limited to, the prescription or  
168 administration of any drug, medicine, biologic, apparatus, application, anesthesia or other  
169 therapeutic or diagnostic substance or technique on any animal, including, but not limited to,  
170 acupuncture, dentistry, animal psychology, animal chiropractic, theriogenology, surgery, both  
171 general and cosmetic surgery, any manual, mechanical, biological or chemical procedure for  
172 testing for pregnancy or for correcting sterility or infertility or to render service or  
173 recommendations with regard to any of the procedures in this subdivision;

174 **[§33] (38)** "Veterinary student preceptor", a person who is pursuing a veterinary  
175 degree in an accredited school of veterinary medicine which has a preceptor program and who  
176 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 preceptor, 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 person qualified as a livestock reproductive specialist, acting under  
40 indirect supervision of a licensed veterinarian, from performing advanced reproductive  
41 technologies on livestock;**

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

47       [7] (8) State agencies, accredited schools, institutions, foundations, business  
48 corporations or associations, physicians licensed to practice medicine and surgery in all its  
49 branches, graduate doctors of veterinary medicine, or persons under the direct supervision  
50 thereof from conducting experiments and scientific research on animals in the development of  
51 pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis  
52 or treatment of human ailments, or when engaged in the study and development of methods  
53 and techniques directly or indirectly applicable to the problems of the practice of veterinary  
54 medicine;

55       [8] (9) Any veterinary technician, duly registered by, and in good standing with, the  
56 board from administering medication, appliances or other products for the treatment of  
57 animals while under the appropriate level of supervision as is consistent with the delegated  
58 animal health care task;

59       [~~9~~] **(10)** A consulting veterinarian while working in a consulting capacity in  
60 Missouri while under the immediate supervision of a veterinarian licensed and in good  
61 standing under sections 340.200 to 340.330; and

62       [~~10~~] **(11)** Any animal chiropractic practitioner from engaging in the practice of  
63 animal chiropractic if the animal chiropractic practitioner has received a referral of the animal  
64 from a licensed veterinarian with a current veterinarian-client-patient relationship, as defined  
65 in section 340.200. The referring veterinarian may limit the number of visits or length of  
66 treatment at the time of referral or after consultation with the animal chiropractic practitioner.

67       2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's  
68 authority to provide other exemptions or exceptions to the requirements of licensing as the  
69 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 [~~32~~] **(37)** 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.

340.220. It is considered the practice of veterinary medicine to use any invasive  
2 procedure to remove any embryo **or oocyte** from an animal for the purpose of transplanting  
3 such embryo **or fertilized oocyte** into another female animal or for the purpose of  
4 cryopreserving such embryo, or to implant such embryo into an animal. It is not considered  
5 the practice of veterinary medicine for:

6       **(1)** A person or that person's full-time employees to remove an embryo from the  
7 person's own animal for the purpose of transplanting or cryopreserving such embryo or to  
8 implant an embryo into the person's own animal; however, ownership of the animal shall not  
9 be transferred or the employment of any person changed for the purpose of circumventing  
10 sections 340.200 to 340.330; **or**

11       **(2)** **A livestock reproductive specialist trained in advanced reproductive**  
12 **technologies to remove an embryo or oocyte from livestock for the purpose of**  
13 **transplanting such embryo or fertilized oocyte into another female livestock animal or**  
14 **for the purpose of cryopreserving such embryo, or to implant such embryo into a**  
15 **livestock animal while under indirect supervision of a licensed veterinarian.**

340.222. 1. A supervisor, as defined in subdivision [~~23~~] **(28)** 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 preceptor, **livestock reproductive specialist**, unregistered  
5 assistant or any other individual working 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, **livestock reproductive specialists**, or unregistered assistants of any  
9 responsibility or liability for any of their own acts or omissions.

340.295. 1. A person holding a doctorate from an accredited college or  
2 university with an emphasis on animal reproductive physiology, or a master of science  
3 degree from an accredited college or university with an emphasis on animal  
4 reproductive physiology, and who holds membership in a nationally recognized  
5 organization that acknowledges persons performing embryo transfer or in vitro  
6 fertilization, such as the American Embryo Transfer Association, may provide advanced  
7 reproductive technologies to livestock under indirect supervision of a licensed  
8 veterinarian.

9       2. A person with the educational attainment identified in subsection 1 of this  
10 section, but who is not a member of a nationally recognized organization that  
11 acknowledges persons performing embryo transfer or in vitro fertilization, may qualify  
12 as a livestock reproductive specialist by examination and, upon successful certification  
13 examination under subsection 3 of this section, may provide advanced reproductive  
14 technologies to livestock under indirect supervision of a licensed veterinarian.

15       3. (1) There is hereby established a committee, appointed and overseen by the  
16 board, to be known as the "Certification Examination Committee", to be composed of  
17 three members as follows: a veterinarian designated by the dean of the University of  
18 Missouri College of Veterinary Medicine; an animal scientist with a doctorate with an  
19 emphasis on animal reproductive physiology designated by the dean of the University of  
20 Missouri College of Agriculture, Food and Natural Resources; and an animal  
21 embryologist designated by the American Embryo Transfer Association. Each  
22 appointment shall be for a term of four years, and a member shall not serve more  
23 than two terms.

24       (2) The certification examination and continuing education of livestock  
25 reproductive specialists under this section shall be approved by the committee under  
26 this subsection. Proof of at least eight hours of continuing education from courses and  
27 study approved by the committee shall be required for annual certification renewal as a  
28 livestock reproductive specialist.