

SECOND REGULAR SESSION

# HOUSE BILL NO. 1313

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHULL (16).

3002H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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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Section A. Sections 340.200, 340.216, 340.218, and 340.222, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 340.200, 340.216, 340.218, and 340.222, to read as follows: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 a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the American Veterinary Medical Association (AVMA);

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

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

(4) **"Animal chiropractic practitioner", a licensed veterinarian certified by the AVCA or IVCA, or an individual who is licensed by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in section 331.010, who is certified by the AVCA or IVCA;**

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

18 [(4)] (6) "Appointed member of the board", regularly appointed members of the Missouri  
19 veterinary medical board, not including the state veterinarian who serves on the board ex officio;

20 [(5)] (7) **"AVCA", the American Veterinary Chiropractic Association or its**  
21 **successor organization;**

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

23 [(6)] (9) "Consulting veterinarian", a veterinarian licensed in another state, country or  
24 territory who gives advice or demonstrates techniques to a licensed Missouri veterinarian or  
25 group of licensed Missouri veterinarians;

26 [(7)] (10) "ECFVG certificate", a certificate issued by the American Veterinary Medical  
27 Association Educational Commission for Foreign Veterinary Graduates or its successor. The  
28 certificate must indicate that the holder of the certificate has demonstrated knowledge and skill  
29 equivalent to that possessed by a graduate of an accredited school of veterinary medicine;

30 [(8)] (11) "Emergency", when an animal has been placed in a life-threatening condition  
31 and immediate treatment is necessary to sustain life or where death is imminent and action is  
32 necessary to relieve pain or suffering;

33 [(9)] (12) "Faculty member", full professors, assistant professors, associate professors,  
34 clinical instructors and residents but does not include interns or adjunct appointments;

35 [(10)] (13) "Foreign veterinary graduate", any person, including foreign nationals and  
36 American citizens, who has received a professional veterinary medical degree from an AVMA  
37 listed veterinary college located outside the boundaries of the United States, its territories or  
38 Canada, that is not accredited by the AVMA;

39 [(11)] (14) **"IVCA", the International Veterinary Chiropractic Association or its**  
40 **successor organization;**

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

43 [(12)] (16) "Licensed veterinarian", an individual who is validly and currently licensed  
44 to practice veterinary medicine in Missouri as determined by the board in accordance with the  
45 requirements and provisions of sections 340.200 to 340.330;

46 [(13)] (17) "Minimum standards", standards as set by board rule and which establish the  
47 minimum requirements for the practice of veterinary medicine in the state of Missouri as are  
48 consistent with the intent and purpose of sections 340.200 to 340.330;

49 [(14)] (18) "Person", any individual, firm, partnership, association, joint venture,  
50 cooperative or corporation or any other group or combination acting in concert; whether or not  
51 acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative

52 or as the successor in interest, assigning agent, factor, servant, employee, director, officer or any  
53 other representative of such person;

54 ~~[(15)]~~ **(19)** "Practice of veterinary medicine", to represent directly, indirectly, publicly  
55 or privately an ability and willingness to do any act described in subdivision ~~[(28)]~~ **(32)** of this  
56 section;

57 ~~[(16)]~~ **(20)** "Provisional license", a license issued to a person while that person is  
58 engaged in a veterinary candidacy program;

59 ~~[(17)]~~ **(21)** "Registered veterinary technician", a person who is formally trained for the  
60 specific purpose of assisting a licensed veterinarian with technical services under the appropriate  
61 level of supervision as is consistent with the particular delegated animal health care task;

62 ~~[(18)]~~ **(22)** "Supervision":

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

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

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

75 ~~[(19)]~~ **(23)** "Supervisor", a licensed veterinarian employing or utilizing the services of  
76 a registered veterinary technician, veterinary intern, temporary provisional licensee, veterinary  
77 medical student, unregistered assistant or any other individual working under that veterinarian's  
78 supervision;

79 ~~[(20)]~~ **(24)** "Temporary license", any temporary permission to practice veterinary  
80 medicine issued by the board pursuant to section 340.248;

81 ~~[(21)]~~ **(25)** "Unregistered assistant", any individual who is not a registered veterinary  
82 technician or licensed veterinarian and is employed by a licensed veterinarian;

83 ~~[(22)]~~ **(26)** "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or  
84 equivalent title, a person who has received a doctor's degree in veterinary medicine from an  
85 accredited school of veterinary medicine or holds a ECFVG certificate issued by the AVMA;

86 ~~[(23)]~~ **(27)** "Veterinarian-client-patient relationship", the veterinarian has assumed the  
87 responsibility for making medical judgments regarding the health of the animal and the need for

88 medical treatment, and the client, owner or owner's agent has agreed to follow the instructions  
89 of the veterinarian. There is sufficient knowledge of the animal by the veterinarian to initiate at  
90 least a general or preliminary diagnosis of the medical condition of the animal.  
91 Veterinarian-client-patient relationship means that the veterinarian has recently seen and is  
92 personally acquainted with the keeping and care of the animal by virtue of an examination or by  
93 medically appropriate and timely visits to the premises where the animal is kept. The practicing  
94 veterinarian is readily available for follow-up care in case of adverse reactions or failure of the  
95 prescribed course of therapy;

96 ~~[(24)]~~ **(28)** "Veterinary candidacy program", a program by which a person who has  
97 received a doctor of veterinary medicine or equivalent degree from an accredited school of  
98 veterinary medicine can obtain the practical experience required for licensing in Missouri  
99 pursuant to sections 340.200 to 340.330;

100 ~~[(25)]~~ **(29)** "Veterinary facility", any place or unit from which the practice of veterinary  
101 medicine is conducted, including but not limited to the following:

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

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

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

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

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

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

125 ~~[(26)]~~ **(30)** "Veterinary candidate", a person who has received a doctor of veterinary  
126 medicine or equivalent degree from an accredited school or college of veterinary medicine and  
127 who is working under the supervision of a board-approved licensed veterinarian;

128 ~~[(27)]~~ **(31)** "Veterinary intern", a person who has received a doctor of veterinary  
129 medicine or equivalent degree from an accredited school or college of veterinary medicine and  
130 who is participating in additional clinical training in veterinary medicine to prepare for  
131 AVMA-recognized certification or specialization;

132 ~~[(28)]~~ **(32)** "Veterinary medicine", the science of diagnosing, treating, changing,  
133 alleviating, rectifying, curing or preventing any animal disease, deformity, defect, injury or other  
134 physical or mental condition, including, but not limited to, the prescription or administration of  
135 any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic  
136 substance or technique on any animal, including, but not limited to, acupuncture, dentistry,  
137 animal psychology, ~~[animal chiropractic,]~~ theriogenology, surgery, both general and cosmetic  
138 surgery, any manual, mechanical, biological or chemical procedure for testing for pregnancy or  
139 for correcting sterility or infertility or to render service or recommendations with regard to any  
140 of the procedures in this ~~[paragraph]~~ **subdivision;**

141 ~~[(29)]~~ **(33)** "Veterinary student preceptee", a person who is pursuing a veterinary degree  
142 in an accredited school of veterinary medicine which has a preceptor program and who has  
143 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 which  
3 requires knowledge of veterinary medicine for valuable consideration, or for any person not so  
4 licensed to hold himself or herself out to the public as a practitioner of veterinary medicine by  
5 advertisement, the use of any title or abbreviation with the person's name, or otherwise; except  
6 that nothing in sections 340.200 to 340.330 shall be construed as prohibiting:

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

11 (2) Acts of a person who is a student in good standing in a school or college of veterinary  
12 medicine or while working as a student preceptee, in performing duties or functions assigned by  
13 the student's instructors, or while working under the appropriate level of supervision of a licensed  
14 veterinarian as is consistent with the particular delegated animal health care task as established  
15 by board rule, and acts performed by a student in a school or college of veterinary medicine

16 recognized by the board and performed as part of the education and training curriculum of the  
17 school under the supervision of the faculty. The unsupervised or unauthorized practice of  
18 veterinary medicine, even though on the premises of a school or college of veterinary medicine,  
19 is prohibited;

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

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

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

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

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

50 (8) Any veterinary technician, duly registered by, and in good standing with, the board  
51 from administering medication, appliances or other products for the treatment of animals while

52 under the appropriate level of supervision as is consistent with the delegated animal health care  
53 task; ~~and~~

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

57 **(10) Any animal chiropractic practitioner from engaging in the practice of animal**  
58 **chiropractic.**

59 2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's  
60 authority to provide other exemptions or exceptions to the requirements of licensing as the board  
61 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 qualified  
3 to do any act described in subdivision ~~[(24)]~~ **(32)** of section 340.200 is prima facie evidence of  
4 the intention to represent such person as engaged in the practice of veterinary medicine under  
5 sections 340.200 to 340.330.

340.222. 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 licensee,  
4 veterinary medical preceptee, unregistered assistant or any other individual working under his  
5 or her supervision. Nothing in this section shall be construed to relieve veterinary technicians,  
6 veterinary medical candidates, provisional licensees, temporary licensees, veterinary medical  
7 preceptees or unregistered assistants of any responsibility or liability for any of their own acts  
8 or omissions.

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