

# SENATE BILL NO. 471

## 102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1643S.01I

KRISTINA MARTIN, Secretary

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2 340.222, RSMo, are repealed and four new sections enacted in  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

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

- 3 (1) "Accredited school of veterinary medicine", any  
4 veterinary college or division of a university or college  
5 that offers the degree of doctor of veterinary medicine or  
6 its equivalent and is accredited by the American Veterinary  
7 Medical Association (AVMA);
- 8 (2) "Animal", any wild, exotic or domestic, living or  
9 dead animal or mammal other than man, including birds, fish  
10 and reptiles;
- 11 (3) **"Animal chiropractic", the examination, diagnosis,  
12 and treatment of an animal through vertebral subluxation  
13 complex or spinal, joint, or musculoskeletal manipulation by  
14 an animal chiropractic practitioner. The term "animal  
15 chiropractic" shall not be construed to allow the performing  
16 of surgery, dispensing or administering of medications, or  
17 the performance of veterinary medicine;**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18           (4) "Animal chiropractic practitioner":

19           (a) A licensed veterinarian certified by the AVCA or  
20 IVCA; or

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

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

31           [(4)] (6) "Appointed member of the board", regularly  
32 appointed members of the Missouri veterinary medical board,  
33 not including the state veterinarian who serves on the board  
34 ex officio;

35           [(5)] (7) "AVCA", the American Veterinary Chiropractic  
36 Association or its successor organization;

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

38           [(6)] (9) "Consulting veterinarian", a veterinarian  
39 licensed in another state, country or territory who gives  
40 advice or demonstrates techniques to a licensed Missouri  
41 veterinarian or group of licensed Missouri veterinarians;

42           [(7)] (10) "ECFVG certificate", a certificate issued  
43 by the American Veterinary Medical Association Educational  
44 Commission for Foreign Veterinary Graduates or its  
45 successor. The certificate must indicate that the holder of  
46 the certificate has demonstrated knowledge and skill  
47 equivalent to that possessed by a graduate of an accredited  
48 school of veterinary medicine;

49 [(8)] (11) "Emergency", when an animal has been placed  
50 in a life-threatening condition and immediate treatment is  
51 necessary to sustain life or where death is imminent and  
52 action is necessary to relieve pain or suffering;

53 [(9)] (12) "Faculty member", full professors,  
54 assistant professors, associate professors, clinical  
55 instructors and residents but does not include interns or  
56 adjunct appointments;

57 [(10)] (13) "Foreign veterinary graduate", any person,  
58 including foreign nationals and American citizens, who has  
59 received a professional veterinary medical degree from an  
60 AVMA listed veterinary college located outside the  
61 boundaries of the United States, its territories or Canada,  
62 that is not accredited by the AVMA;

63 [(11)] (14) **"IVCA", the International Veterinary**  
64 **Chiropractic Association or its successor organization;**

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

67 [(12)] (16) "Licensed veterinarian", an individual who  
68 is validly and currently licensed to practice veterinary  
69 medicine in Missouri as determined by the board in  
70 accordance with the requirements and provisions of sections  
71 340.200 to 340.330;

72 [(13)] (17) "Minimum standards", standards as set by  
73 board rule and which establish the minimum requirements for  
74 the practice of veterinary medicine in the state of Missouri  
75 as are consistent with the intent and purpose of sections  
76 340.200 to 340.330;

77 [(14)] (18) "Person", any individual, firm,  
78 partnership, association, joint venture, cooperative or  
79 corporation or any other group or combination acting in  
80 concert; whether or not acting as principal, trustee,

81 fiduciary, receiver, or as any kind of legal or personal  
82 representative or as the successor in interest, assigning  
83 agent, factor, servant, employee, director, officer or any  
84 other representative of such person;

85 [(15)] (19) "Practice of veterinary medicine", to  
86 represent directly, indirectly, publicly or privately an  
87 ability and willingness to do any act described in  
88 subdivision [(28)] (32) of this section;

89 [(16)] (20) "Provisional license", a license issued to  
90 a person while that person is engaged in a veterinary  
91 candidacy program;

92 [(17)] (21) "Registered veterinary technician", a  
93 person who is formally trained for the specific purpose of  
94 assisting a licensed veterinarian with technical services  
95 under the appropriate level of supervision as is consistent  
96 with the particular delegated animal health care task;

97 [(18)] (22) "Supervision":

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

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

107 (c) "Indirect supervision", the licensed veterinarian  
108 need not be on the premises but has given either written or  
109 oral instructions for the treatment of the animal patient or  
110 treatment protocol has been established and the animal has  
111 been examined by a licensed veterinarian at such times as  
112 acceptable veterinary medical practice requires consistent

113 with the particular delegated health care task; provided  
114 that the patient is not in a surgical plane of anesthesia  
115 and the licensed veterinarian is available for consultation  
116 on at least a daily basis;

117 [(19)] (23) "Supervisor", a licensed veterinarian  
118 employing or utilizing the services of a registered  
119 veterinary technician, veterinary intern, temporary  
120 provisional licensee, veterinary medical student,  
121 unregistered assistant or any other individual working under  
122 that veterinarian's supervision;

123 [(20)] (24) "Temporary license", any temporary  
124 permission to practice veterinary medicine issued by the  
125 board pursuant to section 340.248;

126 [(21)] (25) "Unregistered assistant", any individual  
127 who is not a registered veterinary technician or licensed  
128 veterinarian and is employed by a licensed veterinarian;

129 [(22)] (26) "Veterinarian", "doctor of veterinary  
130 medicine", "DVM", "VMD", or equivalent title, a person who  
131 has received a doctor's degree in veterinary medicine from  
132 an accredited school of veterinary medicine or holds a ECFVG  
133 certificate issued by the AVMA;

134 [(23)] (27) "Veterinarian-client-patient  
135 relationship", the veterinarian has assumed the  
136 responsibility for making medical judgments regarding the  
137 health of the animal and the need for medical treatment, and  
138 the client, owner or owner's agent has agreed to follow the  
139 instructions of the veterinarian. There is sufficient  
140 knowledge of the animal by the veterinarian to initiate at  
141 least a general or preliminary diagnosis of the medical  
142 condition of the animal. Veterinarian-client-patient  
143 relationship means that the veterinarian has recently seen  
144 and is personally acquainted with the keeping and care of

145 the animal by virtue of an examination or by medically  
146 appropriate and timely visits to the premises where the  
147 animal is kept. The practicing veterinarian is readily  
148 available for follow-up care in case of adverse reactions or  
149 failure of the prescribed course of therapy;

150 [(24)] (28) "Veterinary candidacy program", a program  
151 by which a person who has received a doctor of veterinary  
152 medicine or equivalent degree from an accredited school of  
153 veterinary medicine can obtain the practical experience  
154 required for licensing in Missouri pursuant to sections  
155 340.200 to 340.330;

156 [(25)] (29) "Veterinary facility", any place or unit  
157 from which the practice of veterinary medicine is conducted,  
158 including but not limited to the following:

159 (a) "Veterinary or animal hospital or clinic", a  
160 facility that meets or exceeds all physical requirements and  
161 minimum standards as established by board rule for  
162 veterinary facilities; provides quality examination,  
163 diagnostic and health maintenance services for medical and  
164 surgical treatment of animals and is equipped to provide  
165 housing and nursing care for animals during illness or  
166 convalescence;

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

173 (c) "Central hospital", a facility that meets all  
174 requirements of a veterinary or animal hospital or clinic as  
175 defined in paragraph (a) of this subdivision and other  
176 requirements as established by board rule, and which

177 provides specialized care, including but not limited to  
178 twenty-four-hour nursing care and specialty consultation on  
179 permanent or on-call basis. A central hospital shall be  
180 utilized primarily on referral from area veterinary  
181 hospitals or clinics;

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

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

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

196 [(26)] (30) "Veterinary candidate", a person who has  
197 received a doctor of veterinary medicine or equivalent  
198 degree from an accredited school or college of veterinary  
199 medicine and who is working under the supervision of a board-  
200 approved licensed veterinarian;

201 [(27)] (31) "Veterinary intern", a person who has  
202 received a doctor of veterinary medicine or equivalent  
203 degree from an accredited school or college of veterinary  
204 medicine and who is participating in additional clinical  
205 training in veterinary medicine to prepare for AVMA-  
206 recognized certification or specialization;

207 [(28)] (32) "Veterinary medicine", the science of  
208 diagnosing, treating, changing, alleviating, rectifying,

209 curing or preventing any animal disease, deformity, defect,  
210 injury or other physical or mental condition, including, but  
211 not limited to, the prescription or administration of any  
212 drug, medicine, biologic, apparatus, application, anesthesia  
213 or other therapeutic or diagnostic substance or technique on  
214 any animal, including, but not limited to, acupuncture,  
215 dentistry, animal psychology, [animal chiropractic,]  
216 theriogenology, surgery, both general and cosmetic surgery,  
217 any manual, mechanical, biological or chemical procedure for  
218 testing for pregnancy or for correcting sterility or  
219 infertility or to render service or recommendations with  
220 regard to any of the procedures in this [paragraph]  
221 **subdivision;**

222 [(29)] (33) "Veterinary student preceptee", a person  
223 who is pursuing a veterinary degree in an accredited school  
224 of veterinary medicine which has a preceptor program and who  
225 has completed the academic requirements of such program.

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

11 (1) Any person from gratuitously providing emergency  
12 treatment, aid or assistance to animals where a licensed  
13 veterinarian is not available within a reasonable length of  
14 time if the person does not represent himself or herself to

15 be a veterinarian or use any title or degree appertaining to  
16 the practice thereof;

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

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

40 (4) Any merchant or manufacturer from selling drugs,  
41 medicine, appliances or other products used in the  
42 prevention or treatment of animal diseases if such drug,  
43 medicine, appliance or other product is not marked by the  
44 appropriate federal label. Such merchants or manufacturers  
45 shall not, either directly or indirectly, attempt to

46 diagnose a symptom or disease in order to advise treatment,  
47 use of drugs, medicine, appliances or other products;

48 (5) The owner of any animal or animals and the owner's  
49 full-time employees from caring for and treating any animals  
50 belonging to such owner, with or without the advice and  
51 consultation of a licensed veterinarian, provided that the  
52 ownership of the animal or animals is not transferred, or  
53 employment changed, to avoid the provisions of sections  
54 340.200 to 340.330; however, only a licensed veterinarian  
55 may immunize or treat an animal for diseases which are  
56 communicable to humans and which are of public health  
57 significance, except as otherwise provided for by board rule;

58 (6) Any graduate of any accredited school of  
59 veterinary medicine while engaged in a veterinary candidacy  
60 program or foreign graduate from a nonaccredited school or  
61 college of veterinary medicine while engaged in a veterinary  
62 candidacy program or clinical evaluation program, and while  
63 under the appropriate level of supervision of a licensed  
64 veterinarian performing acts which are consistent with the  
65 particular delegated animal health care task;

66 (7) State agencies, accredited schools, institutions,  
67 foundations, business corporations or associations,  
68 physicians licensed to practice medicine and surgery in all  
69 its branches, graduate doctors of veterinary medicine, or  
70 persons under the direct supervision thereof from conducting  
71 experiments and scientific research on animals in the  
72 development of pharmaceuticals, biologicals, serums, or  
73 methods of treatment, or techniques for the diagnosis or  
74 treatment of human ailments, or when engaged in the study  
75 and development of methods and techniques directly or  
76 indirectly applicable to the problems of the practice of  
77 veterinary medicine;

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

84 (9) A consulting veterinarian while working in a  
85 consulting capacity in Missouri while under the immediate  
86 supervision of a veterinarian licensed and in good standing  
87 under sections 340.200 to 340.330; and

88 **(10) Any animal chiropractic practitioner from**  
89 **engaging in the practice of animal chiropractic.**

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

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

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

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

15           **3.** Nothing in this section shall apply to animal  
16 chiropractic practitioners engaged in the practice of animal  
17 chiropractic. Any provisions of this chapter relating to  
18 supervision of persons described in subsection 2 of this  
19 section shall not apply to animal chiropractic practitioners  
20 engaged in the practice of animal chiropractic.

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