

SECOND REGULAR SESSION

# SENATE BILL NO. 746

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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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  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 340.200, 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  
2 mean:

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

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

9 (3) "Animal chiropractic", the examination and diagnosis of an  
10 animal and treatment of the animal through vertebral subluxation  
11 complex, spinal, joint, and musculoskeletal manipulation by an animal  
12 chiropractic practitioner;

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

18 (5) "Applicant", an individual who files an application to be licensed to

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

19 practice veterinary medicine or to be registered as a veterinary technician;

20 [(4)] (6) "Appointed member of the board", regularly appointed members  
21 of the Missouri veterinary medical board, not including the state veterinarian  
22 who serves on the board ex officio;

23 [(5)] (7) "AVCA", **means the American Veterinary Chiropractic**  
24 **Association or its successor organization;**

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

26 [(6)] (9) "Consulting veterinarian", a veterinarian licensed in another  
27 state, country or territory who gives advice or demonstrates techniques to a  
28 licensed Missouri veterinarian or group of licensed Missouri veterinarians;

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

34 [(8)] (11) "Emergency", when an animal has been placed in a  
35 life-threatening condition and immediate treatment is necessary to sustain life  
36 or where death is imminent and action is necessary to relieve pain or suffering;

37 [(9)] (12) "Faculty member", full professors, assistant professors,  
38 associate professors, clinical instructors and residents but does not include  
39 interns or adjunct appointments;

40 [(10)] (13) "Foreign veterinary graduate", any person, including foreign  
41 nationals and American citizens, who has received a professional veterinary  
42 medical degree from an AVMA listed veterinary college located outside the  
43 boundaries of the United States, its territories or Canada, that is not accredited  
44 by the AVMA;

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

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

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

53 [(13)] (17) "Minimum standards", standards as set by board rule and  
54 which establish the minimum requirements for the practice of veterinary

55 medicine in the state of Missouri as are consistent with the intent and purpose  
56 of sections 340.200 to 340.330;

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

63 [(15)] **(19)** "Practice of veterinary medicine", to represent directly,  
64 indirectly, publicly or privately an ability and willingness to do any act described  
65 in subdivision [(28)] **(32)** of this section;

66 [(16)] **(20)** "Provisional license", a license issued to a person while that  
67 person is engaged in a veterinary candidacy program;

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

72 [(18)] **(22)** "Supervision":

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

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

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

88 [(19)] **(23)** "Supervisor", a licensed veterinarian employing or utilizing  
89 the services of a registered veterinary technician, veterinary intern, temporary  
90 provisional licensee, veterinary medical student, unregistered assistant or any

91 other individual working under that veterinarian's supervision;

92       [(20)] **(24)** "Temporary license", any temporary permission to practice  
93 veterinary medicine issued by the board pursuant to section 340.248;

94       [(21)] **(25)** "Unregistered assistant", any individual who is not a  
95 registered veterinary technician or licensed veterinarian and is employed by a  
96 licensed veterinarian;

97       [(22)] **(26)** "Veterinarian", "doctor of veterinary medicine", "DVM",  
98 "VMD", or equivalent title, a person who has received a doctor's degree in  
99 veterinary medicine from an accredited school of veterinary medicine or holds a  
100 ECFVG certificate issued by the AVMA;

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

113       [(24)] **(28)** "Veterinary candidacy program", a program by which a person  
114 who has received a doctor of veterinary medicine or equivalent degree from an  
115 accredited school of veterinary medicine can obtain the practical experience  
116 required for licensing in Missouri pursuant to sections 340.200 to 340.330;

117       [(25)] **(29)** "Veterinary facility", any place or unit from which the practice  
118 of veterinary medicine is conducted, including but not limited to the following:

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

125       (b) "Specialty practice or clinic", a facility that provides complete specialty  
126 service by a licensed veterinarian who has advanced training in a specialty and

127 is a diplomate of an approved specialty board. A specialty practice or clinic shall  
128 meet all minimum standards which are applicable to a specialty as established  
129 by board rule;

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

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

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

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

146 [(26)] **(30)** "Veterinary candidate", a person who has received a doctor of  
147 veterinary medicine or equivalent degree from an accredited school or college of  
148 veterinary medicine and who is working under the supervision of a  
149 board-approved licensed veterinarian;

150 [(27)] **(31)** "Veterinary intern", a person who has received a doctor of  
151 veterinary medicine or equivalent degree from an accredited school or college of  
152 veterinary medicine and who is participating in additional clinical training in  
153 veterinary medicine to prepare for AVMA-recognized certification or  
154 specialization;

155 [(28)] **(32)** "Veterinary medicine", the science of diagnosing, treating,  
156 changing, alleviating, rectifying, curing or preventing any animal disease,  
157 deformity, defect, injury or other physical or mental condition, including, but not  
158 limited to, the prescription or administration of any drug, medicine, biologic,  
159 apparatus, application, anesthesia or other therapeutic or diagnostic substance  
160 or technique on any animal, including, but not limited to, acupuncture, dentistry,  
161 animal psychology, animal chiropractic, theriogenology, surgery, both general and  
162 cosmetic surgery, any manual, mechanical, biological or chemical procedure for

163 testing for pregnancy or for correcting sterility or infertility or to render service  
164 or recommendations with regard to any of the procedures in this [paragraph]  
165 **subdivision;**

166 [(29)] **(33)** "Veterinary student preceptee", a person who is pursuing a  
167 veterinary degree in an accredited school of veterinary medicine which has a  
168 preceptor program and who has completed the academic requirements of such  
169 program.

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

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

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

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

29 (4) Any merchant or manufacturer from selling drugs, medicine,

30 appliances or other products used in the prevention or treatment of animal  
31 diseases if such drug, medicine, appliance or other product is not marked by the  
32 appropriate federal label. Such merchants or manufacturers shall not, either  
33 directly or indirectly, attempt to diagnose a symptom or disease in order to advise  
34 treatment, use of drugs, medicine, appliances or other products;

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

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

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

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

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

64 **(10) Any animal chiropractic practitioner from engaging in the**  
65 **practice of animal chiropractic.**

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

          340.218. The use of any title, words, abbreviations, letters or symbol in  
2 a manner or under circumstances which induce the reasonable belief that the  
3 person using them is qualified to do any act described in subdivision [(24)] **(28)**  
4 of section 340.200 is prima facie evidence of the intention to represent such  
5 person as engaged in the practice of veterinary medicine under sections 340.200  
6 to 340.330.

          340.222. A supervisor, as defined in subdivision [(19)] **(23)** of section  
2 340.200, is individually and separately responsible and liable for the performance  
3 of the acts delegated to and the omissions of the veterinary technician, veterinary  
4 medical candidate, temporary licensee, veterinary medical preceptee, unregistered  
5 assistant or any other individual working under his or her supervision. Nothing  
6 in this section shall be construed to relieve veterinary technicians, veterinary  
7 medical candidates, provisional licensees, temporary licensees, veterinary medical  
8 preceptees or unregistered assistants of any responsibility or liability for any of  
9 their own acts or omissions.

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