

SENATE BILL NO. 883

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

5533S.011

KRISTINA MARTIN, Secretary

AN ACT

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

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

Section A. Sections 340.200, 340.216, 340.220, and
2 340.222, RSMo, are repealed and five new sections enacted in
3 lieu thereof, to be known as sections 340.200, 340.216, 340.220,
4 340.222, and 340.295, 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) **"Advanced reproductive technologies", processes by**
9 **which more offspring of livestock can be propagated to help**
10 **multiply the success of breeding and marketing programs;**
11 **these technologies include, but are not limited to, in vitro**
12 **fertilization (IVF) and embryo transfer (ET);**

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

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

16 [(3)] (4) "Animal chiropractic", the examination and
17 treatment of an animal through vertebral subluxation complex
18 or spinal, joint, or musculoskeletal manipulation by an
19 animal chiropractic practitioner. The term "animal
20 chiropractic" shall not be construed to require supervision
21 by a licensed veterinarian to practice or to allow the
22 diagnosing of an animal; the performing of surgery; the
23 dispensing, prescribing, or administering of medications,
24 drugs, or biologics; or the performance of any other type of
25 veterinary medicine when performed by an individual licensed
26 by the state board of chiropractic examiners;

27 [(4)] (5) "Animal chiropractic practitioner":

28 (a) A licensed veterinarian; or

29 (b) An individual who is licensed by the state board
30 of chiropractic examiners to engage in the practice of
31 chiropractic, as defined in section 331.010; who is
32 certified by the AVCA, IVCA, or other equivalent certifying
33 body; who has graduated from a certification course in
34 animal chiropractic with not less than two hundred ten hours
35 of instruction; and whose practice of animal chiropractic
36 shall be regulated by the state board of chiropractic
37 examiners under chapter 331;

38 [(5)] (6) "Applicant", an individual who files an
39 application to be licensed to practice veterinary medicine
40 or to be registered as a veterinary technician;

41 [(6)] (7) "Appointed member of the board", regularly
42 appointed members of the Missouri veterinary medical board,
43 not including the state veterinarian who serves on the board
44 ex officio;

45 [(7)] (8) "AVCA", the American Veterinary Chiropractic
46 Association or its successor organization;

47 [(8)] (9) "Board", the Missouri veterinary medical
48 board;

49 [(9)] (10) "Consulting veterinarian", a veterinarian
50 licensed in another state, country or territory who gives
51 advice or demonstrates techniques to a licensed Missouri
52 veterinarian or group of licensed Missouri veterinarians;

53 [(10)] (11) "ECFVG certificate", a certificate issued
54 by the American Veterinary Medical Association Educational
55 Commission for Foreign Veterinary Graduates or its
56 successor. The certificate must indicate that the holder of
57 the certificate has demonstrated knowledge and skill
58 equivalent to that possessed by a graduate of an accredited
59 school of veterinary medicine;

60 (12) **"Embryo transfer" or "ET", a process of**
61 **administering specific hormonal treatment with follicle**
62 **stimulating hormone to a donor animal to cause multiple**
63 **follicles to ovulate, breeding the donor using artificial**
64 **insemination, and non-surgically collecting the embryos from**
65 **the donor's uterus to transfer into a synchronous recipient**
66 **who will serve as a surrogate mother, or freezing the embryo**
67 **to be implanted at a later date, and including the**
68 **administration of lidocaine by caudal epidural on the donor**
69 **and recipient animals;**

70 [(11)] (13) "Emergency", when an animal has been
71 placed in a life-threatening condition and immediate
72 treatment is necessary to sustain life or where death is
73 imminent and action is necessary to relieve pain or
74 suffering;

75 [(12)] (14) "Faculty member", full professors,
76 assistant professors, associate professors, clinical
77 instructors and residents but does not include interns or
78 adjunct appointments;

79 [(13)] (15) "Foreign veterinary graduate", any person,
80 including foreign nationals and American citizens, who has
81 received a professional veterinary medical degree from an
82 AVMA listed veterinary college located outside the
83 boundaries of the United States, its territories or Canada,
84 that is not accredited by the AVMA;

85 (16) "In vitro fertilization" or "IVF", a process of
86 harvesting unfertilized oocytes directly from the ovaries of
87 a donor animal by needle aspiration, fertilizing the
88 retrieved oocytes, and transferring the fertilized oocytes
89 seven days post fertilization into a recipient animal, or
90 frozen to be implanted at a later date, and including the
91 administration of lidocaine by caudal epidural on the donor
92 and recipient animals;

93 [(14)] (17) "IVCA", the International Veterinary
94 Chiropractic Association or its successor organization;

95 [(15)] (18) "License", any permit, approval,
96 registration or certificate issued or renewed by the board;

97 [(16)] (19) "Licensed veterinarian", an individual who
98 is validly and currently licensed to practice veterinary
99 medicine in Missouri as determined by the board in
100 accordance with the requirements and provisions of sections
101 340.200 to 340.330;

102 (20) "Livestock", the same as defined in section
103 277.020, but shall not include ratite birds, including but
104 not limited to ostrich and emu, or aquatic products as
105 defined in section 277.024;

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

111 [(17)] (22) "Minimum standards", standards as set by
112 board rule and which establish the minimum requirements for
113 the practice of veterinary medicine in the state of Missouri
114 as are consistent with the intent and purpose of sections
115 340.200 to 340.330;

116 [(18)] (23) "Person", any individual, firm,
117 partnership, association, joint venture, cooperative or
118 corporation or any other group or combination acting in
119 concert; whether or not acting as principal, trustee,
120 fiduciary, receiver, or as any kind of legal or personal
121 representative or as the successor in interest, assigning
122 agent, factor, servant, employee, director, officer or any
123 other representative of such person;

124 [(19)] (24) "Practice of veterinary medicine", to
125 represent directly, indirectly, publicly or privately an
126 ability and willingness to do any act described in
127 subdivision (32) of this section;

128 [(20)] (25) "Provisional license", a license issued to
129 a person while that person is engaged in a veterinary
130 candidacy program;

131 [(21)] (26) "Registered veterinary technician", a
132 person who is formally trained for the specific purpose of
133 assisting a licensed veterinarian with technical services
134 under the appropriate level of supervision as is consistent
135 with the particular delegated animal health care task;

136 [(22)] (27) "Supervision":

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

140 (b) "Direct supervision", the licensed veterinarian is
141 on the premises where the animal is being treated and is
142 quickly and easily available and the animal has been

143 examined by a licensed veterinarian at such times as
144 acceptable veterinary medical practice requires consistent
145 with the particular delegated animal health care task;

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

156 [(23)] (28) "Supervisor", a licensed veterinarian
157 employing or utilizing the services of a registered
158 veterinary technician, veterinary intern, temporary
159 provisional licensee, veterinary medical student,
160 unregistered assistant or any other individual working under
161 that veterinarian's supervision;

162 [(24)] (29) "Temporary license", any temporary
163 permission to practice veterinary medicine issued by the
164 board pursuant to section 340.248;

165 [(25)] (30) "Unregistered assistant", any individual
166 who is not a registered veterinary technician or licensed
167 veterinarian and is employed by a licensed veterinarian;

168 [(26)] (31) "Veterinarian", "doctor of veterinary
169 medicine", "DVM", "VMD", or equivalent title, a person who
170 has received a doctor's degree in veterinary medicine from
171 an accredited school of veterinary medicine or holds a ECFVG
172 certificate issued by the AVMA;

173 [(27)] (32) "Veterinarian-client-patient
174 relationship", the veterinarian has assumed the

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

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

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

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

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

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

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

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

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

[(30)] (35) "Veterinary candidate", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary

238 medicine and who is working under the supervision of a board-
239 approved licensed veterinarian;

240 [(31)] (36) "Veterinary intern", a person who has
241 received a doctor of veterinary medicine or equivalent
242 degree from an accredited school or college of veterinary
243 medicine and who is participating in additional clinical
244 training in veterinary medicine to prepare for AVMA-
245 recognized certification or specialization;

246 [(32)] (37) "Veterinary medicine", the science of
247 diagnosing, treating, changing, alleviating, rectifying,
248 curing or preventing any animal disease, deformity, defect,
249 injury or other physical or mental condition, including, but
250 not limited to, the prescription or administration of any
251 drug, medicine, biologic, apparatus, application, anesthesia
252 or other therapeutic or diagnostic substance or technique on
253 any animal, including, but not limited to, acupuncture,
254 dentistry, animal psychology, animal chiropractic,
255 theriogenology, surgery, both general and cosmetic surgery,
256 any manual, mechanical, biological or chemical procedure for
257 testing for pregnancy or for correcting sterility or
258 infertility or to render service or recommendations with
259 regard to any of the procedures in this subdivision;

260 [(33)] (38) "Veterinary student preceptee", a person
261 who is pursuing a veterinary degree in an accredited school
262 of veterinary medicine which has a preceptor program and who
263 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

not actively engaged in performing or fulfilling their official duties and responsibilities;

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

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

(6) Any person qualified as a livestock reproductive specialist, acting under indirect supervision of a licensed veterinarian, while performing advanced reproductive technologies on livestock;

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

70 [(7)] (8) State agencies, accredited schools,
71 institutions, foundations, business corporations or
72 associations, physicians licensed to practice medicine and
73 surgery in all its branches, graduate doctors of veterinary
74 medicine, or persons under the direct supervision thereof
75 from conducting experiments and scientific research on
76 animals in the development of pharmaceuticals, biologicals,
77 serums, or methods of treatment, or techniques for the
78 diagnosis or treatment of human ailments, or when engaged in
79 the study and development of methods and techniques directly
80 or indirectly applicable to the problems of the practice of
81 veterinary medicine;

82 [(8)] (9) Any veterinary technician, duly registered
83 by, and in good standing with, the board from administering
84 medication, appliances or other products for the treatment
85 of animals while under the appropriate level of supervision
86 as is consistent with the delegated animal health care task;

87 [(9)] (10) A consulting veterinarian while working in
88 a consulting capacity in Missouri while under the immediate
89 supervision of a veterinarian licensed and in good standing
90 under sections 340.200 to 340.330; and

91 [(10)] (11) Any animal chiropractic practitioner from
92 engaging in the practice of animal chiropractic if the
93 animal chiropractic practitioner has received a referral of
94 the animal from a licensed veterinarian with a current
95 veterinarian-client-patient relationship, as defined in
96 section 340.200. The referring veterinarian may limit the
97 number of visits or length of treatment at the time of
98 referral or after consultation with the animal chiropractic
99 practitioner.

100 2. Nothing in sections 340.200 to 340.330 shall be
101 construed as limiting the board's authority to provide other

102 exemptions or exceptions to the requirements of licensing as
103 the board may find necessary or appropriate under its
104 rulemaking authority.

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

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

15 (2) **A livestock reproductive specialist trained in**
16 **advanced reproductive technologies to remove an embryo or**
17 **oocyte from livestock for the purpose of transplanting such**
18 **embryo into another female livestock animal or for the**
19 **purpose of cryopreserving such embryo, or to implant such**
20 **embryo into a livestock animal while under indirect**
21 **supervision of a licensed veterinarian.**

340.222. 1. A supervisor, as defined in subdivision
2 **[(23)] (28)** 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, **livestock**
7 **reproductive specialist**, unregistered assistant or any other
8 individual working under his or her 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, **livestock reproductive**
13 **specialist**, or unregistered assistants of any responsibility
14 or liability for any of their own acts or omissions.

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

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

20 3. (1) There is established a committee, appointed
21 and overseen by the board, to be known as the "Certification
22 Examination Committee" to be comprised of three members, as
23 follows: a veterinarian designated by the dean of
24 University of Missouri College of Veterinary Medicine; an
25 animal scientist with a doctorate with an emphasis on animal
26 reproductive physiology designated by the dean of the

27 University of Missouri College of Agriculture, Food and
28 Natural Resources; and an animal embryologist designated by
29 the American Embryo Transfer Association. A term of
30 appointment of each member shall be for four years and shall
31 not exceed two terms.

32 (2) The certification examination and continuing
33 education of livestock reproductive specialists under this
34 section shall be approved by the committee under this
35 subsection, including, but not limited to, proof of at least
36 eight hours of continuing education from courses and study
37 approved by the committee shall be required for annual
38 certification renewal as a livestock reproduction specialist.

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