

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 16, Page 11, Section 273.450, Line 52, by inserting after all of
2 said section and line the following:

3
4 "340.200. When used in sections 340.200 to 340.330, the following terms mean:

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

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

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

14 (4) "Animal chiropractic practitioner", a licensed veterinarian certified by the AVCA or
15 IVCA, or an individual who is licensed by the state board of chiropractic examiners to engage in the
16 practice of chiropractic, as defined in section 331.010, who is certified by the AVCA or IVCA. An
17 animal chiropractic practitioner shall be registered under the provisions of section 340.297;

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

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

22 [(5)] (7) "AVCA", the American Veterinary Chiropractic Association or its successor
23 organization;

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

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

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

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

35 [(9)] (12) "Faculty member", full professors, assistant professors, associate professors,
36 clinical instructors and residents but does not include interns or adjunct appointments;

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1 ~~[(10)]~~ (13) "Foreign veterinary graduate", any person, including foreign nationals and
2 American citizens, who has received a professional veterinary medical degree from an AVMA listed
3 veterinary college located outside the boundaries of the United States, its territories or Canada, that
4 is not accredited by the AVMA;

5 ~~[(11)]~~ (14) "IVCA", the International Veterinary Chiropractic Association or its successor
6 organization;

7 ~~(15)~~ "License", any permit, approval, registration or certificate issued or renewed by the
8 board;

9 ~~[(12)]~~ (16) "Licensed veterinarian", an individual who is validly and currently licensed to
10 practice veterinary medicine in Missouri as determined by the board in accordance with the
11 requirements and provisions of sections 340.200 to 340.330;

12 ~~[(13)]~~ (17) "Minimum standards", standards as set by board rule and which establish the
13 minimum requirements for the practice of veterinary medicine in the state of Missouri as are
14 consistent with the intent and purpose of sections 340.200 to 340.330;

15 ~~[(14)]~~ (18) "Person", any individual, firm, partnership, association, joint venture,
16 cooperative or corporation or any other group or combination acting in concert; whether or not
17 acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative or
18 as the successor in interest, assigning agent, factor, servant, employee, director, officer or any other
19 representative of such person;

20 ~~[(15)]~~ (19) "Practice of veterinary medicine", to represent directly, indirectly, publicly or
21 privately an ability and willingness to do any act described in subdivision ~~[(28)]~~ (32) of this section;

22 ~~[(16)]~~ (20) "Provisional license", a license issued to a person while that person is engaged in
23 a veterinary candidacy program;

24 ~~[(17)]~~ (21) "Registered veterinary technician", a person who is formally trained for the
25 specific purpose of assisting a licensed veterinarian with technical services under the appropriate
26 level of supervision as is consistent with the particular delegated animal health care task;

27 ~~[(18)]~~ (22) "Supervision":

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

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

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

40 ~~[(19)]~~ (23) "Supervisor", a licensed veterinarian employing or utilizing the services of a
41 registered veterinary technician, veterinary intern, temporary provisional licensee, veterinary
42 medical student, unregistered assistant or any other individual working under that veterinarian's
43 supervision;

44 ~~[(20)]~~ (24) "Temporary license", any temporary permission to practice veterinary medicine
45 issued by the board pursuant to section 340.248;

46 ~~[(21)]~~ (25) "Unregistered assistant", any individual who is not a registered veterinary
47 technician or licensed veterinarian and is employed by a licensed veterinarian;

48 ~~[(22)]~~ (26) "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or equivalent

1 title, a person who has received a doctor's degree in veterinary medicine from an accredited school
2 of veterinary medicine or holds a ECFVG certificate issued by the AVMA;

3 ~~[(23)]~~ (27) "Veterinarian-client-patient relationship", the veterinarian has assumed the
4 responsibility for making medical judgments regarding the health of the animal and the need for
5 medical treatment, and the client, owner or owner's agent has agreed to follow the instructions of the
6 veterinarian. There is sufficient knowledge of the animal by the veterinarian to initiate at least a
7 general or preliminary diagnosis of the medical condition of the animal. Veterinarian-client-patient
8 relationship means that the veterinarian has recently seen and is personally acquainted with the
9 keeping and care of the animal by virtue of an examination or by medically appropriate and timely
10 visits to the premises where the animal is kept. The practicing veterinarian is readily available for
11 follow-up care in case of adverse reactions or failure of the prescribed course of therapy;

12 ~~[(24)]~~ (28) "Veterinary candidacy program", a program by which a person who has received
13 a doctor of veterinary medicine or equivalent degree from an accredited school of veterinary
14 medicine can obtain the practical experience required for licensing in Missouri pursuant to sections
15 340.200 to 340.330;

16 ~~[(25)]~~ (29) "Veterinary facility", any place or unit from which the practice of veterinary
17 medicine is conducted, including but not limited to the following:

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

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

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

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

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

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

41 ~~[(26)]~~ (30) "Veterinary candidate", a person who has received a doctor of veterinary
42 medicine or equivalent degree from an accredited school or college of veterinary medicine and who
43 is working under the supervision of a board-approved licensed veterinarian;

44 ~~[(27)]~~ (31) "Veterinary intern", a person who has received a doctor of veterinary medicine
45 or equivalent degree from an accredited school or college of veterinary medicine and who is
46 participating in additional clinical training in veterinary medicine to prepare for AVMA-recognized
47 certification or specialization;

48 ~~[(28)]~~ (32) "Veterinary medicine", the science of diagnosing, treating, changing, alleviating,

1 rectifying, curing or preventing any animal disease, deformity, defect, injury or other physical or
 2 mental condition, including, but not limited to, the prescription or administration of any drug,
 3 medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or
 4 technique on any animal, including, but not limited to, acupuncture, dentistry, animal psychology,
 5 ~~[animal chiropractic]~~ theriogenology, surgery, both general and cosmetic surgery, any manual,
 6 mechanical, biological or chemical procedure for testing for pregnancy or for correcting sterility or
 7 infertility or to render service or recommendations with regard to any of the procedures in this
 8 ~~[paragraph]~~ subdivision;

9 ~~[(29)]~~ (33) "Veterinary student preceptee", a person who is pursuing a veterinary degree in
 10 an accredited school of veterinary medicine which has a preceptor program and who has completed
 11 the academic requirements of such program.

12 340.210. 1. The board shall adopt and have a common seal bearing the name "Missouri
 13 Veterinary Medical Board".

14 2. The powers of the board are granted to enable the board to effectively supervise the
 15 practice of veterinary medicine and to carry out the intent and provisions of sections 340.200 to
 16 340.330, and, therefore, are to be construed liberally in order to accomplish such objectives.

17 3. Including, but not limited to, the board shall have the power to:

18 (1) Examine and determine the qualifications and fitness of applicants for a license to
 19 practice veterinary medicine in this state;

20 (2) Issue, renew, deny, suspend, revoke, or place on probation any license, certificate,
 21 authority or permit to practice or assist in the practice of veterinary medicine in this state, or to
 22 otherwise discipline or assess civil monetary penalties or order restitution, or other actions
 23 consistent with the provisions of sections 340.200 to 340.330 and the rules adopted thereunder;

24 (3) Conduct investigations of complaints or other investigations as deemed necessary by the
 25 board for the purpose of discovering violations of sections 340.200 to 340.330 or grounds for
 26 disciplining any person licensed or regulated under sections 340.200 to 340.330, and to contract for
 27 or appoint persons or committees to assist in such investigations;

28 (4) Conduct investigations or complaints against animal chiropractic practitioners and
 29 discipline or assess civil monetary penalties not to exceed five hundred dollars per incident or order
 30 restitution for any injury caused to an animal for practicing animal chiropractic in violation of
 31 section 340.297;

32 (5) Hold hearings, issue subpoenas and take testimony bearing on the records of applicants
 33 for licensing or licensees who may be under consideration by the board for discipline and to issue
 34 final orders of the board on such matters that come before the board;

35 ~~[(5)]~~ (6) Issue permits to and, upon complaint by any person, inspect any veterinary facility
 36 utilized by any practicing veterinarian or from which the practice of veterinary medicine is
 37 conducted. Such inspection shall not include any vehicle used in the practice of veterinary
 38 medicine, unless the board has received a complaint regarding such vehicle, then the board may
 39 inspect the vehicle. Such inspection shall be made by the board, a board member or other
 40 authorized representatives as appointed by the board. The results of the inspection shall be reported
 41 to the board, on forms prescribed by the board, the purpose of which shall be to ensure compliance
 42 with the provisions of sections 340.200 to 340.330 or board rules promulgated thereunder for such
 43 facilities or for seeking disciplinary action in all instances where the board has reason to believe
 44 there are or may be violations of such provisions or rules;

45 ~~[(6)]~~ (7) Provide registration for veterinary technicians, temporary licensees and provisional
 46 licensees and to adopt rules concerning the training, supervision and service limits, and continuing
 47 education of such persons while employed or acting under the supervision of licensed veterinarians
 48 and to have exclusive jurisdiction in determining the eligibility and qualification requirements and

1 in granting or refusing to grant any registration, certificate or license for any such person or to
 2 discipline any person so registered or licensed under the provisions of sections 340.200 to 340.330
 3 or by board rule;

4 (8) Issue certificates of registration to animal chiropractic practitioners in accordance with
 5 section 340.297;

6 ~~[(7)]~~ (9) Fix by board rule minimum standards for, but not limited to, the practice of
 7 veterinary medicine, medical records, emergency services, radiological services, dispensed drug
 8 labeling, nursing care, veterinary facilities, sanitation and sterilization, veterinarian-client-patient
 9 relationships, and continuing education;

10 ~~[(8)]~~ (10) Employ full- or part-time personnel, including an executive director, professional,
 11 clerical or special personnel as necessary to effectuate the provisions of sections 340.200 to 340.330
 12 and to rent or purchase any necessary space, equipment and supplies within available
 13 appropriations;

14 ~~[(9)]~~ (11) Establish fees necessary to administer the provisions of sections 340.200 to
 15 340.330;

16 ~~[(10)]~~ (12) Authorize the chairman or vice chairman to sign complaints or referrals for
 17 proceedings before the administrative hearing commission or in a court of competent jurisdiction as
 18 necessary for the enforcement of sections 340.200 to 340.330;

19 ~~[(11)]~~ (13) Appoint from its own membership one or more members to act as
 20 representatives of the board at any meeting within or without the state when such representation is
 21 deemed desirable;

22 ~~[(12)]~~ (14) Establish standing or ad hoc committees from its membership to facilitate its
 23 work effectively, fulfill its duties and to exercise its powers. Such committees must consist of at
 24 least two board members to transact business. Any business or action of the committee shall have
 25 no effect until and unless the business or action is ratified by a majority vote of the full board;

26 ~~[(13)]~~ (15) Adopt, amend or repeal all rules necessary to carry into effect the provisions of
 27 sections 340.200 to 340.330, including, but not limited to, the establishment and publication of rules
 28 of professional conduct for the practice of veterinary medicine and such rules as it deems necessary
 29 to supervise the practice of veterinary medicine. Such rules must be published and made available
 30 upon request to persons licensed or registered under sections 340.200 to 340.330 at no cost and
 31 distributed at no cost to all applicants for licensing or registration under sections 340.200 to
 32 340.330. Any proposed rulemaking, revision or amendment thereto, shall be accomplished in
 33 accordance with the requirements and provisions of chapter 536;

34 ~~[(14)]~~ (16) Assist the attorney general in any proper action to oust from practice unlawful
 35 practitioners or remove from practice licensed or registered persons in violation of any provision of
 36 sections 340.200 to 340.330 or board rule and assist with any prosecution for criminal violations of
 37 sections 340.200 to 340.330; and

38 ~~[(15)]~~ (17) Enter into contracts with any entity, public or private, for the purpose of having
 39 examinations prepared, graded, evaluated, proctored, or for any other examination service deemed
 40 desirable or necessary by the board.

41 4. No rule or portion of a rule promulgated under the authority of this chapter shall become
 42 effective unless it has been promulgated pursuant to the provisions of chapter 536.

43 340.212. 1. The board shall cause the executive director to prepare and maintain a written
 44 record of all board proceedings whether or not such proceedings are formal, informal, open or
 45 closed to the public. All records so prepared and maintained and other documents or reports
 46 incorporated therein shall be open to the public except where specifically required or allowed to be
 47 closed to the public pursuant to chapter 610.

48 2. Other provisions of section 324.001 to the contrary notwithstanding, the board shall

1 publish a list of the names and addresses of all persons who hold licenses under the provisions of
2 sections 340.200 to 340.330 or who hold a certificate of registration under section 340.297, and
3 shall publish a list of all persons whose licenses have been suspended, revoked, surrendered,
4 restricted, denied, withheld, or otherwise disciplined, whether voluntarily or not. The board shall
5 also publish a list of registered animal chiropractic practitioners who have been investigated and
6 disciplined by the board. The board shall mail a copy of such ~~[Hist]~~ lists to any person, agency or
7 professional association upon request and payment of a fee necessary for photocopying and postage
8 as established by board rule. The board may forward such lists at no charge and upon its own
9 motion for the purpose of voluntary interstate exchange of information or to other administrative or
10 law enforcement agencies acting within the scope of their statutory authority, whether the same be
11 interstate or intrastate.

12 3. Other provisions of section 324.001 to the contrary notwithstanding, the board shall
13 prepare and make available to the public a report upon the final disciplinary actions taken by the
14 board or denial of licensure. Such report shall set forth findings of fact, grounds for such denial or
15 discipline, names of board members who were present, and any resulting order or directive of the
16 board; the same to apply whether or not discipline or denial is voluntarily agreed to by the licensee
17 or applicant or registered animal chiropractic practitioner. Whenever a person possessing a license
18 voluntarily enters chemical or alcohol treatment and monitoring programs for purposes of
19 rehabilitation by informal agreement with the board, the action shall not be reported with any other
20 actions taken or agreed to between the board and the licensee or applicant.

21 4. Where the board does not recommend disciplinary action, a report stating that no action
22 is recommended shall be prepared and forwarded to the complaining party and the licensee or
23 applicant or registered animal chiropractic practitioner.

24 5. Members of the board or employees of the board shall be immune from any suit
25 predicated on the publication of information, reports or lists required by this section.

26 340.216. 1. It is unlawful for any person not licensed as a veterinarian under the provisions
27 of sections 340.200 to 340.330 to practice veterinary medicine or to do any act which requires
28 knowledge of veterinary medicine for valuable consideration, or for any person not so licensed to
29 hold himself or herself out to the public as a practitioner of veterinary medicine by advertisement,
30 the use of any title or abbreviation with the person's name, or otherwise; except that nothing in
31 sections 340.200 to 340.330 shall be construed as prohibiting:

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

36 (2) Acts of a person who is a student in good standing in a school or college of veterinary
37 medicine or while working as a student preceptee, in performing duties or functions assigned by the
38 student's instructors, or while working under the appropriate level of supervision of a licensed
39 veterinarian as is consistent with the particular delegated animal health care task as established by
40 board rule, and acts performed by a student in a school or college of veterinary medicine recognized
41 by the board and performed as part of the education and training curriculum of the school under the
42 supervision of the faculty. The unsupervised or unauthorized practice of veterinary medicine, even
43 though on the premises of a school or college of veterinary medicine, is prohibited;

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

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

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

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

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

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

27 (9) A consulting veterinarian while working in a consulting capacity in Missouri while
 28 under the immediate supervision of a veterinarian licensed and in good standing under sections
 29 340.200 to 340.330; and

30 (10) Any animal chiropractic practitioner from engaging in the practice of animal
 31 chiropractic.

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

35 340.218. The use of any title, words, abbreviations, letters or symbol in a manner or under
 36 circumstances which induce the reasonable belief that the person using them is qualified to do any
 37 act described in subdivision ~~[(24)]~~ (32) of section 340.200 is prima facie evidence of the intention to
 38 represent such person as engaged in the practice of veterinary medicine under sections 340.200 to
 39 340.330.

40 340.222. A supervisor, as defined in subdivision ~~[(19)]~~ (23) of section 340.200, is
 41 individually and separately responsible and liable for the performance of the acts delegated to and
 42 the omissions of the veterinary technician, veterinary medical candidate, temporary licensee,
 43 veterinary medical preceptee, unregistered assistant or any other individual working under his or her
 44 supervision. Nothing in this section shall be construed to relieve veterinary technicians, veterinary
 45 medical candidates, provisional licensees, temporary licensees, veterinary medical preceptees or
 46 unregistered assistants of any responsibility or liability for any of their own acts or omissions.

47 340.297. In order to practice as an animal chiropractic practitioner in the state of Missouri,
 48 an individual shall be:

1 (1) A licensed veterinarian certified by the AVCA or IVCA, or an individual who is licensed
2 by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in
3 section 331.010, who is certified by the AVCA or IVCA; and

4 (2) Registered with the board. The board may charge a fee to register under this
5 subdivision; however, such fee shall not exceed the cost incurred by the board for issuing a
6 certificate of registration."; and

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.