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Section A. Sections 340.200, 340.216, 340.218, and 340.222, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 340.200, 340.216, 340.218, and 340.222, to read as follows:

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

1. "Accredited school of veterinary medicine", any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the American Veterinary Medical Association (AVMA);
2. "Animal", any wild, exotic or domestic, living or dead animal or mammal other than man, including birds, fish and reptiles;
3. "Animal chiropractic", the examination and diagnosis of an animal and treatment of the animal through vertebral subluxation complex, spinal, joint, and musculoskeletal manipulation by an animal chiropractic practitioner;
4. "Animal chiropractic practitioner", a licensed veterinarian certified by the AVCA or IVCA, or an individual who is licensed by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in section 331.010, who is certified by the AVCA or IVCA;
5. "Applicant", an individual who files an application to be licensed to practice veterinary medicine or to be registered as a veterinary technician;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
"Appointed member of the board", regularly appointed members of the Missouri veterinary medical board, not including the state veterinarian who serves on the board ex officio;

"AVCA", the American Veterinary Chiropractic Association or its successor organization;

"Board", the Missouri veterinary medical board;

"Consulting veterinarian", a veterinarian licensed in another state, country or territory who gives advice or demonstrates techniques to a licensed Missouri veterinarian or group of licensed Missouri veterinarians;

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

"Emergency", when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life or where death is imminent and action is necessary to relieve pain or suffering;

"Faculty member", full professors, assistant professors, associate professors, clinical instructors and residents but does not include interns or adjunct appointments;

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

"IVCA", the International Veterinary Chiropractic Association or its successor organization;

"License", any permit, approval, registration or certificate issued or renewed by the board;

"Licensed veterinarian", an individual who is validly and currently licensed to practice veterinary medicine in Missouri as determined by the board in accordance with the requirements and provisions of sections 340.200 to 340.330;

"Minimum standards", standards as set by board rule and which establish the minimum requirements for the practice of veterinary medicine in the state of Missouri as are consistent with the intent and purpose of sections 340.200 to 340.330;

"Person", any individual, firm, partnership, association, joint venture, cooperative or corporation or any other group or combination acting in concert; whether or not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative or as the successor in interest, assigning agent, factor, servant, employee, director, officer or any other representative of such person;
"Practice of veterinary medicine", to represent directly, indirectly, publicly or privately an ability and willingness to do any act described in subdivision [(28)] (32) of this section;

"Provisional license", a license issued to a person while that person is engaged in a veterinary candidacy program;

"Registered veterinary technician", a person who is formally trained for the specific purpose of assisting a licensed veterinarian with technical services under the appropriate level of supervision as is consistent with the particular delegated animal health care task;

"Supervision":

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

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

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

"Supervisor", a licensed veterinarian employing or utilizing the services of a registered veterinary technician, veterinary intern, temporary provisional licensee, veterinary medical student, unregistered assistant or any other individual working under that veterinarian's supervision;

"Temporary license", any temporary permission to practice veterinary medicine issued by the board pursuant to section 340.248;

"Unregistered assistant", any individual who is not a registered veterinary technician or licensed veterinarian and is employed by a licensed veterinarian;

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

"Veterinarian-client-patient 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
88 least a general or preliminary diagnosis of the medical condition of the animal.  
89 Veterinarian-client-patient relationship means that the veterinarian has recently seen and is 
90 personally acquainted with the keeping and care of the animal by virtue of an examination or by 
91 medically appropriate and timely visits to the premises where the animal is kept. The practicing 
92 veterinarian is readily available for follow-up care in case of adverse reactions or failure of the 
93 prescribed course of therapy; 
94 [(24)] (28) "Veterinary candidacy program", a program by which a person who has 
95 received a doctor of veterinary medicine or equivalent degree from an accredited school of 
96 veterinary medicine can obtain the practical experience required for licensing in Missouri 
97 pursuant to sections 340.200 to 340.330; 
98 [(25)] (29) "Veterinary facility", any place or unit from which the practice of veterinary 
99 medicine is conducted, including but not limited to the following: 
100 (a) "Veterinary or animal hospital or clinic", a facility that meets or exceeds all physical 
101 requirements and minimum standards as established by board rule for veterinary facilities; 
102 provides quality examination, diagnostic and health maintenance services for medical and 
103 surgical treatment of animals and is equipped to provide housing and nursing care for animals 
104 during illness or convalescence; 
105 (b) "Specialty practice or clinic", a facility that provides complete specialty service by 
106 a licensed veterinarian who has advanced training in a specialty and is a diplomate of an 
107 approved specialty board. A specialty practice or clinic shall meet all minimum standards which 
108 are applicable to a specialty as established by board rule; 
109 (c) "Central hospital", a facility that meets all requirements of a veterinary or animal 
110 hospital or clinic as defined in paragraph (a) of this subdivision and other requirements as 
111 established by board rule, and which provides specialized care, including but not limited to 
112 twenty-four-hour nursing care and specialty consultation on permanent or on-call basis. A 
113 central hospital shall be utilized primarily on referral from area veterinary hospitals or clinics; 
114 (d) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned by 
115 or associated with and has ready access to a full-service veterinary hospital or clinic or a central 
116 hospital providing all mandatory services and meeting all physical requirements and minimum 
117 standards as established by sections 340.200 to 340.330 or by board rule; 
118 (e) "Large animal mobile clinic", a facility that provides examination, diagnostic and 
119 preventive medicine and minor surgical services for large animals not requiring confinement or 
120 hospitalization; 
121 (f) "Emergency clinic", a facility established to receive patients and to treat illnesses and 
122 injuries of an emergency nature;
"Veterinary candidate", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary medicine and who is working under the supervision of a board-approved licensed veterinarian;

"Veterinary intern", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary medicine and who is participating in additional clinical training in veterinary medicine to prepare for AVMA-recognized certification or specialization;

"Veterinary student preceptee", a person who is pursuing a veterinary degree in an accredited school of veterinary medicine which has a preceptor program and who has completed the academic requirements of such program.

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

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

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

(3) Personnel employed by the United States Department of Agriculture or the Missouri department of agriculture from engaging in animal disease, parasite control or eradication programs, or other functions specifically required and authorized to be performed by unlicensed federal or state officials under any lawful act or statute, 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 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;

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

(8) Any veterinary technician, duly registered by, and in good standing with, the board from administering medication, appliances or other products for the treatment of animals while under the appropriate level of supervision as is consistent with the delegated animal health care task;
(9) A consulting veterinarian while working in a consulting capacity in Missouri while under the immediate supervision of a veterinarian licensed and in good standing under sections 340.200 to 340.330; and

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

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

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

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