

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/29/2001

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Russ Whitesel**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact: **Russ Whitesel**

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Certification of animal chiropractors

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kunkemd 11/06/2001	gilfokm 11/07/2001	kfollet 11/08/2001	_____	lrb_docadmin 11/08/2001		State
	kunkemd 11/10/2001	gilfokm 11/12/2001		_____			
/1			rschluet 11/13/2001	_____	lrb_docadmin 11/13/2001	lrb_docadminState 12/14/2001	

FE Sent For:

<END>

→ At Intro.

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FE Sent For:

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<END>  
11-12-1

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1/?	kunkemd	1-11/7 KMG	KJL LLS	KJLRS 11/8			

FE Sent For:

<END>

Sen Brestke  
- from Russ Whitsel

- certify lic'd chiro.  
to practitioner  
animals

April 24, 2000  
Chapter 131  
Laws of 2000

- restrict to  
chiropractic,  
don't involve vets

THE STATE SENATE  
Thursday, February, 17, 2000

Jolene Churchill

- p-draft **Senate Bill No. 838**

- use chiro. ex. 6d. **As Amended**

- NOT a priority

SENATE BILL NO. 838 - By: CRUTCHFIELD of the Senate and POPE (Clay) of the House.

An Act relating to animal chiropractic diagnosis and treatment; amending 59 O.S. 1991, Sections 161.2, 161.3, as amended by Section 1, Chapter 390, O.S.L. 1994, 161.18, as amended by Section 1, Chapter 207, O.S.L. 1995, 698.2, as last amended by Section 2, Chapter 94, O.S.L. 1999, 698.7, as last amended by Section 8, Chapter 94, O.S.L. 1999, 698.11, as amended by Section 13, Chapter 94, O.S.L. 1999, and 698.12, as amended by Section 14, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Sections 161.3, 161.18, 698.2, 698.7, 698.11, and 698.12), which relate to the Oklahoma Chiropractic Practice Act and the Oklahoma Veterinary Practice Act; authorizing provision of animal chiropractic diagnosis and treatment under certain circumstances; defining terms; requiring establishment of certain standards; requiring certain additional insurance; requiring certain training; requiring certain certification and availability of lists of certified persons; including animal chiropractic in scope of practice of veterinary medicine; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 161.2, is amended to read as follows:

Section 161.2 Chiropractic is the science and art that teaches health in anatomic relation and disease or abnormality in anatomic disrelation, and includes hygienic, sanitary and therapeutic measures incident thereto in humans. The scope of practice of chiropractic shall include those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners. Animal chiropractic diagnosis and treatment may be provided if the conditions of paragraph 2 of Section 161.3 of this title and subsection C of Section 161.18 of this title are met.

SB 838

1 SECTION 2. AMENDATORY 59 O.S. 1991, Section 161.3, as amended by  
2 Section 1, Chapter 390, O.S.L. 1994 (59 O.S. Supp. 1999, Section 161.3), is  
3 amended to read as follows:

4 Section 161.3 As used in the Oklahoma Chiropractic Practice Act, these  
5 words, phrases or terms, unless the context otherwise indicates, shall have the  
6 following meanings:

7 1. "Accredited chiropractic college" means a chiropractic educational  
8 institution which is accredited by the Commission on Accreditation of the Council  
9 on Chiropractic Education, a national, independent accreditation body recognized  
10 and approved by the U.S. Department of Education, or its successor;

11 2. "Animal chiropractic diagnosis and treatment" means treatment that  
12 includes vertebral subluxation complex (vcs) and spinal manipulation of non-human  
13 vertebrates; the term shall not be construed to allow the:

- 14 a. use of x-rays,  
15 b. performing of surgery,  
16 c. dispensing or administering of medications, or  
17 d. performance of traditional veterinary care;

18 3. "Applicant" means any person submitting an application for licensure to  
19 the Board;

20 ~~3-~~ 4. "Board" means the Board of Chiropractic Examiners;

21 ~~4-~~ 5. "Chiropractic physician", "chiropractor", "doctor of chiropractic",  
22 "practitioner of chiropractic" and "licensee" are synonymous and mean a person  
23 holding an original license to practice chiropractic in this state;

24 ~~5-~~ 6. "Examination" means the process used by the Board, prior to the  
25 issuance of an original license, to test the qualifications and knowledge of an  
26 applicant in the basic sciences and the science and art of chiropractic;

27 ~~6-~~ 7. "Intern" means a student at an accredited chiropractic college who is  
28 participating in the Chiropractic Undergraduate Preceptorship Program;

1        ~~7-~~ 8. "Original license" means a license granting initial authorization to  
2 practice chiropractic in this state issued by the Board to an applicant found by  
3 the Board to meet the licensing requirements of the Oklahoma Chiropractic Practice  
4 Act, by examination pursuant to Section 161.7 of this title, or by reciprocity  
5 pursuant to Section 161.9 of this title;

6        ~~8-~~ 9. "Preceptor" means a chiropractic physician who is participating in the  
7 Chiropractic Undergraduate Preceptorship Program;

8        ~~9-~~ 10. "Reciprocity" means the recognition and approval by the Board, prior  
9 to the issuance of an original license, of the chiropractic licensing process in  
10 another state, country, territory or province; and

11        ~~10-~~ 11. "Renewal license" means a license issued to a chiropractic physician  
12 by the Board, on or before the first day of January of each year, which authorizes  
13 such licensee to practice chiropractic in this state during the succeeding  
14 calendar year.

15        SECTION 3.        AMENDATORY        59 O.S. 1991, Section 161.18, as amended by  
16 Section 1, Chapter 207, O.S.L. 1995 (59 O.S. Supp. 1999, Section 161.18), is  
17 amended to read as follows:

18        Section 161.18 A. There is hereby created the "Oklahoma Chiropractic Code  
19 of Ethics". This Code of Ethics is based upon the fundamental principle that the  
20 ultimate end and objective of the chiropractic physician's professional services  
21 and effort should be: "The greatest good for the patient."

22        B. Responsibility to the patient:

23        1. Chiropractic physicians should hold themselves ready at all times to  
24 respond to the call of those needing their professional services, although they  
25 are free to accept or reject a particular patient except in an emergency;

26        2. Chiropractic physicians should attend their patients as often as they  
27 consider necessary to ensure the well-being of their patients, but should avoid  
28 unnecessary treatments;

1           3. Having once undertaken to serve a patient, chiropractic physicians should  
2 not neglect the patient. Chiropractic physicians should not terminate their  
3 professional services to patients without taking reasonable steps to protect such  
4 patients, including due notice to them allowing sufficient time for obtaining  
5 professional services of others, delivering to their patients all papers and  
6 documents in compliance with paragraph 5 of this subsection;

7           4. Chiropractic physicians should endeavor to practice with the highest  
8 degree of professional competency and honesty in the proper care of their  
9 patients;

10          5. Chiropractic physicians should comply with a patient's authorization to  
11 provide records, or copies of such records, to those persons whom the patient  
12 designates as authorized to inspect or receive all or part of such records. A  
13 reasonable charge may be made for the cost of copying records;

14          6. Subject to paragraph 5 of this subsection, chiropractic physicians should  
15 preserve and protect the patient's confidences and records, except as the patient  
16 directs or consents, or if the law requires otherwise. They should not discuss a  
17 patient's history, symptoms, diagnosis, or treatment with a lawyer until they have  
18 received the informed consent of the patient or the patient's personal  
19 representative. They should avoid exploiting the trust and dependency of their  
20 patients;

21          7. Chiropractic physicians owe loyalty, compassion and respect to their  
22 patients. Their clinical judgment and practice should be objective and exercised  
23 solely for the patient's benefit;

24          8. Chiropractic physicians should recognize and respect the right of every  
25 person to free choice of chiropractic physicians or other health-care providers  
26 and to the right to change such choice at will;

27          9. Chiropractic physicians are entitled to receive proper and reasonable  
28 compensation for their professional services commensurate with the value of the



1 services they have rendered in the light of their experience, the time required,  
2 the reputation and nature of the condition involved. Chiropractic physicians  
3 should terminate a professional relationship when it becomes reasonably clear that  
4 the patient is not benefiting from it. Chiropractic physicians should support and  
5 participate in proper activities designed to enable access to necessary  
6 chiropractic care on the part of persons unable to pay such reasonable fees;

7 10. Chiropractic physicians should maintain the highest standards of  
8 professional and personal conduct and should refrain from all illegal or morally  
9 reprehensible conduct;

10 11. Chiropractic physicians should be ready to consult and seek the talents  
11 of other health-care professionals when such consultation would benefit their  
12 patients or when their patients express a desire for such consultation;

13 12. Chiropractic physicians should assure that the patient possesses enough  
14 information to enable an intelligent choice in regard to proposed chiropractic  
15 treatment. The patient should make his or her own determination on such  
16 treatment; and

17 13. Chiropractic physicians should utilize only those laboratory and x-ray  
18 procedures, and such devices or nutritional products that are in the best interest  
19 of the patient and not in conflict with state statutes or administrative rulings.

20 C. Responsibility to the public:

21 1. Chiropractic physicians should act as members of a learned profession  
22 dedicated to the promotion of health, the prevention of illness and the  
23 alleviation of suffering;

24 2. Chiropractic physicians should observe the appropriate laws, decisions  
25 and rules of state governmental agencies and cooperate with the pertinent  
26 activities and policies of associations legally authorized to regulate or assist  
27 in the regulation of chiropractic physicians;

1           3. Chiropractic physicians should participate as responsible citizens in the  
2 public affairs of their local community, state and nation in order to improve  
3 laws, administrative procedures and public policies that pertain to chiropractic  
4 and the system of health-care delivery. Chiropractic physicians should stand  
5 ready to take the initiative in the proposal and development of measures to  
6 benefit the health and well-being of the general public, and should cooperate in  
7 the administration and enforcement of such measures and programs to the extent  
8 consistent with law;

9           4. Chiropractic physicians may advertise but should exercise utmost care  
10 that such advertising is relevant to the selection of a chiropractic physician, is  
11 accurate, truthful, not misleading, false or deceptive, and is scrupulously  
12 correct in representing the chiropractic physician's professional status and area  
13 of special competence. Communications to the public should not appeal primarily  
14 to an individual's anxiety or create unjustified expectations of results.  
15 Chiropractic physicians should conform to all applicable state laws, rules and  
16 judicial decisions in connection with professional advertising;

17           5. Chiropractic physicians should continually strive to improve their skill  
18 and competency by keeping abreast of current developments contained in health and  
19 scientific literature, and by participating in chiropractic continuing education  
20 programs and utilizing all other appropriate means;

21           6. Chiropractic physicians may testify either as experts or when their  
22 patients are involved in court cases, workers' compensation proceedings or in  
23 other similar proceedings in personal injury or related cases;

24           7. The chiropractic profession should address itself to improvements in  
25 licensing procedures consistent with the development of the profession and of  
26 relevant advances in science;

1           8. Chiropractic physicians who are public officers part time or full time,  
2 should not engage in activities which are, or may be perceived to be, in conflict  
3 with their official duties; and

4           9. Chiropractic physicians should protect the public and reputation of the  
5 chiropractic profession by bringing to the attention of the appropriate public or  
6 private organizations those chiropractic physicians who engage in deception, fraud  
7 or dishonesty, or otherwise engage in conduct inconsistent with this Code of  
8 Ethics, the rules of the Board of Chiropractic Examiners, or the laws of this  
9 state;

10           ~~10. Chiropractic physicians engaging in animal chiropractic shall carry at  
11 least One Million Dollars (\$1,000,000.00) of additional malpractice insurance  
12 coverage for diagnosis and treatment of vertebrates as defined in paragraph 2 of  
13 Section 161.3 of this title and provide to the Board of Chiropractic Examiners  
14 written evidence of such coverage; and~~

15           11. Chiropractic physicians engaging in animal chiropractic shall have  
16 appropriate training in animal chiropractic, which shall include successful  
17 completion of a certificate program in animal chiropractic as offered by the  
18 American Veterinary Chiropractic Association, or an equivalent program with regard  
19 to admission policy and curriculum. The Board shall certify such chiropractic  
20 physicians and make available to the public, upon request, a list of physicians so  
21 certified.

22           D. Responsibility to the profession:

23           1. Chiropractic physicians should assist in maintaining the integrity,  
24 competency and highest standards of the chiropractic profession;

25           2. Chiropractic physicians should, by their behavior, avoid even the  
26 appearance of professional impropriety and should recognize that their public  
27 behavior may have an impact on the ability of the profession to serve the public.

1 Chiropractic physicians should promote public confidence in the chiropractic  
2 profession;

3 3. Chiropractic physicians and their immediate dependents should receive  
4 gratuitous professional services from other doctors of chiropractic;

5 4. As teachers, chiropractic physicians should recognize their obligation to  
6 help others acquire knowledge and skill in the practice of the profession. They  
7 should maintain high standards of scholarship, education, training and objectivity  
8 in the accurate and full dissemination of information and ideas;

9 5. Chiropractic physicians should promote and maintain cordial relationships  
10 with other members of the chiropractic profession and other professions for the  
11 exchange of information advantageous to the public's health and well-being; and

12 6. Chiropractic physicians shall, at their discretion, be listed in all  
13 directories as:

- 14 a. Physicians, Chiropractic,  
15 b. Chiropractors, or  
16 c. Doctors of Chiropractic.

17 SECTION 4. AMENDATORY 59 O.S. 1991, Section 698.2, as last amended by  
18 Section 2, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Section 698.2), is amended  
19 to read as follows:

20 Section 698.2 As used in the Oklahoma Veterinary Practice Act:

- 21 1. "Board" means the State Board of Veterinary Medical Examiners;  
22 2. "Animal" means any animal other than humans and includes, but is not  
23 limited to, fowl, fish, birds and reptiles, wild or domestic, living or dead;  
24 3. "Veterinarian" means a person who has received a degree in veterinary  
25 medicine or its equivalent from a school of veterinary medicine;  
26 4. "Licensed veterinarian" means any veterinarian who holds an active  
27 license to practice veterinary medicine in this state;

1           5. "School of veterinary medicine" means any veterinary college or division  
2 of a university or college that offers the degree of doctor of veterinary medicine  
3 or its equivalent, which conforms to the standards required for accreditation by  
4 the American Veterinary Medical Association and which is recognized and approved  
5 by the Board;

6           6. "Veterinary technician" means a person who has graduated from a school of  
7 animal technology, or its equivalent, which conforms to the standards required for  
8 accreditation by the American Veterinary Medical Association and which is  
9 recognized and approved by the Board, and who has been certified by the Board as  
10 qualified to practice under the direct supervision of a licensed veterinarian;

11          7. "Direct supervision" means:

- 12           a. directions have been given to a veterinary technician, nurse,  
13           laboratory technician, intern, veterinary assistant or other  
14           employee for medical care following the examination of an animal  
15           by the licensed veterinarian responsible for the professional  
16           care of the animal, or  
17           b. that, under certain circumstances following the examination of an  
18           animal by a licensed veterinarian responsible for the  
19           professional care of the animal, the presence of the licensed  
20           veterinarian on the premises in an animal hospital setting or in  
21           the same general area in a range setting is required after  
22           directions have been given to a veterinarian who has a  
23           certificate issued pursuant to Section 698.8 of this title;

24          8. "License" means authorization to practice veterinary medicine granted by  
25 the Board to an individual found by the Board to meet certain requirements  
26 pursuant to the Oklahoma Veterinary Practice Act or any other applicable statutes;

27          9. "Certificate" means authorization to practice veterinary medicine with  
28 certain limitations or restrictions on that practice, set by the Board or

1 authorization to perform certain enumerated functions peripheral to the practice  
2 of veterinary medicine as set by the Board;

3 10. "Veterinarian-client-patient relationship" means when:

4 a. the licensed veterinarian has assumed the responsibility for  
5 making medical judgments regarding the health of an animal or  
6 animals and the need for medical treatment, and the client, owner  
7 or other caretaker has agreed to follow the instructions of the  
8 licensed veterinarian; and

9 b. there is sufficient knowledge of the animal or animals by the  
10 licensed veterinarian to initiate at least a general or  
11 preliminary diagnosis of the medical condition of the animal or  
12 animals in that:

13 (1) the licensed veterinarian has recently seen or is  
14 personally acquainted with the keeping and care of the  
15 animal or animals, or

16 (2) by medically necessary and timely visits to the premises  
17 where the animal or animals are kept or both, and

18 c. the licensed veterinarian is readily available for follow-up in  
19 case of adverse reactions or failure of the regimen of therapy,  
20 or has arranged for emergency medical coverage, and

21 d. would conform to applicable federal law and regulations;

22 11. "Veterinary premises" means any facility where the practice of  
23 veterinary medicine occurs, including, but not limited to, a mobile unit, mobile  
24 clinic, outpatient clinic, satellite clinic, public service outreach of a  
25 veterinary facility, or veterinary hospital or clinic. The term "veterinary  
26 premises" shall not include the premises of a client of a licensed veterinarian or  
27 research facility;

1           12. "Veterinary prescription drugs" means such prescription items as are in  
2 the possession of a person regularly and lawfully engaged in the manufacture,  
3 transportation, storage, or wholesale or retail distribution of veterinary drugs  
4 and the federal Food and Drug Administration-approved human drugs for animals  
5 which because of their toxicity or other potential for harmful effects, or method  
6 of use, or the collateral measures necessary for use, are labeled by the  
7 manufacturer or distributor in compliance with federal law and regulations to be  
8 sold only to or on the prescription order or under the supervision of a licensed  
9 veterinarian for use in the course of professional practice. Veterinary  
10 prescription drugs shall not include over-the-counter products for which adequate  
11 directions for lay use can be written.

12           13. "ECFVG certificate" means a certificate issued by the American  
13 Veterinary Medical Association Education Commission for Foreign Veterinary  
14 Graduates, indicating that the holder has demonstrated knowledge and skill  
15 equivalent to that possessed by a graduate of an accredited or approved college of  
16 veterinary medicine;

17           14. "Executive Director" means the Executive Director of the State Board of  
18 Veterinary Medical Examiners or the authorized representative of such official;

19           15. "Telemedicine" shall mean the transmission of diagnostic images such as,  
20 but not limited to, radiographs, ultrasound, cytology, endoscopy, photographs and  
21 case information over ordinary or cellular phone lines to a licensed veterinarian  
22 or board-certified medical specialist for the purpose of consulting regarding case  
23 management with the primary care licensed veterinarian who transmits the cases;

24           16. "Person" means any individual, firm, partnership, association, joint  
25 venture, cooperative, corporation, or any other group or combination acting in  
26 concert, and whether or not acting as a principal, trustee, fiduciary, receiver,  
27 or as any other kind of legal or personal representative, or as the successor in

1 interest, assignee, agent, factor, servant, employee, director, officer,  
2 fictitious name certificate, or any other representative of such person;

3 17. "Food animal" means any mammalian, poultry, fowl, fish, or other animal  
4 that is raised primarily for human food consumption;

5 18. "Surgery" means the branch of veterinary science conducted under  
6 elective or emergency circumstances, which treats diseases, injuries and  
7 deformities by manual or operative methods including, but not limited to,  
8 cosmetic, reconstructive, ophthalmic, orthopedic, vascular, thoracic, and  
9 obstetric procedures. The provisions in Section 698.12 of this title shall not be  
10 construed as surgery; and

11 19. "Abandonment" means to forsake entirely or to neglect or refuse to  
12 provide or perform the legal obligations for care and support of an animal by its  
13 owner, or the owner's agent. Abandonment shall constitute the relinquishment of  
14 all rights and claims by the owner to an animal; and

15 20. "Animal chiropractic diagnosis and treatment" means treatment that  
16 includes vertebral subluxation complex (vcs) and spinal manipulation of non-human  
17 vertebrates; the term shall not be construed to allow the:

- 18 a. use of x-rays,  
19 b. performing of surgery,  
20 c. dispensing or administering of medications, or  
21 d. performance of traditional veterinary care.

22 SECTION 5. AMENDATORY 59 O.S. 1991, Section 698.7, as last amended by  
23 Section 8, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Section 698.7), is amended  
24 to read as follows:

25 Section 698.7 The State Board of Veterinary Medical Examiners shall have the  
26 powers and it shall also be its duty to regulate the practice of veterinary  
27 medicine. In addition to any other powers placed on it by the Oklahoma Veterinary



1 Practice Act or as otherwise provided by law, the Board shall have the power and  
2 duty to:

- 3 1. a. set standards for licensure or certification by examination and  
4 develop such examinations as will provide assurance of competency  
5 to practice, and
- 6 b. employ or enter into agreements with organizations or agencies to  
7 provide examinations acceptable to the Board or employ or enter  
8 into agreements with organizations or agencies to provide  
9 administration, preparation or scoring of examinations;
- 10 2. Set fees;
- 11 3. Prescribe the time, place, method, manner, scope and subjects of  
12 examination for licensure;
- 13 4. Prepare or select, conduct or direct the conduct of, set minimum  
14 requirements for, and assure security of licensing and other required  
15 examinations;
- 16 5. a. issue or deny licenses and certificates and renewals thereof,  
17 b. acquire information about and evaluate the professional education  
18 and training of applicants for licensure or certification; and  
19 accept or deny applications for licensure, certification or  
20 renewal of either licensure or certification based on the  
21 evaluation of information relating to applicant fitness,  
22 performance or competency to practice,
- 23 c. determine which professional schools, colleges, universities,  
24 training institutions and educational programs are acceptable in  
25 connection with licensure pursuant to the Oklahoma Veterinary  
26 Practice Act, and accept the approval of such facilities and  
27 programs by American-Veterinary-Medical-Association-accredited  
28 institutions in the United States and Canada,

- 1 d. require supporting documentation or other acceptable verifying  
2 evidence for any information provided the Board by an applicant  
3 for licensure or certification, and  
4 e. require information on an applicant's fitness, qualification and  
5 previous professional record and performance from recognized data  
6 sources including, but not limited to, other licensing and  
7 disciplinary authorities of other jurisdictions, professional  
8 education and training institutions, liability insurers, animal  
9 health care institutions and law enforcement agencies;

10 6. Develop and use applications and other necessary forms and related  
11 procedures for purposes of the Oklahoma Veterinary Practice Act;

- 12 7. a. review and investigate complaints and adverse information about  
13 licensees and certificate holders,  
14 b. conduct hearings in accordance with the Oklahoma Veterinary  
15 Practice Act and the Administrative Procedures Act, and  
16 c. adjudicate matters that come before the Board for judgment  
17 pursuant to the Oklahoma Veterinary Practice Act upon clear and  
18 convincing evidence and issue final decisions on such matters to  
19 discipline licensees and certificate holders;
- 20 8. a. impose sanctions, deny licenses and certificates and renewals  
21 thereof, levy reimbursement costs, seek appropriate  
22 administrative, civil or criminal penalties or any combination of  
23 these against those who violate examination security, who attempt  
24 to or who do obtain licensure or certification by fraud, who  
25 knowingly assist in illegal activities, or who aid and abet the  
26 illegal practice of veterinary medicine,  
27 b. review and investigate complaints and adverse information about  
28 licensees and certificate holders,

- 1 c. discipline licensees and certificate holders,
- 2 d. institute proceedings in courts of competent jurisdiction to
- 3 enforce Board orders and provisions of the Oklahoma Veterinary
- 4 Practice Act,
- 5 e. (1) establish mechanisms for dealing with licensees and
- 6 certificate holders who abuse or are dependent on or
- 7 addicted to alcohol or other chemical substances, and enter
- 8 into agreements, at its discretion, with professional
- 9 organizations whose relevant procedures and techniques it
- 10 has evaluated and approved for their cooperation or
- 11 participation in the rehabilitation of the licensee or
- 12 certificate holder,
- 13 (2) establish by rules cooperation with other professional
- 14 organizations for the identification and monitoring of
- 15 licensees and certificate holders in treatment who are
- 16 chemically dependent or addicted, and
- 17 f. issue conditional, restricted or otherwise circumscribed
- 18 modifications to licensure or certification as determined to be
- 19 appropriate by due process procedures and summarily suspend a
- 20 license if the Board has cause to believe by clear and convincing
- 21 evidence such action is required to protect public or animal
- 22 health and safety or to prevent continuation of incompetent
- 23 practices;
- 24 9. Promulgate rules of professional conduct and require all licensees and
- 25 certificate holders to practice in accordance therewith;
- 26 10. Act to halt the unlicensed or illegal practice of veterinary medicine
- 27 and seek administrative, criminal and civil penalties against those engaged in
- 28 such practice;

- 1           11. Establish appropriate fees and charges to ensure active and effective  
2 pursuit of Board responsibilities;
- 3           12. Employ, direct, reimburse, evaluate and dismiss staff in accordance with  
4 state procedures;
- 5           13. Establish policies for Board operations;
- 6           14. Respond to legislative inquiry regarding those changes in, or amendments  
7 to, the Oklahoma Veterinary Practice Act;
- 8           15. Act on its own motion in disciplinary matters, administer oaths, issue  
9 notices, issue subpoenas in the name of the State of Oklahoma, including subpoenas  
10 for client and animal records, hold hearings, institute court proceedings for  
11 contempt or to compel testimony or obedience to its orders and subpoenas, take  
12 evidentiary depositions and perform such other acts as are reasonable and  
13 necessary under law to carry out its duties;
- 14           16. Use clear and convincing evidence as the standard of proof and issue  
15 final decisions when acting as trier of fact in the performance of its  
16 adjudicatory duties;
- 17           17. Determine and direct Board operating, administrative, personnel and  
18 budget policies and procedures in accordance with applicable statutes;
- 19           18. Promulgate uniform rules such as may be necessary for carrying out and  
20 enforcing the provisions of the Oklahoma Veterinary Practice Act and such as in  
21 its discretion may be necessary to protect the health, safety and welfare of the  
22 public;
- 23           19. Determine continuing education requirements;
- 24           20. Establish minimum standards for veterinary premises;
- 25           21. Establish standards for veterinary labeling and dispensing of veterinary  
26 prescription drugs and federal Food and Drug Administration-approved human drugs  
27 for animals which would conform to current applicable state and federal law and  
28 regulations; and

1           22. Perform such other duties and exercise such other powers as the  
2 provisions and enforcement of the Oklahoma Veterinary Practice Act may require;  
3 and

4           23. Establish standards for animal chiropractic, including requirements that  
5 a veterinarian who holds himself or herself out to the public as a trained animal  
6 chiropractor shall:

- 7           a. carry at least One Million Dollars (\$1,000,000.00) of additional  
8 malpractice coverage for diagnosis and treatment of vertebrates  
9 as defined in paragraph 20 of Section 698.2 of this title, and  
10          b. have appropriate training in animal chiropractic, which shall  
11 include successful completion of a certificate program in animal  
12 chiropractic as offered by the American Veterinary Chiropractic  
13 Association, or an equivalent program with regard to admission  
14 policy and curriculum. The Board shall certify such veterinarian  
15 physicians and make available to the public, upon request, a list  
16 of veterinarians so certified.

17          SECTION 6.        AMENDATORY        59 O.S. 1991, Section 698.11, as amended by  
18 Section 13, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Section 698.11), is  
19 amended to read as follows:

20          Section 698.11 A. The practice of veterinary medicine shall include, but  
21 not be limited to:

22          1. Diagnosing, surgery, treating, correcting, changing, relieving, or  
23 preventing animal disease, deformity, defect, injury or other physical or mental  
24 conditions including the prescribing or administering of any drug, medicine,  
25 biologic, apparatus, application, anesthetic, telemedicine, animal chiropractic,  
26 or other therapeutic diagnostic substance or technique; dentistry; testing for  
27 pregnancy or correcting sterility or enhancing fertility; or rendering advice or  
28 recommendation with regard to any of the above;

1           2. Representing, directly or indirectly, publicly or privately, an ability  
2 and willingness to do any act prescribed in paragraph 1 of this section; and

3           3. Using any title words, abbreviation or letters by any person other than a  
4 licensed veterinarian in a manner or under circumstances which induce the belief  
5 that the person using them is qualified to do any act described in paragraph 1 of  
6 this section. Such use shall be prima facie evidence of the intention to  
7 represent oneself as a licensed veterinarian engaged in the practice of veterinary  
8 medicine.

9           B. Any person licensed to practice veterinary medicine pursuant to the  
10 Oklahoma Veterinary Practice Act, may use the word "Doctor", or an abbreviation  
11 thereof, and shall have the right to use, whether or not in conjunction with the  
12 word "Doctor" or any abbreviation thereof, the designation "D.V.M." or "V.M.D."

13           SECTION 7.           AMENDATORY           59 O.S. 1991, Section 698.12, as amended by  
14 Section 14, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Section 698.12), is  
15 amended to read as follows:

16           Section 698.12 The Oklahoma Veterinary Practice Act shall not be construed  
17 to prohibit:

18           1. Acts of dehorning, branding, tagging or notching ears, pregnancy  
19 checking, collecting semen, preparing semen, freezing semen, castrating, worming,  
20 vaccinating, injecting or artificial insemination of farm animals; or the acts or  
21 conduct of a person advising with respect to nutrition, feeds or feeding;

22           2. The owner of an animal or the owner's employees or helpers from caring  
23 for or treating animals belonging to the owner; provided that, the acts of the  
24 owner's employees or helpers otherwise prohibited by the Oklahoma Veterinary  
25 Practice Act are only an incidental part of the employment duties and for which no  
26 special compensation is made;

27           3. Acts of a person in lawful possession of an animal for some other purpose  
28 than practicing veterinary medicine; provided that, no charge may be made or

1 included in any other charge or fee or adjustment otherwise made of any charge or  
2 fee for acts performed pursuant to this subsection unless the acts are performed  
3 by a licensed veterinarian as provided by the Oklahoma Veterinary Practice Act;

4 4. Acts of auction markets and other shippers of food animals in preparing  
5 such animals for shipment;

6 5. Acts of a person who is a student in good standing in a veterinary  
7 school, in performing duties or functions assigned by the student's instructors,  
8 or working under the direct supervision of a licensed veterinarian for each  
9 individual case and acts performed by an instructor or student in a school of  
10 veterinary medicine recognized by the Board and performed as a part of the  
11 educational and training curriculum of the school under the direct supervision of  
12 faculty. The unsupervised or unauthorized practice of veterinary medicine even  
13 though on the premises of a school of veterinary medicine is prohibited;

14 6. Acts of any employee in the course of employment by the federal  
15 government or acts of a veterinarian practicing on property and persons outside  
16 the jurisdiction of the State of Oklahoma;

17 7. A veterinarian currently licensed in another state from consulting with a  
18 licensed veterinarian of this state;

19 8. Acts of vocational-agriculture instructors or students while engaged in  
20 regular vocational-agriculture instruction in programs approved by the Oklahoma  
21 Department of Vocational and Technical Education; provided that said acts are  
22 under the supervision of instructors and are carried out in the usual course of  
23 instruction and not as independent practice by an unlicensed veterinarian without  
24 supervision; or

25 9. Any person employed by a licensed veterinarian who is assisting with the  
26 professional duties of the licensed veterinarian and who is under the direct  
27 supervision of the licensed veterinarian from administering medication or  
28 rendering auxiliary or supporting assistance under the direct supervision of such

1 licensed veterinarian, provided that the practice is conducted in compliance with  
2 all laws of this state and rules of this Board; or

3 10. Any chiropractic physician licensed in this state who holds himself or  
4 herself out to the public as a trained animal chiropractor from practicing animal  
5 chiropractic diagnosis and treatment; provided, such person shall have appropriate  
6 training in animal chiropractic which includes successful completion of a  
7 certificate program offered by the American Veterinary Chiropractic Association or  
8 its equivalent as to curriculum and admission policy. The Board shall certify  
9 such chiropractic physicians and make a list of such certified chiropractic  
10 physicians available to the public upon request.

11 SECTION 8. This act shall become effective November 1, 2000.

12 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-14-00 - DO PASS, As  
13 Amended and Coauthored.





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4138/P1

MDK:K...  
KMG

O-NOTE

By  
Friday  
11/9

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Sen. Act.

1 AN ACT ...; relating to: certification of animal chiropractors and granting  
2 rule-making authority.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

3 SECTION 1. 440.08 (2) (a) 24m. of the statutes is created to read:  
4 440.08 (2) (a) 24m. Chiropractor, animal chiropractic certificate: January 1 of  
5 each odd-numbered year; \$53.

6 SECTION 2. 446.01 (1) of the statutes is renumbered 446.01 (1t).

7 SECTION 3. 446.01 (1c) of the statutes is created to read:

8 446.01 (1c) "Administer", with respect to a drug or device, has the meaning  
9 given in s. 450.01 (1).

1           **SECTION 4.** 446.01 (1g) of the statutes is created to read:

2           446.01 (1g) “Device” has the meaning given in s. 450.01 (6).

3           **SECTION 5.** 446.01 (1L) of the statutes is created to read:

4           446.01 (1L) “Dispense” has the meaning given in s. 450.01 (7).

5           **SECTION 6.** 446.01 (1p) of the statutes is created to read:

6           446.01 (1p) “Drug” has the meaning given in s. 450.01 (10).

7           **SECTION 7.** 446.01 (1x) of the statutes is created to read:

8           446.01 (1x) “Practice of animal chiropractic” means treatment involving the  
9           vertebral subluxation complex and spinal manipulation of nonhuman vertebrates,  
10          but does not include any of the following:

- 11           (a) Using x-rays.
- 12           (b) Performing surgery.
- 13           (c) Administering or dispensing drugs or devices.
- 14           (d) Practicing veterinary medicine, as defined in s. 453.02 (6).

15          **SECTION 8.** 446.025 of the statutes is created to read:

16          **446.025 Animal chiropractic.** (1) PROHIBITION. No person may do any of the  
17          following unless he or she is licensed by the examining board under s. 446.02 (2) or  
18          (3g) and granted a certificate by the examining board under sub. (2):

- 19           (a) Engage in the practice of animal chiropractic.
- 20           (b) Use any title or description that implies that he or she is authorized to  
21          engage in the practice of animal chiropractic or represent that he or she is authorized  
22          to engage in the practice of animal chiropractic.

23           (2) CERTIFICATE. The examining board shall grant a certificate to engage in the  
24          practice of animal chiropractic to a person licensed under s. 446.02 (2) or (3g) who  
25          does all of the following:

1 (a) Submits an application to the examining board on a form provided by the  
2 department.

3 (b) Pays the fee specified in s. 440.05 (1).

4 (c) Subject to ss. 111.321, 111.322<sup>✓</sup> and 111.335, submits evidence satisfactory  
5 to the examining board that he or she does not have an arrest or conviction record.

6 (d) Submits evidence satisfactory to the examining board that he or she  
7 satisfies the requirements established in rules promulgated under sub. (3).

8 (e) Submits evidence satisfactory to the examining board that he or she has in  
9 effect malpractice liability insurance coverage in an amount that is not less than  
10 \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

11 (3) RULES. The examining board shall promulgate rules establishing the  
12 education, training, or competency requirements that an applicant must satisfy in  
13 order to be granted a certificate under sub. (2), including the requirement that an  
14 applicant successfully complete a certification program in animal chiropractic  
15 offered by the American Veterinary Chiropractic Association or a substantially  
16 equivalent program.

17 (4) RENEWAL. The renewal dates for certificates granted under sub. (2) are  
18 specified in s. 440.08 (2) (a).<sup>✓</sup> Renewal applications shall be submitted to the  
19 examining board on a form provided by the department and shall include all of the  
20 following:

21 (a) The renewal fee specified in s. 440.08 (2) (a).

22 (b) Evidence satisfactory to the examining board that the applicant has in effect  
23 malpractice liability insurance coverage in an amount that is not less than  
24 \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

25 SECTION 9. 446.03 (intro.) of the statutes is amended to read:

1           **446.03 Reprimand; license revocation, limitation, or suspension.**

2           (intro.) The examining board, by order, may reprimand a licensee, certificate holder,  
3           or registrant and may deny, limit, suspend, or revoke any license, certificate, or  
4           certificate of registration if the licensee, certificate holder, or registrant:

5           History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25 (1); 1981 c. 380; 1983 a. 289; 1991 a. 39.

5           **SECTION 10. 446.03 (3) of the statutes is amended to read:**

6           446.03 (3) Is hereafter convicted in a court of competent jurisdiction, either  
7           within or without this state, or in federal court, of any violation of any law governing  
8           the practice of chiropractic or animal chiropractic or of any felony, subject to ss.  
9           111.321, 111.322, and 111.335, a certified copy of the record of conviction to be  
10          conclusive evidence of such conviction;

11          History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25 (1); 1981 c. 380; 1983 a. 289; 1991 a. 39.

11          **SECTION 11. 446.03 (4) of the statutes is amended to read:**

12          446.03 (4) Has obtained or sought to obtain anything of value by fraudulent  
13          representation in the practice of chiropractic or animal chiropractic;

14          History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25 (1); 1981 c. 380; 1983 a. 289; 1991 a. 39.

14          **SECTION 12. 446.03 (7) of the statutes is amended to read:**

15          446.03 (7) If the applicant, licensee, certificate holder, or registrant maintains  
16          a professional connection or association with any other person continuing to violate  
17          this chapter after 10 days' notice in writing by the department.

18          History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25 (1); 1981 c. 380; 1983 a. 289; 1991 a. 39.

18          **SECTION 13. 446.05 (1) of the statutes is amended to read:**

19          446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining  
20          board may make investigations and conduct hearings in regard to the conduct of any  
21          licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.025, or  
22          446.03. The person complained against may proceed to review any action of the  
23          examining board under ch. 227.

History: 1977 c. 418; 1997 a. 191, 237.



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4138/P1dn

MDK:lj...  
KMG

Please note the following about this draft:

1. The definition of <sup>“</sup>practice of animal chiropractic<sup>”</sup> is based on the Oklahoma bill.
2. I did not include an exemption for veterinarians. Therefore, a veterinarian can't practice animal chiropractic unless he or she is licensed and certified by the examining board. Is that okay?
3. I included a delayed effective date to give people notice and opportunity to comply with the draft. Also, the examining board needs time to promulgate the rules that are required. Is the length of the delay (about 9 months) okay?
4. Do you want to include a deadline for submission of the proposed rules that are required under the draft?
5. The Oklahoma bill requires making a list of certified animal chiropractors available to the public. Current law already has such a requirement, so it isn't necessary to include one in the draft. See s. 440.035 (4), stats.
6. One issue that must be resolved before the draft can be finalized is where to draw the line between practicing animal chiropractic and practicing veterinary medicine. As drafted, the meaning of “practice of animal chiropractic” does not include practicing veterinary medicine, which is defined under s. 453.02 (6), stats., as “examin[ing] into the fact or cause of animal health, disease or physical condition, or ... treat[ing], operat[ing], prescrib[ing] or advis[ing] for the same, or ... undertak[ing], offer[ing], advertis[ing], announc[ing], or hold[ing] out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.” That definition is so broad that I think it includes practicing animal chiropractic. Therefore, as drafted, the definition of “practice of animal chiropractic” is illogical and must be revised. However, I need more information about your intent before I can revise the definition. Please contact me about this issue.
7. On a point related to item 6., above, the definition of “practice of animal chiropractic” includes the term, “vertebral subluxation complex<sup>”</sup>. I could not find this term in a medical dictionary, and I don't know what it means. Is it commonly understood in the field of chiropractic?

8. The \$53 renewal fee is the standard renewal fee for all new credentials created this session.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4138/P1dn  
MDK:kmg:kjf

November 7, 2001

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Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us



1

by Friday 11/16

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

providing an exemption from emergency rule procedures

Gen. Cat.

1 AN ACT to renumber 446.01 (1); to amend 446.03 (intro.), 446.03 (3), 446.03 (4),  
2 446.03 (7), 446.05 (1), 446.05 (2) and 889.18 (1); and to create 440.08 (2) (a)  
3 24m., 446.01 (1c), 446.01 (1g), 446.01 (1L), 446.01 (1p), 446.01 (1x) and 446.025  
4 of the statutes; relating to: certification of animal chiropractors and granting  
5 rule-making authority.

INSERT 1A

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

6 SECTION 1. 440.08 (2) (a) 24m. of the statutes is created to read:  
7 440.08 (2) (a) 24m. Chiropractor, animal chiropractic certificate: January 1 of  
8 each odd-numbered year; \$53.

1 SECTION 2. 446.01 (1) of the statutes is renumbered 446.01 (1t).

2 SECTION 3. 446.01 (1c) of the statutes is created to read

3 446.01 (1c) "Administer," with respect to a drug or device, has the meaning  
4 given in s. 450.01 (1).

5 SECTION 4. 446.01 (1g) of the statutes is created to read:

6 446.01 (1g) "Device" has the meaning given in s. 450.01 (6).

7 SECTION 5. 446.01 (1L) of the statutes is created to read:

8 446.01 (1L) "Dispense" has the meaning given in s. 450.01 (7).

9 SECTION 6. 446.01 (1p) of the statutes is created to read:

10 446.01 (1p) "Drug" has the meaning given in s. 450.01 (10).

11 SECTION 7. 446.01 (1~~h~~) of the statutes is created to read:

12 (1<sup>m</sup>) 446.01 (1<sup>m</sup>) "Practice of animal chiropractic" means treatment involving the

13 vertebral subluxation complex and spinal manipulation of nonhuman vertebrates,  
14 but does not include any of the following:

15 (a) Using X-rays

16 (b) Performing surgery.

17 (c) Administering or dispensing drugs or devices.

18 (d) Practicing veterinary medicine, as defined in s. 453.02 (6).

19 SECTION 8. 446.025 of the statutes is created to read:

20 446.025 Animal chiropractic. (1) PROHIBITION. No person may do any of the  
21 following unless he or she is licensed by the examining board under s. 446.02 (2) or  
22 (3g) and granted a certificate by the examining board under sub. (2):

23 (a) Engage in the practice of animal chiropractic.

INSERT  
2-12

1 (b) Use any title or description that implies that he or she is authorized to  
2 engage in the practice of animal chiropractic or represent that he or she is authorized  
3 to engage in the practice of animal chiropractic.

4 (2) CERTIFICATE. The examining board shall grant a certificate to engage in the  
5 practice of animal chiropractic to a person licensed under s. 446.02 (2) or (3g) who  
6 does all of the following:

7 (a) Submits an application to the examining board on a form provided by the  
8 department.

9 (b) Pays the fee specified in s. 440.05 (1).

10 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory  
11 to the examining board that he or she does not have an arrest or conviction record.

12 (d) Submits evidence satisfactory to the examining board that he or she  
13 satisfies the requirements established in rules promulgated under sub. (3).

14 (e) Submits evidence satisfactory to the examining board that he or she has in  
15 effect malpractice liability insurance coverage in an amount that is not less than  
16 \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

17 (3) RULES. The examining board shall promulgate rules establishing the  
18 education, training, or competency requirements that an applicant must satisfy in  
19 order to be granted a certificate under sub. (2), including the requirement that an  
20 applicant successfully complete a certification program in animal chiropractic  
21 offered by the American Veterinary Chiropractic Association or a substantially  
22 equivalent program.

23 (4) RENEWAL. The renewal dates for certificates granted under sub. (2) are  
24 specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the

1 examining board on a form provided by the department and shall include all of the  
2 following:

3 (a) The renewal fee specified in s. 440.08 (2) (a).

4 (b) Evidence satisfactory to the examining board that the applicant has in effect  
5 malpractice liability insurance coverage in an amount that is not less than  
6 \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

7 **SECTION 9.** 446.03 (intro.) of the statutes is amended to read:

8 **446.03 Reprimand; license revocation, limitation, or suspension.**

9 (intro.) The examining board, by order, may reprimand a licensee, certificate holder,  
10 or registrant and may deny, limit, suspend, or revoke any license, certificate, or  
11 certificate of registration if the licensee, certificate holder, or registrant:

12 **SECTION 10.** 446.03 (3) of the statutes is amended to read:

13 446.03 (3) Is hereafter convicted in a court of competent jurisdiction, either  
14 within or without this state, or in federal court, of any violation of any law governing  
15 the practice of chiropractic or animal chiropractic or of any felony, subject to ss.  
16 111.321, 111.322, and 111.335, a certified copy of the record of conviction to be  
17 conclusive evidence of such conviction;

18 **SECTION 11.** 446.03 (4) of the statutes is amended to read:

19 446.03 (4) Has obtained or sought to obtain anything of value by fraudulent  
20 representation in the practice of chiropractic or animal chiropractic;

21 **SECTION 12.** 446.03 (7) of the statutes is amended to read:

22 446.03 (7) If the applicant, licensee, certificate holder, or registrant maintains  
23 a professional connection or association with any other person continuing to violate  
24 this chapter after 10 days' notice in writing by the department.

25 **SECTION 13.** 446.05 (1) of the statutes is amended to read:

1           446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining  
2 board may make investigations and conduct hearings in regard to the conduct of any  
3 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.025, or  
4 446.03. The person complained against may proceed to review any action of the  
5 examining board under ch. 227.

6           **SECTION 14.** 446.05 (2) of the statutes is amended to read:

7           446.05 (2) Upon application and satisfactory proof that the cause of such  
8 revocation or suspension no longer exists, the examining board may reinstate any  
9 license, certificate, or registration suspended or revoked by it. This subsection does  
10 not apply to a license, certificate, or registration that is suspended under s. 440.13  
11 (2) (c) or that is revoked under s. 440.12.

12           **SECTION 15.** 889.18 (1) of the statutes is amended to read:

13           889.18 (1) **CHIROPRACTORS.** The record by the county clerk of license or  
14 certificate under s. 446.02 or 446.025 shall not be evidence on behalf of the licensee  
15 or certificate holder without production of the license or certificate or competent  
16 evidence from the board or body that issued the same.

17           **SECTION 16. Effective date.**

18           (1) This act takes effect on the first day of the 10th month beginning after  
19 publication.

20           (END)

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INSERT 5-16 ✓

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INSERT 1A:

Under current law, a person may not engage in the practice of chiropractic unless he or she is issued a license by the chiropractic examining board (board). The "practice of chiropractic" is defined to include examining into the fact, condition, or cause of departure from complete human health, treating without the use of drugs or surgery, and employing or applying chiropractic adjustments and the principles or techniques of chiropractic science in treating the sick. To obtain a license, a person must satisfy certain requirements, including education and examination requirements established in rules promulgated by the board. A person who is issued a license must have in effect professional liability insurance in a minimum amount specified in rules promulgated by the board. In addition, he or she must renew the license every 2 years. Also, a person who is issued a license is subject to the disciplinary authority of the board, which may limit, suspend, or revoke a license if the person engages in prohibited conduct, including engaging in unprofessional conduct.

This bill prohibits a person from engaging in the practice of animal chiropractic unless he or she is issued a certificate by the board. The "practice of animal chiropractic" has the same meaning as the "practice of chiropractic", except that it involves treating nonhuman vertebrates, rather than humans. Only a person who is licensed by the board is eligible for a certificate. In addition, an applicant for a certificate ~~person~~ must satisfy certain requirements, including education, training, or competency requirements established in rules promulgated by the board. The rules must require an applicant for a certificate to successfully complete a certification program in animal chiropractic offered by the American Veterinary Chiropractic Association or a substantially equivalent program. Also, an applicant for a certificate must have in effect malpractice liability insurance coverage of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

A certificate to engage in animal chiropractic must be renewed every 2 years. An applicant for renewal must submit evidence that he or she has in effect insurance in the amounts described above. Also, like a person who is licensed, a person who holds a certificate is subject to the disciplinary authority of the board that is described above.

Finally, the bill provides that a person who is issued a certificate by the ~~chiropractic examining~~ board, and who acts within the scope of that certificate, does not have to obtain a license from the veterinary examining board.

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the practice of chiropractic, except that involves the treatment of nonhuman vertebrates instead of humans.

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lit

INSERT 5-11:

STEP 4

1 SECTION 1. 453.05 (2) (i) of the statutes is created to read:

2 453.05 (2) (i) Persons granted a certificate to engage in the practice of animal  
3 chiropractic under s. 446.025 (2) while acting within the scope of that certificate.

4 INSERT 5-16:

5 SECTION 2. Nonstatutory provisions.

6 (1) The chiropractic examining board shall submit in proposed form the rules  
7 required under section 446.025 (3) of the statutes, as created by this act, to the  
8 legislative council staff under section 227.15 (1) of the statutes no later than the first  
9 day of the 10th month beginning after the effective date of this subsection.

10 (2) Using the procedure under section 227.24 of the statutes, the chiropractic  
11 examining board may promulgate rules required under section 446.025 (3) of the  
12 statutes, as created by this act, for the period before the effective date of the rules  
13 submitted under subsection (1), but not to exceed the period authorized under section  
14 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),  
15 and (3) of the statutes, the chiropractic examining board is not required to provide  
16 evidence that promulgating a rule under this subsection as an emergency rule is  
17 necessary for the preservation of the public peace, health, safety, or welfare and is  
18 not required to provide a finding of emergency for a rule promulgated under this  
19 subsection.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4138/1dn

MDK. /k....

Senator Breske:

This version is identical to the previous version, except for the following:

1. The definition of the "practice of animal chiropractic" is revised.
2. Proposed s. 453.05 (2) (i) is created.
3. The rules that the examining board must promulgate are subject to a submission deadline and may be promulgated as emergency rules before the permanent rules go into effect.

Finally, in preparing this version, I realized that the examining board is not specifically authorized to require an applicant for a certificate to complete an examination. Arguably, the examining board could impose such a requirement by rule, because the examining board must promulgate rules establishing education, training, and competency requirements. Therefore, one could argue that the examining board could require an examination as a means ~~to~~ determining competency. However, depending on your intent, you might want to revise the bill to clarify whether the examining board has the authority to require an examination.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4138/1dn  
MDK:kmg:rs

November 12, 2001

Senator Breske:

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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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November 13, 2001

### MEMORANDUM

To: Senator Breske

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-4138/1 Certification of animal chiropractors

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

\_\_\_\_\_ JACKET FOR ASSEMBLY    ✓    \_\_\_\_\_ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.