

1 STATE OF OKLAHOMA

2 2nd Session of the 47th Legislature (2000)

3 SENATE BILL 838

By: Muegge

4
5
6 AS INTRODUCED

7 An Act relating to animal chiropractic diagnosis and
8 treatment; amending 59 O.S. 1991, Sections 161.2,
9 161.3, as amended by Section 1, Chapter 390, O.S.L.
10 1994, 161.18, as amended by Section 1, Chapter 207,
11 O.S.L. 1995, 698.2, as last amended by Section 2,
12 Chapter 94, O.S.L. 1999, 698.7, as last amended by
13 Section 8, Chapter 94, O.S.L. 1999, 698.11, as
14 amended by Section 13, Chapter 94, O.S.L. 1999, and
15 698.12, as amended by Section 14, Chapter 94, O.S.L.
16 1999 (59 O.S. Supp. 1999, Sections 161.3, 161.18,
17 698.2, 698.7, 698.11, and 698.12), which relate to
18 the Oklahoma Chiropractic Practice Act and the
19 Oklahoma Veterinary Practice Act; authorizing
20 provision of animal chiropractic diagnosis and
21 treatment under certain circumstances; defining
22 terms; requiring establishment of certain standards;
23 requiring certain additional insurance; requiring
24 certain training; requiring certain certification and
25 availability of lists of certified persons; including
26 animal chiropractic in scope of practice of
27 veterinary medicine; and providing an effective date.

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

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

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

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

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

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

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

16 a. use of x-rays,

17 b. performing of surgery,

18 c. dispensing or injecting of medications, or

19 d. performance of traditional veterinary care;

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

22 ~~3.~~ 4. "Board" means the Board of Chiropractic Examiners;

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

27 ~~5.~~ 6. "Examination" means the process used by the Board, prior
28 to the issuance of an original license, to test the qualifications
29 and knowledge of an applicant in the basic sciences and the science
30 and art of chiropractic;

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1 ~~6.~~ 7. "Intern" means a student at an accredited chiropractic
2 college who is participating in the Chiropractic Undergraduate
3 Preceptorship Program;

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

10 ~~8.~~ 9. "Preceptor" means a chiropractic physician who is
11 participating in the Chiropractic Undergraduate Preceptorship
12 Program;

13 ~~9.~~ 10. "Reciprocity" means the recognition and approval by the
14 Board, prior to the issuance of an original license, of the
15 chiropractic licensing process in another state, country, territory
16 or province; and

17 ~~10.~~ 11. "Renewal license" means a license issued to a
18 chiropractic physician by the Board, on or before the first day of
19 January of each year, which authorizes such licensee to practice
20 chiropractic in this state during the succeeding calendar year.

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

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

29 B. Responsibility to the patient:

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

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

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

13 4. Chiropractic physicians should endeavor to practice with the
14 highest degree of professional competency and honesty in the proper
15 care of their patients;

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

21 6. Subject to paragraph 5 of this subsection, chiropractic
22 physicians should preserve and protect the patient's confidences and
23 records, except as the patient directs or consents, or if the law
24 requires otherwise. They should not discuss a patient's history,
25 symptoms, diagnosis, or treatment with a lawyer until they have
26 received the informed consent of the patient or the patient's
27 personal representative. They should avoid exploiting the trust and
28 dependency of their patients;

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

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

5 9. Chiropractic physicians are entitled to receive proper and
6 reasonable compensation for their professional services commensurate
7 with the value of the services they have rendered in the light of
8 their experience, the time required, the reputation and nature of
9 the condition involved. Chiropractic physicians should terminate a
10 professional relationship when it becomes reasonably clear that the
11 patient is not benefiting from it. Chiropractic physicians should
12 support and participate in proper activities designed to enable
13 access to necessary chiropractic care on the part of persons unable
14 to pay such reasonable fees;

15 10. Chiropractic physicians should maintain the highest
16 standards of professional and personal conduct and should refrain
17 from all illegal or morally reprehensible conduct;

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

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

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

30 C. Responsibility to the public:
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1 1. Chiropractic physicians should act as members of a learned
2 profession dedicated to the promotion of health, the prevention of
3 illness and the alleviation of suffering;

4 2. Chiropractic physicians should observe the appropriate laws,
5 decisions and rules of state governmental agencies and cooperate
6 with the pertinent activities and policies of associations legally
7 authorized to regulate or assist in the regulation of chiropractic
8 physicians;

9 3. Chiropractic physicians should participate as responsible
10 citizens in the public affairs of their local community, state and
11 nation in order to improve laws, administrative procedures and
12 public policies that pertain to chiropractic and the system of
13 health-care delivery. Chiropractic physicians should stand ready to
14 take the initiative in the proposal and development of measures to
15 benefit the health and well-being of the general public, and should
16 cooperate in the administration and enforcement of such measures and
17 programs to the extent consistent with law;

18 4. Chiropractic physicians may advertise but should exercise
19 utmost care that such advertising is relevant to the selection of a
20 chiropractic physician, is accurate, truthful, not misleading, false
21 or deceptive, and is scrupulously correct in representing the
22 chiropractic physician's professional status and area of special
23 competence. Communications to the public should not appeal
24 primarily to an individual's anxiety or create unjustified
25 expectations of results. Chiropractic physicians should conform to
26 all applicable state laws, rules and judicial decisions in
27 connection with professional advertising;

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

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

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

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

11 9. Chiropractic physicians should protect the public and
12 reputation of the chiropractic profession by bringing to the
13 attention of the appropriate public or private organizations those
14 chiropractic physicians who engage in deception, fraud or
15 dishonesty, or otherwise engage in conduct inconsistent with this
16 Code of Ethics, the rules of the Board of Chiropractic Examiners, or
17 the laws of this state;

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

24 11. Chiropractic physicians engaging in animal chiropractic
25 shall have appropriate training in animal chiropractic, which shall
26 include successful completion of a certificate program in animal
27 chiropractic as offered by the American Veterinary Chiropractic
28 Association, or an equivalent program with regard to admission
29 policy and curriculum. The Board shall certify such chiropractic
30 physicians and make available to the public, upon request, a list of
31 physicians so certified.

32 D. Responsibility to the profession:

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

4 2. Chiropractic physicians should, by their behavior, avoid
5 even the appearance of professional impropriety and should recognize
6 that their public behavior may have an impact on the ability of the
7 profession to serve the public. Chiropractic physicians should
8 promote public confidence in the chiropractic profession;

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

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

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

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

23 a. Physicians, Chiropractic,

24 b. Chiropractors, or

25 c. Doctors of Chiropractic.

26 SECTION 4. AMENDATORY 59 O.S. 1991, Section 698.2, as
27 last amended by Section 2, Chapter 94, O.S.L. 1999 (59 O.S. Supp.
28 1999, Section 698.2), is amended to read as follows:

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

30 1. "Board" means the State Board of Veterinary Medical
31 Examiners;

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1 2. "Animal" means any animal other than humans and includes,
2 but is not limited to, fowl, fish, birds and reptiles, wild or
3 domestic, living or dead;

4 3. "Veterinarian" means a person who has received a degree in
5 veterinary medicine or its equivalent from a school of veterinary
6 medicine;

7 4. "Licensed veterinarian" means any veterinarian who holds an
8 active license to practice veterinary medicine in this state;

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

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

21 7. "Direct supervision" means:

22 a. directions have been given to a veterinary technician,
23 nurse, laboratory technician, intern, veterinary
24 assistant or other employee for medical care following
25 the examination of an animal by the licensed
26 veterinarian responsible for the professional care of
27 the animal, or

28 b. that, under certain circumstances following the
29 examination of an animal by a licensed veterinarian
30 responsible for the professional care of the animal,
31 the presence of the licensed veterinarian on the
32 premises in an animal hospital setting or in the same

1 general area in a range setting is required after
2 directions have been given to a veterinarian who has a
3 certificate issued pursuant to Section 698.8 of this
4 title;

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

9 9. "Certificate" means authorization to practice veterinary
10 medicine with certain limitations or restrictions on that practice,
11 set by the Board or authorization to perform certain enumerated
12 functions peripheral to the practice of veterinary medicine as set
13 by the Board;

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

- 15 a. the licensed veterinarian has assumed the
16 responsibility for making medical judgments regarding
17 the health of an animal or animals and the need for
18 medical treatment, and the client, owner or other
19 caretaker has agreed to follow the instructions of the
20 licensed veterinarian; and
- 21 b. there is sufficient knowledge of the animal or animals
22 by the licensed veterinarian to initiate at least a
23 general or preliminary diagnosis of the medical
24 condition of the animal or animals in that:
- 25 (1) the licensed veterinarian has recently seen or is
26 personally acquainted with the keeping and care
27 of the animal or animals, or
- 28 (2) by medically necessary and timely visits to the
29 premises where the animal or animals are kept or
30 both, and
- 31 c. the licensed veterinarian is readily available for
32 follow-up in case of adverse reactions or failure of

1 the regimen of therapy, or has arranged for emergency
2 medical coverage, and

3 d. would conform to applicable federal law and
4 regulations;

5 11. "Veterinary premises" means any facility where the practice
6 of veterinary medicine occurs, including, but not limited to, a
7 mobile unit, mobile clinic, outpatient clinic, satellite clinic,
8 public service outreach of a veterinary facility, or veterinary
9 hospital or clinic. The term "veterinary premises" shall not
10 include the premises of a client of a licensed veterinarian or
11 research facility;

12 12. "Veterinary prescription drugs" means such prescription
13 items as are in the possession of a person regularly and lawfully
14 engaged in the manufacture, transportation, storage, or wholesale or
15 retail distribution of veterinary drugs and the federal Food and
16 Drug Administration-approved human drugs for animals which because
17 of their toxicity or other potential for harmful effects, or method
18 of use, or the collateral measures necessary for use, are labeled by
19 the manufacturer or distributor in compliance with federal law and
20 regulations to be sold only to or on the prescription order or under
21 the supervision of a licensed veterinarian for use in the course of
22 professional practice. Veterinary prescription drugs shall not
23 include over-the-counter products for which adequate directions for
24 lay use can be written.

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

1 14. "Executive Director" means the Executive Director of the
2 State Board of Veterinary Medical Examiners or the authorized
3 representative of such official;

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

11 16. "Person" means any individual, firm, partnership,
12 association, joint venture, cooperative, corporation, or any other
13 group or combination acting in concert, and whether or not acting as
14 a principal, trustee, fiduciary, receiver, or as any other kind of
15 legal or personal representative, or as the successor in interest,
16 assignee, agent, factor, servant, employee, director, officer,
17 fictitious name certificate, or any other representative of such
18 person;

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

21 18. "Surgery" means the branch of veterinary science conducted
22 under elective or emergency circumstances, which treats diseases,
23 injuries and deformities by manual or operative methods including,
24 but not limited to, cosmetic, reconstructive, ophthalmic,
25 orthopedic, vascular, thoracic, and obstetric procedures. The
26 provisions in Section 698.12 of this title shall not be construed as
27 surgery; ~~and~~

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

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

5 a. use of x-rays,

6 b. performing of surgery,

7 c. dispensing or injecting of medications, or

8 d. performance of traditional veterinary care.

9 SECTION 5. AMENDATORY 59 O.S. 1991, Section 698.7, as
10 last amended by Section 8, Chapter 94, O.S.L. 1999 (59 O.S. Supp.
11 1999, Section 698.7), is amended to read as follows:

12 Section 698.7 The State Board of Veterinary Medical Examiners
13 shall have the powers and it shall also be its duty to regulate the
14 practice of veterinary medicine. In addition to any other powers
15 placed on it by the Oklahoma Veterinary Practice Act or as otherwise
16 provided by law, the Board shall have the power and duty to:

17 1. a. set standards for licensure or certification by
18 examination and develop such examinations as will
19 provide assurance of competency to practice, and

20 b. employ or enter into agreements with organizations or
21 agencies to provide examinations acceptable to the
22 Board or employ or enter into agreements with
23 organizations or agencies to provide administration,
24 preparation or scoring of examinations;

25 2. Set fees;

26 3. Prescribe the time, place, method, manner, scope and
27 subjects of examination for licensure;

28 4. Prepare or select, conduct or direct the conduct of, set
29 minimum requirements for, and assure security of licensing and other
30 required examinations;

31 5. a. issue or deny licenses and certificates and renewals
32 thereof,

- 1 b. acquire information about and evaluate the
2 professional education and training of applicants for
3 licensure or certification; and accept or deny
4 applications for licensure, certification or renewal
5 of either licensure or certification based on the
6 evaluation of information relating to applicant
7 fitness, performance or competency to practice,
8 c. determine which professional schools, colleges,
9 universities, training institutions and educational
10 programs are acceptable in connection with licensure
11 pursuant to the Oklahoma Veterinary Practice Act, and
12 accept the approval of such facilities and programs by
13 American-Veterinary-Medical-Association-accredited
14 institutions in the United States and Canada,
15 d. require supporting documentation or other acceptable
16 verifying evidence for any information provided the
17 Board by an applicant for licensure or certification,
18 and
19 e. require information on an applicant's fitness,
20 qualification and previous professional record and
21 performance from recognized data sources including,
22 but not limited to, other licensing and disciplinary
23 authorities of other jurisdictions, professional
24 education and training institutions, liability
25 insurers, animal health care institutions and law
26 enforcement agencies;

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

- 30 7. a. review and investigate complaints and adverse
31 information about licensees and certificate holders,
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1 b. conduct hearings in accordance with the Oklahoma
2 Veterinary Practice Act and the Administrative
3 Procedures Act, and

4 c. adjudicate matters that come before the Board for
5 judgment pursuant to the Oklahoma Veterinary Practice
6 Act upon clear and convincing evidence and issue final
7 decisions on such matters to discipline licensees and
8 certificate holders;

9 8. a. impose sanctions, deny licenses and certificates and
10 renewals thereof, levy reimbursement costs, seek
11 appropriate administrative, civil or criminal
12 penalties or any combination of these against those
13 who violate examination security, who attempt to or
14 who do obtain licensure or certification by fraud, who
15 knowingly assist in illegal activities, or who aid and
16 abet the illegal practice of veterinary medicine,

17 b. review and investigate complaints and adverse
18 information about licensees and certificate holders,

19 c. discipline licensees and certificate holders,

20 d. institute proceedings in courts of competent
21 jurisdiction to enforce Board orders and provisions of
22 the Oklahoma Veterinary Practice Act,

23 e. (1) establish mechanisms for dealing with licensees
24 and certificate holders who abuse or are
25 dependent on or addicted to alcohol or other
26 chemical substances, and enter into agreements,
27 at its discretion, with professional
28 organizations whose relevant procedures and
29 techniques it has evaluated and approved for
30 their cooperation or participation in the
31 rehabilitation of the licensee or certificate
32 holder,

1 (2) establish by rules cooperation with other
2 professional organizations for the identification
3 and monitoring of licensees and certificate
4 holders in treatment who are chemically dependent
5 or addicted, and

6 f. issue conditional, restricted or otherwise
7 circumscribed modifications to licensure or
8 certification as determined to be appropriate by due
9 process procedures and summarily suspend a license if
10 the Board has cause to believe by clear and convincing
11 evidence such action is required to protect public or
12 animal health and safety or to prevent continuation of
13 incompetent practices;

14 9. Promulgate rules of professional conduct and require all
15 licensees and certificate holders to practice in accordance
16 therewith;

17 10. Act to halt the unlicensed or illegal practice of
18 veterinary medicine and seek administrative, criminal and civil
19 penalties against those engaged in such practice;

20 11. Establish appropriate fees and charges to ensure active and
21 effective pursuit of Board responsibilities;

22 12. Employ, direct, reimburse, evaluate and dismiss staff in
23 accordance with state procedures;

24 13. Establish policies for Board operations;

25 14. Respond to legislative inquiry regarding those changes in,
26 or amendments to, the Oklahoma Veterinary Practice Act;

27 15. Act on its own motion in disciplinary matters, administer
28 oaths, issue notices, issue subpoenas in the name of the State of
29 Oklahoma, including subpoenas for client and animal records, hold
30 hearings, institute court proceedings for contempt or to compel
31 testimony or obedience to its orders and subpoenas, take evidentiary
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1 depositions and perform such other acts as are reasonable and
2 necessary under law to carry out its duties;

3 16. Use clear and convincing evidence as the standard of proof
4 and issue final decisions when acting as trier of fact in the
5 performance of its adjudicatory duties;

6 17. Determine and direct Board operating, administrative,
7 personnel and budget policies and procedures in accordance with
8 applicable statutes;

9 18. Promulgate uniform rules such as may be necessary for
10 carrying out and enforcing the provisions of the Oklahoma Veterinary
11 Practice Act and such as in its discretion may be necessary to
12 protect the health, safety and welfare of the public;

13 19. Determine continuing education requirements;

14 20. Establish minimum standards for veterinary premises;

15 21. Establish standards for veterinary labeling and dispensing
16 of veterinary prescription drugs and federal Food and Drug
17 Administration-approved human drugs for animals which would conform
18 to current applicable state and federal law and regulations; ~~and~~

19 22. Perform such other duties and exercise such other powers as
20 the provisions and enforcement of the Oklahoma Veterinary Practice
21 Act may require; and

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

25 a. carry at least One Million Dollars (\$1,000,000.00) of
26 additional malpractice coverage for diagnosis and
27 treatment of vertebrates as defined in paragraph 20 of
28 Section 698.2 of this title, and

29 b. have appropriate training in animal chiropractic,
30 which shall include successful completion of a
31 certificate program in animal chiropractic as offered
32 by the American Veterinary Chiropractic Association,

1 or an equivalent program with regard to admission
2 policy and curriculum. The Board shall certify such
3 chiropractic physicians and make available to the
4 public, upon request, a list of physicians so
5 certified.

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

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

11 1. Diagnosing, surgery, treating, correcting, changing,
12 relieving, or preventing animal disease, deformity, defect, injury
13 or other physical or mental conditions including the prescribing or
14 administering of any drug, medicine, biologic, apparatus,
15 application, anesthetic, telemedicine, animal chiropractic, or other
16 therapeutic diagnostic substance or technique; dentistry; testing
17 for pregnancy or correcting sterility or enhancing fertility; or
18 rendering advice or recommendation with regard to any of the above;

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

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

29 B. Any person licensed to practice veterinary medicine pursuant
30 to the Oklahoma Veterinary Practice Act, may use the word "Doctor",
31 or an abbreviation thereof, and shall have the right to use, whether
32

1 or not in conjunction with the word "Doctor" or any abbreviation
2 thereof, the designation "D.V.M." or "V.M.D."

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

6 Section 698.12 The Oklahoma Veterinary Practice Act shall not
7 be construed to prohibit:

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

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

19 3. Acts of a person in lawful possession of an animal for some
20 other purpose than practicing veterinary medicine; provided that, no
21 charge may be made or included in any other charge or fee or
22 adjustment otherwise made of any charge or fee for acts performed
23 pursuant to this subsection unless the acts are performed by a
24 licensed veterinarian as provided by the Oklahoma Veterinary
25 Practice Act;

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

28 5. Acts of a person who is a student in good standing in a
29 veterinary school, in performing duties or functions assigned by
30 the student's instructors, or working under the direct supervision
31 of a licensed veterinarian for each individual case and acts
32 performed by an instructor or student in a school of veterinary

1 medicine recognized by the Board and performed as a part of the
2 educational and training curriculum of the school under the direct
3 supervision of faculty. The unsupervised or unauthorized practice
4 of veterinary medicine even though on the premises of a school of
5 veterinary medicine is prohibited;

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

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

11 8. Acts of vocational-agriculture instructors or students while
12 engaged in regular vocational-agriculture instruction; provided that
13 said acts are under the supervision of instructors and are carried
14 out in the usual course of instruction and not as independent
15 practice by an unlicensed veterinarian without supervision; ~~or~~

16 9. Any person employed by a licensed veterinarian who is
17 assisting with the professional duties of the licensed veterinarian
18 and who is under the direct supervision of the licensed veterinarian
19 from administering medication or rendering auxiliary or supporting
20 assistance under the direct supervision of such licensed
21 veterinarian, provided that the practice is conducted in compliance
22 with all laws of this state and rules of this Board; or

23 10. Any chiropractic physician licensed in this state who holds
24 himself or herself out to the public as a trained animal
25 chiropractor from practicing animal chiropractic diagnosis and
26 treatment; provided, such person shall have appropriate training in
27 animal chiropractic which includes successful completion of a
28 certificate program offered by the American Veterinary Chiropractic
29 Association or its equivalent as to curriculum and admission policy.
30 The Board shall certify such chiropractic physicians and make a list
31 of such certified chiropractic physicians available to the public
32 upon request.

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