

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2400

By: Roussetot

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6 AS INTRODUCED

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8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Section 698.12, which relates
10 to the Oklahoma Veterinary Practice Act; modifying
11 acts not prohibited; creating the Animal Massage and
12 Acupressure Therapy Act; defining terms; identifying
13 scope of practice; prohibiting certain acts
14 restricted to veterinary medicine; requiring
15 completion of training program for certification;
16 mandating completion of an examination; describing
17 application process for certification; declaring
18 criteria for approved animal massage or acupressure
19 programs; requiring practitioner provide client with
20 information form; setting forth information to be
21 included in information form; directing information
22 form be kept with animal records; requiring display
23 of certification in primary place of practice;
24 mandating certain written records be kept; providing
for annual certification renewal; setting forth fees;
providing for codification; providing for
noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 698.12, is
amended to read as follows:

1 Section 698.12 The Oklahoma Veterinary Practice Act shall not
2 be construed to prohibit:

3 1. Acts of animal husbandry consisting of dehorning, branding,
4 tagging or notching ears, teeth floating, farriery, pregnancy
5 checking by transrectal palpation, collecting semen, preparing
6 semen, freezing semen, castrating, worming, vaccinating, injecting
7 or nonsurgical artificial insemination of farm animals; or the acts
8 or conduct of a person advising with respect to nutrition, feeds or
9 feeding; and such other acts designated by administrative rule of
10 the Board which may be recommended by the Animal Technology Advisory
11 Committee;

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

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

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

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

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

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

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

1 9. Any person employed by a licensed veterinarian who is
2 assisting with the professional duties of the licensed veterinarian
3 and who is under the direct supervision of the licensed veterinarian
4 from administering medication or rendering auxiliary or supporting
5 assistance under the direct supervision of such licensed
6 veterinarian, provided that the practice is conducted in compliance
7 with all laws of this state and rules of this Board;

8 10. Any chiropractic physician licensed in this state who is
9 certified by the Board of Chiropractic Examiners to engage in animal
10 chiropractic diagnosis and treatment from practicing animal
11 chiropractic diagnosis and treatment;

12 11. Any chiropractic physician licensed in this state who is
13 not certified to practice animal chiropractic diagnosis and
14 treatment by the Board of Chiropractic Examiners from providing
15 chiropractic treatment to an animal referred to such chiropractic
16 physician by a licensed veterinarian;

17 12. Any individual that is certified in animal massage or
18 acupressure therapy and acquires liability insurance from engaging
19 in animal massage or acupressure therapy ~~after referral from a~~
20 ~~licensed veterinarian~~ in accordance with the Animal Massage and
21 Acupressure Therapy Act;

22 13. Any individual that is certified by the State Board of
23 Veterinary Medical Examiners and pays a certification fee of Two
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1 Hundred Dollars (\$200.00) under subsection A of Section 698.30 of
2 this title from engaging in nonveterinary equine dental care; or

3 14. Any individual that is certified by the Board pursuant to
4 Section ~~3~~ 698.30a of this ~~act~~ title and pays a certification fee of
5 Two Hundred Dollars (\$200.00) from providing nonveterinary
6 reproductive services as defined by Section 698.2 of this title.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 699.1 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 Sections 2 through 11 of this act shall be known and may be
11 cited as the "Animal Massage and Acupressure Therapy Act".

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 699.2 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 As used in the Animal Massage and Acupressure Therapy Act:

16 1. "Client" means the owner of the animal or the owner's agent;

17 2. "Department" means the Oklahoma Department of Agriculture,
18 Food, and Forestry;

19 3. "Didactic instruction" means instructor-led classroom
20 instruction;

21 4. "Distance learning" means instruction completed through
22 written correspondence courses, video instruction, or provided
23 electronically through web-based instruction;

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1 5. "Large animals" means equine, food animals, camelids-
2 ruminants, nonruminants, or large exotics;

3 6. "Client information form" means a form provided to the large
4 or small animal's client informing them of the practitioner's scope
5 of practice and qualifications;

6 7. "Practical or hands-on instruction" means in-person
7 instruction, or demonstration under the direction of a qualified
8 instructor;

9 8. "Secretary" means the Secretary of Agriculture; and

10 9. "Small animals" means cats, dogs, pocket pets, avian, or
11 small exotics.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 699.3 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A certified animal massage or acupressure practitioner is an
16 individual who provides external manipulation or pressure of soft
17 tissues by use of the hands, body, or device designed for the sole
18 purpose of massage or acupressure. Animal massage may include
19 techniques such as stroking, percussions, compressions, friction,
20 gliding, kneading, and fascial or connective tissue stretching, with
21 or without the aid of superficial heat, cold, water, lubricants, or
22 salts.

23 B. A certified animal massage or acupressure practitioner shall
24 not diagnose, prognosticate, or treat diseases, deformities,

1 defects, wounds, or injuries of animals; attempt to adjust or
2 manipulate any articulations of the animal's body or spine or
3 mobilization of these articulations by the use of a thrusting force;
4 perform acupuncture involving the use of needles; or perform
5 mechanical therapies that are restricted to the field of veterinary
6 medicine.

7 C. A certified animal massage or acupressure practitioner may
8 provide animal massage or acupressure solely for purposes of the
9 well-being of the animal.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 699.4 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 To qualify for certification in animal massage or acupressure
14 therapy, a candidate shall:

15 1. Successfully complete a three-hundred-hour training program
16 approved by the Secretary of Agriculture, that includes instruction
17 in specific animal massage or acupressure techniques, kinesiology,
18 anatomy, physiology, behavior, pathology, and handling techniques,
19 as follows:

20 a. To practice animal massage or acupressure on large
21 animals, the three hundred (300) hours of instruction
22 shall be related to the performance of animal massage
23 or acupressure on large animals.

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1 b. To practice animal massage on small animals, the three
2 hundred (300) hours of instruction shall be related to
3 the performance of animal massage or acupressure on
4 small animals.

5 c. For certification in both small animal massage or
6 acupressure and large animal massage or acupressure,
7 the candidate shall complete the training described in
8 both subparagraphs a and b of this paragraph;

9 2. Successfully complete a qualifying examination approved by
10 the Secretary, as follows:

11 a. To practice animal massage or acupressure on large
12 animals, successfully complete the National
13 Certification Examination for Equine Massage or
14 Acupressure administered by the National Board of
15 Certification for Animal Acupressure and Massage.

16 b. To practice animal massage or acupressure on small
17 animals, successfully complete the National
18 Certification Examination for Canine Massage or
19 Acupressure administered by the National Board of
20 Certification for Animal Acupressure and Massage.

21 c. Candidates seeking certification in both small animal
22 massage or acupressure and large animal massage or
23 acupressure shall meet the requirements in both
24 subparagraphs a and b of this paragraph; and

1 3. Successfully complete the state animal massage and
2 acupressure jurisprudence examination as developed by the Oklahoma
3 Department of Agriculture, Food, and Forestry.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 699.5 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 An applicant for certification as an animal massage or
8 acupressure practitioner shall submit or cause to be submitted to
9 the Oklahoma Department of Agriculture, Food, and Forestry:

- 10 1. A completed application and fee; and
11 2. Proof of successful completion of the training required in
12 Section 5 of this act received directly from the program where the
13 applicant completed the training.

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 699.6 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Secretary of Agriculture recognizes as approved those
18 animal massage or acupressure programs that:

- 19 1. Are approved by a recognized regional or state approval body
20 or vocational or technical approval body, or the State Department of
21 Education; and
22 2. Meet the requirements of paragraphs 1 through 6 of
23 subsection C of this section.

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1 B. Methods of instruction may include didactic instruction,
2 distance learning, and practical or hands-on instruction.

3 C. Approved animal massage or acupressure programs shall
4 include a minimum of three hundred (300) hours of instruction
5 related to either large animals or small animals as follows:

6 1. A minimum of one hundred twenty-five (125) hours of
7 instruction in specific animal massage or acupressure techniques and
8 theory. At least seventy-five (75) of those hours shall be
9 practical or hands-on instruction. The instruction shall include,
10 but not be limited to, the following subjects:

11 a. technique:

12 (1) stroking, including effleurage, and gliding,

13 (2) percussions,

14 (3) compressions,

15 (4) friction, including rubbing, and gliding with
16 pressure,

17 (5) kneading,

18 (6) range of motion or stretching,

19 (7) fascial or connective tissue stretching,

20 (8) direct pressure techniques,

21 (9) acupressure point selection techniques,

22 (10) meridian theory, function and energetics, and

23 (11) acupressure point function and energetics,

24 b. contraindications in zoonotic diseases or pathology,

- c. documentation and recordkeeping,
- d. physiological benefits,
- e. palpation, and
- f. body mechanics of the practitioner;

2. A minimum of sixty-five (65) hours of instruction in kinesiology. At least forty (40) of those hours shall be practical or hands-on instruction. The instruction shall include the following subjects:

- a. biomechanics, including range of motion, gait analysis, and muscle actions,
- b. conformation analysis, and
- c. observation and assessment;

3. A minimum of seventy-five (75) hours of instruction in anatomy, physiology and pathology. At least twenty (20) of those hours shall be practical or hands-on instruction.

a. The instruction in anatomy, physiology and pathology shall include the function and structure of the following systems:

- (1) skeletal system,
- (2) muscular system,
- (3) nervous system,
- (4) digestive system, and
- (5) circulatory system.

1 b. The instruction in anatomy, physiology, and pathology
2 shall include the relationship and effect of massage
3 or acupuncture on the following systems:

- 4 (1) endocrine system,
- 5 (2) integumentary, and
- 6 (3) fascial anatomy;

7 4. A minimum of twenty-five (25) hours of instruction in animal
8 behavior and handling. At least ten (10) of those hours shall be
9 practical or hands-on instruction. The instruction shall include
10 the following subjects:

- 11 a. breed characteristics,
- 12 b. body language,
- 13 c. social dynamics,
- 14 d. signs of stress,
- 15 e. communication,
- 16 f. methods of restraints,
- 17 g. situations with specially trained animals, and
- 18 h. environment;

19 5. A minimum of ten (10) hours of instruction in business
20 practices. The instruction shall include the following subjects:

- 21 a. scope of practice and ethics,
- 22 b. file management,
- 23 c. documentation of care, and
- 24 d. liability; and

1 6. A minimum of five (5) hours of instruction in health or
2 pathology or first aid. At least two (2) of those hours shall be
3 practical or hands-on instruction. The instruction shall include
4 the following subjects:

- 5 a. vitals, including respiration, pulse, heart rate,
6 temperature, and capillary refill,
- 7 b. recognizing emergencies,
- 8 c. hydration test, and
- 9 d. ethics and responsibilities.

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 699.7 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The information form is to advise the client of the
14 practitioner's qualifications and authorized scope of practice. The
15 following information shall be furnished to the client in writing
16 prior to or at the time of the initial visit and signed by the
17 client:

18 1. Practitioner's qualifications, including:

- 19 a. education, and
- 20 b. state certification number and date of issue;

21 2. A statement that the practitioner is limited to providing
22 massage or acupuncture solely for purposes of animal well-being; and

23 3. A statement that the practitioner shall not:

- 1 a. diagnose, prognosticate, or treat diseases,
2 deformities, defects, wounds, or injuries,
3 b. adjust or manipulate any articulations of the animal's
4 body or spine,
5 c. perform any invasive techniques or administer herbs,
6 or
7 d. perform mechanical therapies that are restricted to
8 the field of veterinary medicine.

9 B. A copy of the signed information form shall be maintained in
10 the animal's record.

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 699.8 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Certified animal massage or acupressure practitioners who
15 practice in this state shall display their certification at all
16 times, in a conspicuous place within their primary place of
17 practice.

18 B. Practitioners shall keep a copy of their certification with
19 them when practicing at locations other than their primary place of
20 practice.

21 SECTION 10. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 699.9 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Every certified animal massage or acupressure practitioner
2 shall maintain written records of all animal services.

3 B. A separate record shall be kept for each animal.

4 C. All records shall be legible, readily retrievable and shall
5 be kept for a period of three (3) years following the last
6 treatment.

7 D. The records shall include, but not be limited to, the
8 following:

9 1. Name, address, and telephone number of the client;

10 2. Name or other identification of the animal;

11 3. Description of the animal's condition and the nature of the
12 massage or acupressure services provided; and

13 4. The client information form.

14 E. If the certified animal massage or acupressure practitioner
15 suspects that the animal has an injury or condition that may require
16 veterinary care, the practitioner shall advise the client and make a
17 notation in the animal's record.

18 SECTION 11. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 699.10 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Certification shall be renewed every year on or before the
22 animal massage practitioner's birthday.

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1 B. The following nonrefundable fees shall be submitted to the
2 Oklahoma Department of Agriculture, Food, and Forestry for
3 certification:

<u>Type of Fee</u>	<u>Amount</u>
Application for large animal certification	\$200.00
Application for small animal certification	\$200.00
Renewal of certification for large animal certification	\$150.00
Renewal of certification for small animal certification	\$150.00
Late renewal penalty fee per certification	\$75.00
Expired credential reissuance fee per certification	\$75.00
Duplicate credential per certification	\$30.00
Certification of credential per certification	\$30.00

17 SECTION 12. This act shall become effective November 1, 2012.

19 53-2-7846 EK 01/15/12