

LD 1220
Draft Proposed HCIFS Committee Amendment
To Be Referred to DPFR for Sunrise Review

DRAFT COMMITTEE AMENDMENT:
LD 1220, An Act to Allow Chiropractors to Treat Dogs and Equids

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 32 MRSA §456 is enacted to read:

§456. Animal chiropractic care

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal" has the same meaning as in Title 32, section 4853, subsection 1.

B. "Animal chiropractic care" means the evaluation and treatment of an animal's vertebral or extremity joint dysfunction through spinal, joint, or musculoskeletal manipulative therapy or soft tissue therapy. "Animal chiropractic care" does not include the performing of surgery; the dispensing or administering of medications, drugs or biologics; or the performance of any traditional veterinary care and diagnosis unless the individual is licensed as a veterinarian pursuant to Title 32, chapter 71-A.

C. "Practice agreement" means a document agreed to by a licensee certified by the board to provide animal chiropractic care and a veterinarian that states the veterinarian will be available to the licensee for collaboration or consultation with regard to the licensee's animal chiropractic care.

2. Certification to perform animal chiropractic care. Except as provided in subsection 8, a person may not perform animal chiropractic care on an animal in this State unless the following requirements are met.

A. The board shall certify a person licensed under this chapter to perform animal chiropractic care if the licensee has successfully completed a course of instruction in animal chiropractic care with not less than 210 hours of instruction provided by:

- (1) The American Veterinary Chiropractic Association or its successor organization;
- (2) The International Veterinary Chiropractic Association or its successor organization; or
- (3) An organization equivalent to the organizations identified in paragraphs A and B that is approved by the board.

B. After receiving an initial certification from the board under paragraph A, the licensee must successfully complete at least 20 hours of continuing education prior to each renewal of the licensee's license that is specific to the diagnosis and treatment of animals, including a 2-hour course on contagious, infectious and zoonotic diseases in this State and other locations that might affect a licensee's animal patients.

3. Authorization to perform animal chiropractic care. A person licensed under this chapter who is certified by the board pursuant to subsection 2 may perform animal chiropractic care on a conscious animal in accordance with the requirements of this subsection.

**Draft Proposed HCIFS Committee Amendment
To Be Referred to DPFR for Sunrise Review**

A. A licensee may perform animal chiropractic care on an animal only to types of animals on which the licensee has received training and as long as the licensee has a practice agreement with an active veterinarian. A licensee shall submit the practice agreement to the board for approval and the agreement must be kept on file at the main location of the licensee's practice and be made available to the board or the board's representative upon request. Upon any change in the parties to the practice agreement or other substantive change in the practice agreement, the licensee shall submit the revised practice agreement to the board for approval. Under a practice agreement, a veterinarian must be accessible at all times for consultation or collaboration and consultation or collaboration may occur through electronic means and does not require the physical presence of veterinarian who is a party to the agreement at the time or place that the animal chiropractic care is provided.

B. Prior to providing animal chiropractic care to an animal, the licensee must obtain a completed application for care form for each animal signed by the animal's owner, owner's agent, or another individual responsible for the animal. At a minimum, the application for care form must include the following:

- (1) A statement that the licensee is not a licensed veterinarian and may not maintain primary responsibility for the animal's care;
- (2) A statement that animal chiropractic care is not intended to replace traditional veterinary care and is considered an alternative therapy to be used concurrently and in conjunction with traditional veterinary care by a licensed veterinarian;
- (3) A statement whether or not the animal has had a veterinarian-client-patient relationship as described in section 4877 with a licensed veterinarian within the past 12 months;
- (4) statement whether or not a licensed veterinarian has provided a diagnosis of the medical condition of the animal for which animal chiropractic care is sought, and if so, a documentation of the specific diagnosis; and
- (5) A statement authorizing the licensee to provide animal chiropractic care to the animal.

C. If a licensee suspects that the animal has a contagious disease required to be reported under state law, the licensee shall notify the animal's veterinarian and the Department of Agriculture, Conservation and Forestry, division of animal and plant health.

D. A licensee shall maintain for at least three years a medical record for each animal provided animal chiropractic care, including a copy of the signed application for care form for each animal. Upon request, the licensee shall provide the medical record to the board and to the animal's veterinarian within 2 business days.

4. Use of title. A person licensed under this chapter may not use the title "animal chiropractor" or hold themselves out to be an "animal chiropractor" unless the licensee is certified by the board to perform animal chiropractic care under this section.

5. Malpractice insurance. A person licensed under this chapter who is certified by the board to perform animal chiropractic care shall at all times maintain malpractice insurance specific to animal chiropractic care.

6. List of licensees certified to provide animal chiropractic care. The board shall make available on its publicly accessible website a list of all licensees certified to provide animal chiropractic care under

**Draft Proposed HCIFS Committee Amendment
To Be Referred to DPFR for Sunrise Review**

this section. The board shall update the list as necessary but not less frequently than quarterly to ensure that the information provided to the public is not outdated.

7. Rules. The board may adopt rules to implement this section as necessary. Prior to adopting any rules pursuant to this subsection relating to the standards of care for an animal, the board shall consult with the State Board of Veterinary Medicine. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

8. Direct supervision of veterinarian. A licensed chiropractor providing care to an animal in the presence of and under the direct supervision of a licensed veterinarian is not required to be certified to provide animal chiropractic care pursuant to this section.

9. Practice of veterinary medicine; liability. This section does not restrict a licensed veterinarian from engaging in the practice of veterinary medicine pursuant to chapter 71-A. A veterinarian who has an established veterinarian-client-patient relationship with an animal as described in section 4877 is not liable for any acts or omissions of a licensed chiropractor certified under this section who provides animal chiropractic care.

Sec. 2. 32 MRSA §4860, sub-§13 is enacted to read:

13. Licensed chiropractor certified to perform animal chiropractic care. A chiropractor licensed under chapter 9 performing animal chiropractic care in accordance with the requirements of section 456.

SUMMARY

This amendment replaces the bill. The amendment authorizes a chiropractor licensed in this State to provide chiropractic care to dogs and equids as long as the licensed chiropractor is certified to perform animal chiropractic care and meets other conditions specified in the bill, including a requirement to enter into a collaborative practice agreement with a licensed veterinarian.