Legislative Update: Animal Chiropractic Bill Awaits Governor’s Signature

by Ralph Johnson, Executive Director

The Colorado General Assembly adjourned on its statutory deadline of May 5, but the prospect of a special session looms large in the minds of many legislators. The 2009–10 budget was finally passed and signed only a few days prior to adjournment; but at the end of June, when new revenue figures are released, additional cuts may be necessary. If so, Governor Ritter may do the paring himself, or he may call for legislators to do it in a special session. Colorado’s Constitution gives the governor the right, in extraordinary circumstances, to convene the legislature for a specific purpose.

While Colorado legislators have understandably been preoccupied addressing the state’s budget shortfall, many animal-related bills were simultaneously considered by the legislative body. CVMA and its lobbying team monitored the progress of nearly a dozen bills, with the most significant being the changes proposed to the chiropractic practice act to allow licensed chiropractors who meet additional requirements to provide animal chiropractic treatment. The bill was passed by both the House and Senate, and has been sent to Governor Ritter for his signature.

The chiropractic practice act underwent its 10-year sunset review during this legislative session, which requires the Department of Regulatory Agencies (DORA) to justify the continued existence of a licensed profession and its regulatory board. Knowing that some changes would be proposed in this legislative session to the chiropractic practice act, the Colorado Chiropractic Association and CVMA commenced discussions in 2008 to develop language that would allow, under certain circumstances, a licensed chiropractor to legally provide animal chiropractic services and—in stark contrast to the status quo—create a clear registration and disciplinary structure for licensed chiropractors who become trained to provide animal chiropractic services.

Seeing the benefit of this disciplinary structure, and seeking to respond to consumer demand for access to the modality of animal chiropractic, CVMA articulated a model with several key elements. The model is similar to that created for animal physical therapy (in the 2007 legislative session) but with additional safeguards built in to recognize the heightened risk (to patients, owners, and providers) accompanying animal chiropractic.

CVMA worked extremely hard on the definition of animal chiropractic that is in the statute, which reads as follows:

- Animal chiropractic means diagnosing and treating animal vertebral subluxation through chiropractic adjustment of the spine or extremity articulations of fully awake dogs and horses. The chiropractic adjustment may be performed only with the hands or with the use of a hand-held low-force mechanical adjusting device functionally equivalent to the device known as an activator; all other equipment is prohibited.
- Animal chiropractic does not include performing veterinary medical care and diagnosis; performing surgery; dispensing or administering medications, dietary or nutritional supplements, herbs, essences, nutraceutical products, or anything else supplied orally, rectally, by inhalation, by injection, or topically except topically applied heat or cold; generating radiographic images or performing imaging procedures, including thermography; performing acupuncture, or any treatment activity other than chiropractic adjustment; providing magnetic or other non-manual treatment techniques, colonics, colored-light therapy, homeopathy, radionics, or vitamin therapy; venipuncture; making diagnoses by methods such as live cell analysis, pendulum divining, iridology, hair analysis, nutritional deficiency questionnaires, herbal crystallization analysis, or food allergy testing.

The key elements of the animal chiropractic model as defined in the statute are:

- A licensed Colorado chiropractor who wishes to provide animal chiropractic treatments must take 210 hours of education courses specific to dogs and horses (the only two species allowed under the proposed language); the education program must culminate with a demonstration of clinical proficiency. Additionally, 20 hours of continuing education specific to the diagnosis and treatment of animals is now required for license renewal.
- Upon completion of the educational requirements, the licensed chiropractor may then apply to the State Board of Chiropractic to be added to the registry of approved providers of animal chiropractic.
- Once listed on the registry of approved providers of animal chiropractic, a licensed chiropractor may treat an animal ONLY if the animal has been provided a veterinary medical clearance in writing by a licensed Colorado veterinarian. This is a key provision that keeps the veterinarian in the diagnostic role and allows the veterinarian to rule out animal chiropractic should the animal’s medical condition contraindicate such treatment.
- If the veterinarian provides a veterinary medical clearance for the animal, then the animal owner can consult the registry of approved providers (on the DORA Web site) and select a provider of animal chiropractic. Veterinary medical clearance is defined in the statute as follows: “Veterinary medical clearance means that a veterinarian licensed under Article 64 of this title has examined an animal patient, has provided a diagnosis or differential diagnosis if appropriate, and has provided written clearance, which may be transmitted electronically, for animal chiropractic. The veterinary medical clearance shall precede the commencement of animal chiropractic treatment and may contain limitations on the scope, date of initiation, and duration of chiropractic treatment. Once a veterinary medical clearance has been received, the chiropractor is responsible for developing the plan of care for the animal patient’s animal chiropractic.”
- The statute encourages communication and collaboration between the veterinarian and the chiropractor. A rulemaking process (involving both the chiropractic and veterinary state
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banners) will be undertaken to address some of the more specific expectations in this relationship, in the interest of best serving the animal patient.

- The statutory language provides licensed chiropractors who become registered a special authority to provide animal chiropractic. The special authority is significant in that providing such treatments to animals is still considered within the scope of practice of veterinarians, but a chiropractor will not be deemed in violation of the veterinary practice act if she/he complies with the requirements set forth in the bill.

- The statute address use of titles in the following way: “Only a licensed chiropractor qualified and registered in Colorado to perform animal chiropractic may use the titles animal chiropractor, animal adjuster, equine chiropractor, or equine adjuster. No chiropractor shall use the titles veterinary chiropractor or veterinary adjuster unless the chiropractor is also licensed to practice veterinary medicine in Colorado. Nothing in this section shall prohibit a licensed veterinarian from using the titles animal adjuster or equine adjuster.”

- A licensed chiropractor who provides animal chiropractic in the same facility where human patients are treated is required to maintain a separate, non-carpeted room for the purpose of adjusting animals. The table and equipment used for animals shall not be used for human patients.

- The chiropractic board will have disciplinary authority and responsibility for licensed chiropractors who become registered to provide animal chiropractic treatment. However, the chiropractic board is required by the proposed language to consult with the veterinary medicine board to obtain an advisory opinion on any complaint the chiropractic board considers about animal chiropractic.

Another important issue was addressed in the statute as follows: “A licensed chiropractor who is not registered under this section may perform animal chiropractic if the animal has been provided a veterinary medical clearance by a licensed veterinarian and the animal chiropractic is performed under the direct, on-premises supervision of the veterinarian who has provided the veterinary medical clearance.”

This legislation reflects discussions that have occurred over several years to appropriately safeguard animal health, impose a disciplinary structure in an area that is at best unclear at present, and thoughtfully respond to animal owner demands for treatments provided by a licensed professional who is not a veterinarian. It’s a complex demand to balance these expectations, to be sure, but CVMA worked diligently on the proposed language to create a thoughtful, credible model. The final language reflects the thoughtful and sustained effort of CVMA elected leaders, volunteers, staff, and lobbyists—and with a particular note of thanks due to Dr. Narda Robinson for her important contributions and clarifications.

The full text of the bill (SB09-187) can be accessed on the General Assembly’s Web site at http://www.leg.state.co.us/. Please contact me (by phone at 303.318.0447 or by e-mail at Ralph Johnson@colovma.org) if you have questions that I can answer about this important new legislation, which we expect will be signed by the governor by the time this issue reaches you.

Veterinarians Make Gains in Omnibus Bill

The veterinary profession has reason to cheer the $410 billion spending bill President Barack Obama signed March 11.

Included in the fiscal 2009 omnibus legislation are millions of dollars for AVMA-backed programs, such as the National Veterinary Medical Service Act and Food Animal Residue Avoidance Databank, as well as expenditures for veterinary education and several animal health initiatives.

Congress appropriated $2.95 million for NVMSA—the AVMA’s highest funding priority. In exchange for a commitment to work in underserved areas of veterinary medicine, recipients are granted student loan repayment. The bill was signed into law in 2003, but its implementation has been delayed by the Agriculture Department, which is still in the process of promulgating regulations for the program.

“More than five years after the legislation was passed by Congress, it looks like all the pieces are finally coming together for NVMSA,” commented AVMA CEO W. Ron DeHaven. “With this funding, and implementing regulations expected soon from the USDA, it looks like this important program will become functional soon.”

FARAD, a program until recently on the brink of extinction because of insufficient funding, received a desperately needed $806,000 appropriation. A number of organizations including the AVMA had donated more than $16,000 to keep the program running in the short term, but a major cash infusion was needed.

“I am very relieved because we were basically going to have to shut FARAD forever by the end of summer,” said Dr. Alistair Webb, one of the program’s three directors and a professor at the University of Florida–Gainesville.

The money will keep FARAD going for another year without additional layoffs, Dr. Webb explained.

Also in the omnibus bill was a $2.95 million boost to Section 1433 Formula Funds, which support research on diseases in food animals at the nation’s veterinary colleges and veterinary science departments.

The USDA National Animal Identification System, which the AVMA believes is necessary, received $14.5 million to cover the costs of implementation and information technology infrastructure development.

Additionally, Congress appropriated $1.2 billion to the USDA Cooperative State Research, Education, and Extension Service; $1.1 billion to the USDA Agricultural Research Service; $129.2 million to the USDA Animal Health Monitoring and Surveillance program; $5.9 million to the USDA aquaculture program; $560,000 to the USDA Animal Welfare Information Center; $116.5 million to the Food and Drug Administration Animal Drugs and Feed program; and $429,000 to the FDA NSRP-7 Minor Use Animal Drug program.

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