

COLORADO DEPARTMENT OF REGULATORY AGENCIES  
OFFICE OF POLICY AND RESEARCH

# ANIMAL CHIROPRACTORS

---

2002 SUNRISE REVIEW



# STATE OF COLORADO

---

**DEPARTMENT OF REGULATORY AGENCIES**  
Office of the Executive Director  
M. Michael Cooke, Executive Director

1560 Broadway  
Suite 1550  
Denver, Colorado 80202  
V/TDD (303) 894-7880  
(303) 894-7855



---

Bill Owens  
Governor

October 15, 2002

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed its evaluation of the sunrise application for regulation of animal chiropractors and is pleased to submit this written report. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes (C.R.S.), which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

A handwritten signature in cursive script that reads "M. Michael Cooke".

M. Michael Cooke  
Executive Director

# Table of Contents

The Sunrise Process .....	1
<i>Background</i> .....	1
<i>Methodology</i> .....	2
Proposal for Regulation .....	3
<i>Profile of the Profession</i> .....	5
Summary of Current Regulation .....	12
<i>The Colorado Regulatory Environment</i> .....	12
<i>Regulation in Other States</i> .....	13
Analysis and Recommendations .....	17
<i>Public Harm</i> .....	17
<i>Need for Regulation</i> .....	19
<i>Alternatives to Regulation</i> .....	23
<i>Conclusion</i> .....	24
Appendix A – Proposed Animal Chiropractor Practice Act.....	26

---

## **The Sunrise Process**

### Background

Colorado law, section 24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute, which asks:

(I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument.

(II) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence.

(III) Whether the public can be adequately protected by other means in a more cost-effective manner.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation. Applications received by July 1 must have a review completed by DORA by October 15 of the year following the year of submission.

---

### Methodology

DORA has completed its evaluation of the proposal for regulation of animal chiropractors. During the sunrise review process, DORA reviewed literature, interviewed representatives of the applicant, reviewed licensure laws in other states, conducted interviews of administrators of those programs and interviewed other groups of veterinary and chiropractic practitioners. In order to determine the number and types of complaints filed against individuals practicing animal chiropractic in Colorado, DORA contacted representatives of the Denver/Boulder Better Business Bureau, the Office of the Attorney General Consumer Protection Section, the Colorado Board of Veterinary Medicine and the Colorado Board of Chiropractic Examiners. To better understand the practice of animal chiropractic, the author of this report visited an animal chiropractor, in addition to interviewing numerous practitioners and consumers, and visited Colorado State University's College of Veterinary Medicine and Biomedical Sciences.

---

## ***Proposal for Regulation***

The American Veterinary Chiropractic Association (Applicant) has submitted a sunrise application to the Department of Regulatory Agencies (DORA) for review in accordance with the provisions of section 24-34-104.1, Colorado Revised Statutes (C.R.S.). The application identifies state licensure of animal chiropractors as the appropriate level of regulation to protect the public.

In short, the Applicant proposes licensing Colorado-licensed doctors of veterinary medicine (DVMs) and Colorado-licensed doctors of chiropractic (DCs) as animal chiropractors. Among other things, the Applicant's proposed regulatory scheme would eliminate the current requirement that provides that anyone who is not a DVM who treats an animal must be supervised by a DVM. The Applicant's proposed practice act may be found in Appendix A on page 26.

The proposed practice act defines the practice of animal chiropractic as including the diagnosis, correction and management of conditions resulting from vertebral subluxations (spinal misalignments or joint dysfunctions that result in neurological or biomechanical dysfunction) or neuromuskuloskeletal abnormalities in animals, excluding the use of drugs or surgery. In addition, it would include the representation of the ability to perform any of the aforementioned acts.

The Applicant proposes the creation of a new Type 1, policy autonomous Board of Animal Chiropractic (Board), to be composed of five governor-appointed members: two animal chiropractors, one DC, one DVM and one public member. Board members would serve no more than two, five-year terms.

The cash funded Board would be empowered to examine and determine the qualifications of applicants for licensure; issue, renew, deny, suspend or revoke licenses and temporary permits; adopt, promulgate and enforce rules and regulations; establish fees; investigate alleged violations of the practice act and the rules and regulations promulgated thereunder; hold hearings, including the ability to subpoena people and records; and employ personnel.

The Applicant proposes licensure by examination and by endorsement. The Board would be empowered to develop and administer its own examination or adopt the examination developed and administered by the Applicant.

---

Examination candidates would be required to have graduated from an accredited college of veterinary medicine or college of chiropractic; hold a current license issued by the Colorado Board of Veterinary Medicine or the Colorado Board of Chiropractic Examiners; demonstrate completion of a Board-approved, post-graduate course in animal chiropractic; be at least 21 years of age and be of good moral character.

A candidate for licensure through endorsement would be required to demonstrate that for the preceding five years, he/she held a license in another state to practice veterinary medicine or chiropractic; that such license is current, in good standing and that no disciplinary action had ever been taken against it; that the candidate had completed a post-graduate course in animal chiropractic that was accredited by the Applicant; that the candidate had passed the Applicant's certification examination; and for the preceding five years, the candidate had been a current member in good standing of the Applicant and maintained his/her certification as granted by the Applicant.

The Board would also be empowered to issue temporary permits to qualified applicants for licensure, pending obtaining a passing score on the Board's licensing examination. In addition, a person licensed as an animal chiropractor in another state would be eligible for a temporary permit. No person who had previously failed the Board's licensing examination would be eligible for a temporary permit.

Individuals found guilty of practicing animal chiropractic without a license would be guilty of a misdemeanor and fined between \$500 and \$5,000, and/or imprisoned for not more than 90 days. The Applicant also proposes that the Board be empowered to impose administrative fines, but does not suggest the scope of such authority.

Finally, the Applicant proposes that all Applicant-certified animal chiropractors currently practicing in Colorado be automatically granted a license. That is, if the proposed Board opted to develop and administer its own examination, rather than using the Applicant's, the referenced individuals would be issued a license without taking and passing this new Board-approved examination.

---

### *Profile of the Profession*

A wide range of individuals with varying degrees of training currently practice animal chiropractic in Colorado. These include licensed doctors of veterinary medicine (DVMs), licensed doctors of chiropractic (DCs) as well as individuals with minimal to no formal training.

The practice of animal chiropractic includes the adjustment of vertebral joints, extremity joints and cranial sutures. Ideally, it also includes taking a case history of the subject animal, which consists of soliciting subjective information from the animal owner, analyzing information obtained from prior radiographs or laboratory analysis and information as to previous diagnoses and therapies. It should also include posture and gait analysis, vertebral and extremity palpation (static and motion), short-leg analysis, a radiographic examination, an orthopedic evaluation and a neurological evaluation.

A chiropractic adjustment may include a short lever or a high velocity controlled thrust by hand or with an instrument that is directed at specific articulations to correct vertebral subluxations.

While errors and omissions insurance is available for both doctors of chiropractic and doctors of veterinary medicine, it does not extend to a doctor of chiropractic's practice of animal chiropractic. Until recently, First Interstate Insurance Company was the only known seller of such policies, but it terminated this line of business due to lack of sales.

Although current state and federal laws do not require an individual who practices animal chiropractic to receive any training, various training opportunities exist. They range from seminars that travel from state to state, which offer training that lasts anywhere from a few hours to an entire weekend, to more traditional training programs provided by permanent schools, which offer courses that typically involve more substantial time and monetary commitments -- multiple-weekends over the course of several months.

The training programs discussed below include the two schools accredited by the American Veterinary Chiropractic Association (Applicant), a continuing education course offered by Colorado State University, and two of the large weekend seminar-type courses.



---

**Animal Chiropractic Seminars, Inc.** is one of several organizations that offer training in animal chiropractic at seminars at various locations around the country.

Operated by a DC, who is certified by the Applicant, these seminars cost \$395 and include approximately 16 hours of training, focusing mostly on work with horses. The seminar is divided into four modules: horse and dog skeletal anatomy; chiropractic examination procedures; horse chiropractic technique and canine chiropractic technique.

Since 1995, Animal Chiropractic Seminars, Inc. has offered between five and seven seminars in Colorado, with a typical class size of 30. In a typical class, approximately ten registrants are DCs, two to five are DVMs and 15-17 are laypeople, most of whom attend the seminar so that they may perform animal chiropractic on their own animals.

Animal Chiropractic Seminars, Inc. estimates that at its seminars held in Colorado, 25 out of 30 registrants are Colorado citizens. Thus, approximately 125-175 Coloradans have attended these seminars.

Animal Chiropractic Seminars, Inc. maintains that while it teaches a limited number of chiropractic skills, it does not attempt to offer a course that will teach an attendee to be an animal chiropractor.

**Colorado State University, College of Veterinary Medicine and Biomedical Sciences** in Fort Collins offered a post-graduate course in Veterinary Manual Therapy in 2001 and plans to do so again in 2003. Enrollment in this course is restricted to licensed DVMs. The 2001 course enrolled 33 students, 14 of whom were from Colorado.

In 2001, the registration fee for the course was \$4,000, and included 140 hours of lecture and laboratory coursework (the 2003 course will consist of 155 hours). The course was held in five sessions, or modules, over the course of five months, and covered topics such as the trunk, the hind limb and pelvis, the forelimb, the head and neck, and a clinical practicum and proficiency evaluation.

---

In general, didactic lectures covered neuromuskuloskeletal anatomy, pathology, biomechanics, neurophysiology, history and philosophy of osteopathic medicine and chiropractic, research techniques, lameness evaluation, practice management, saddle fit, current issues in equine foot care and rehabilitation exercises that are useful for client instruction. In addition, the course included hands-on labs covering high-velocity, low amplitude techniques (adjustments); myofacial release, ligamentous-articular release and trigger point therapy.

To ensure sufficient understanding and competency, students were given examinations at the beginning of each of the last four modules. A final paper comprising a research proposal or a case report was required within two months of course-completion, at which time a certificate of completion was issued.

**The Healing Oasis Wellness Center** (Healing Oasis), located in Sturtevant, Wisconsin, is one of only two institutions that have been accredited by the Applicant. The Applicant granted accreditation in 2001, and the Wisconsin Educational Approval Board also approved the program that same year.

The Healing Oasis' 200-hour program is offered in five, 40-hour modules, taught over the course of a year. In addition to the 200 classroom hours, students also receive approximately 50-70 hours of homework, which includes reading assignments and comprehension quizzes.

The course curriculum includes anatomy, neurology (basic and advanced), scientific validity, biomechanics, ethics and legalities, rehabilitation therapy, alternative/complimentary therapy modalities, chiropractic philosophy, pathology, applied kinesiology and chiropractic techniques. As of this writing, the cost of this course was \$3,400, but it is expected to increase to \$3,800 in 2003.

Including the class of 2002, 27 students have enrolled in the Healing Oasis' program, 15 of these were still enrolled in the program as of this writing. Only two students have failed to complete the course, and those were due to personal reasons, not the program itself. In fact, one of these students has re-enrolled in the 2002 course.

---

Although the Healing Oasis accepts both DCs and DVMs, only DVMs have enrolled in its course. Of the 11 graduates at the time of this writing, only one was from Colorado.

The **International Association of Veterinary ChiroPractitioners** (IAVC) is one of several organizations that offer training in animal chiropractic at seminars at various locations around the country. Unlike any of the other organizations surveyed as part of this sunrise review, however, the IAVC endorses an alternative chiropractic modality. The IAVC instructs its students on how to use a spinal accelerometer, or activator, on animals. Unlike the more traditional chiropractic adjustment, an activator is a spring-loaded mallet that, when implemented, exerts enough force to move tissue approximately three to four millimeters. The theory behind this practice is to relax the nerve, which in turn will relax the muscles connected to that nerve, which in turn will allow the subluxated bone to return to proper alignment.

The IAVC seminars are divided into ten modules, with modules one through four constituting the basic course. The basic course comprises 30 hours of instruction over a four-day period, with an additional 150 hours of home study via videotapes and textbooks. The cost for the basic course is approximately \$1,050, and each additional module costs between \$350 and \$400. Representatives from the IAVC estimate that it would take two to three years to successfully complete all 10 modules.

In addition, the IAVC offers certification as a Certified Veterinary ChiroPractitioner. Certification candidates must take and pass an open-book examination and, following this, perform and report on 10 clinical cases, which are reviewed by IAVC faculty for competency.

The IAVC has offered its course in Colorado once per year since 1996. Seminars are limited to 20 attendees and are typically comprised of 50 percent DCs and 50 percent DVMs. Thus, it is possible to extrapolate that the IAVC has trained approximately 60 Colorado DCs and 60 Colorado DVMs to practice animal chiropractic.

It is also important to note that the IAVC emphasizes the need to comply with state veterinary medicine practice acts and to work closely with, and under the supervision of, licensed DVMs.

---

**Options for Animals**, located in Hillsdale, Illinois, is one of only two programs that have been accredited by the Applicant and accepts only DCs and DVMs as students.

Although the Basic Animal Chiropractic Program currently consists of 150 hours, this will increase to 180 hours in 2003, and is taught in five 30-hour modules over the course of five months (the new 180-hour course will be taught in six 30-hour modules over the course of six months). The fee for this course is currently \$2,975, but will increase to \$3,975 in 2003.

The basic course includes didactic and laboratory coursework covering anatomy, chiropractic basics, veterinary medicine basics, chiropractic and neurological diagnosis, case management (including saddle fit), radiology and biomechanics, professional ethics and legalities, pathology, podiatry and chiropractic philosophy. To ensure understanding and competency, students are given numerous examinations throughout the program, including a four-hour written and practical exit examination.

Options for Animals also offers an Advanced Animal Chiropractic Program, which will increase in 2003 to 200 hours, from the current 180 hours, and is taught over the course of three years. Students who take this advanced course have already completed the basic course and, among other things, will participate in a 24-hour internship, work with an Applicant-certified animal chiropractor who holds a degree/license opposite of what the student holds and conduct research projects. The fee for this course is currently \$2,975, but is expected to increase in 2003.

Since its inception, Options for Animals has graduated 785 animal chiropractors from its basic program. Of these, 284 have been DCs and 501 have been DVMs. Thirty Coloradans have graduated from the course: 20 DCs and 10 DVMs.

The Applicant, which is not recognized by the U.S. Department of Education as the national agency for accreditation of animal chiropractic curricula, offers private accreditation to educational programs. To date, it has certified two programs: The Healing Oasis Wellness Center and Options for Animals, the latter of which it shared offices with until mid-2002.

---

To obtain accreditation by the Applicant, an animal chiropractic program must:

- Admit DCs and DVMs only.
- Maintain an instructor to student ratio of at least 1:5 for laboratory work.
- Teach skills that are applicable to both horses and dogs.
- Employ instructors who are qualified to teach clinical animal chiropractic.
- Administer an exit examination at the conclusion of the course.

In addition, the program's curriculum must include at least 150 clock hours (180 clock hours as of September 2002) of instruction apportioned as follows:

- 12 hours of veterinary basics: anatomy and restraint, physiology and pharmacology, metabolic and contagious disease, lameness
- 9 hours of anatomy: sacropelvic, thoracolumbar, cervical, extremity
- 8 hours of pathology
- 4 hours of podiatry
- 3 hours of radiology and biomechanics
- 14 hours of chiropractic basics: history and systems review, subluxation, and vertebral subluxation complex
- 5 hours of chiropractic philosophy
- 4 hours of equine and canine adjusting demonstrations
- 8 hours of topographical lab
- 4 hours of chiropractic and neurological diagnosis
- 6 hours of case management, including saddle fit
- 7½ hours of clinical chiropractic examination
- 4½ hours of chiropractic technique basics
- 8 hours of basic animal chiropractic technique, including dissection
- 16 hours of animal chiropractic technique

- 
- 33 hours of animal chiropractic technique lab work
  - 4 hours of professional animal chiropractic ethics and legal issues
  - 12 hours of review for written and practical exit examinations
  - 4 hours of written and practical exit examinations

DCs are not required to attend the basic chiropractic sessions and DVMs are not required to attend the basic veterinary medicine sessions.

A student who graduates from such a program is then eligible to sit for the Applicant's certification examination. Despite repeated requests, the Applicant did not provide DORA with any details of this examination: whether it is objective or subjective, the topics covered or the psychometric criteria used to develop it.

Although the Applicant is the only known professional association exclusively dedicated to the practice of animal chiropractic, at least two other national organizations have addressed animal chiropractic.

In 2001, the American Veterinary Medical Association established the "Guidelines for Complimentary and Alternative Veterinary Medicine." These guidelines essentially direct DVMs to ensure the scientific efficacy of any treatment modality and suggest that alternative modalities, such as chiropractic, lack a sufficient body of scientific knowledge to justify the creation of an officially sanctioned specialty. The American Veterinary Medical Association, as well as the Colorado Veterinary Medical Association, view the practice of animal chiropractic as a specialty within the practice of veterinary medicine, not as a practice unto itself.

The American Holistic Veterinary Medical Association recognizes animal chiropractic as a valid treatment modality, but has taken no position concerning whether it should be regulated as a separate and distinct profession.

---

## **Summary of Current Regulation**

### *The Colorado Regulatory Environment*

Current Colorado law does not directly regulate the practice of animal chiropractic. However, the Colorado Veterinary Practice Act in section 12-64-104(1), Colorado Revised Statutes (C.R.S.), states that only licensed doctors of veterinary medicine (DVMs) may engage in the practice of veterinary medicine. Section 12-64-103(10)(a), C.R.S., defines, in pertinent part, the practice of veterinary medicine as,

. . . the diagnosing, treating, correcting, changing, relieving, or preventing of animal disease, deformity, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique . . .

Since chiropractic is, at least arguably, a therapeutic or diagnostic technique, this broad definition clearly includes the practice of animal chiropractic within the scope of the practice of veterinary medicine. This means that only DVMs may practice animal chiropractic in this state.

The Colorado Veterinary Practice Act, section 12-64-101, et seq., C.R.S., provides for several exemptions from the practice of veterinary medicine. One such exemption allows a person who is not a DVM to treat an animal while that person is under the direct, on-site supervision of a DVM. In addition, the supervising DVM is responsible and liable for the unlicensed person's performance. §12-64-104(1)(j), C.R.S. Thus, under current law, animal chiropractors are legally able to practice in Colorado, so long as they do so under the direct, on-site supervision of a DVM.

Since a DVM may already practice animal chiropractic without any special licenses or certifications, and given the American Veterinary Chiropractic Association's (Applicant's) criteria for certification and proposed licensure, the Applicant's proposal essentially seeks to allow a licensed doctor of chiropractic (DC) to obtain a license as an animal chiropractor and eliminate the need for supervision by a DVM, and to prohibit a DVM who does not obtain licensure as an animal chiropractor from practicing as such unless accredited by the Applicant.

There are no local or federal laws that address the practice of animal chiropractic.

---

### Regulation in Other States

As part of this sunrise review, the Department of Regulatory Agencies (DORA) examined the statutes of surrounding states and those that the Applicant asserted have adopted legislation regarding animal chiropractic to determine whether and how those states regulate the practice of animal chiropractic. Of these 10 ten states (Arizona, Arkansas, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Utah, Wisconsin and Wyoming), only four – Arkansas, Nevada, Oklahoma and Utah – expressly regulate such activity.

**Arkansas'** veterinary medicine practice act includes animal chiropractic as falling within the scope of practice of veterinary medicine. However, the act also expressly exempts from application of the act, any DC who is licensed by the State of Arkansas and certified by the Applicant, so long as the DC performs animal chiropractic under the immediate, on-site supervision of an Arkansas-licensed DVM.

Arkansas' regulatory approach is substantially similar to Colorado's in that supervision by a DVM is required. However, Arkansas limits the practice of animal chiropractic to DVMs and Applicant-certified DCs, whereas Colorado imposes no such restrictions.

A representative of the Arkansas Board of Veterinary Medical Examiners reported to DORA that since the state of Arkansas does not issue a separate certification, it is impossible to know with any certainty how many DCs are working under this statutory provision. However, the representative estimated that there are several.

**Nevada's** veterinary medicine practice act defines the practice of veterinary medicine to include chiropractic procedures and authorizes the Board of Veterinary Medical Examiners (Nevada Veterinary Board) to promulgate rules regarding alternative veterinary medicine, including chiropractic. In 1999, the Nevada Veterinary Board promulgated rules that allow a DC to practice chiropractic on animals under the direction, but specifically not the supervision, of a DVM, provided the Nevada Veterinary Board has certified the DC to practice animal chiropractic.



---

If an animal chiropractic consumer files a complaint against a DC who was been certified by the Nevada Veterinary Board to practice animal chiropractic, the Nevada Veterinary Board takes the lead in investigating the complaint and imposing any discipline, but works closely with the Nevada Board of Chiropractic Examiners.

The substantive requirements for certification include holding an active chiropractic license in Nevada for at least one year and obtaining certification from the Applicant. A DC who is certified to practice animal chiropractic may engage in that practice with a referral from a DVM who has established a valid veterinarian-client-patient relationship with the animal, and if the certified DC assumes all liability for the quality of the animal chiropractic services performed. Within 48 hours of providing animal chiropractic services, the certified DC must transmit to the referring DVM, all medical records related to the relevant animal-patient.

Conversations with the Nevada Veterinary Board revealed that since this process was fully implemented in 1999 (and revised in 2001), only three DCs have become certified to practice animal chiropractic. In addition, the staff of that Board has suggested that the term “animal chiropractic” is preferable to “veterinary chiropractic” because it is less confusing for consumers, who assume a “veterinary chiropractor” is a DVM, rather than a DC.

In **Oklahoma**, a DC may practice animal chiropractic: 1) if the DC is certified by the Board of Chiropractic Examiners to practice animal chiropractic, or 2) with a referral from a DVM. The Oklahoma statutes authorizing this process were passed in 2000, but as of this writing, the Board of Chiropractic Examiners and the Board of Veterinary Medicine were still developing the standards for certification.

If an animal chiropractic consumer files a complaint against a DC regarding the practice of animal chiropractic, the Oklahoma Chiropractic Board investigates the complaint and takes appropriate disciplinary action.

---

In **Utah**, animal chiropractic is specifically included in the chiropractic practice act, but is limited to the extent that it is permitted in the veterinary medicine practice act. That act exempts a DC from licensure as a DVM, provided the DC has completed a course approved by the Applicant or the Utah Veterinary Board. Importantly, the DC may only practice animal chiropractic with a written referral from a licensed DVM. As of this writing, only two DCs had received endorsements to practice animal chiropractic.

If an animal chiropractic consumer files a complaint against a DC regarding the practice of animal chiropractic, the Utah Chiropractic Board investigates the complaint and takes appropriate disciplinary action. If the situation warrants, a system of experts of DVMs and DCs has been established with which the Utah Chiropractic Board may consult.

In practice, all four states that have enacted legislation allowing for the practice of animal chiropractic retain the DVM in the role of gatekeeper by requiring a referral from the DVM to the DC. Although Arkansas has expressly provided for the practice of Applicant-certified practitioners, that state's statute offers little more regulatory oversight than Colorado's current regulatory scheme – both states require direct, on-site supervision by a DVM.

Arguably, Oklahoma is the exception to the idea of DVM as gatekeeper because it has enacted legislation that would allow for the independent practice of animal chiropractic by a properly certified DC, but the agency charged with promulgating the enabling rules has not yet done so.

Importantly, Nevada, the only state with active certification requirements, reports that it has certified only three DCs to practice animal chiropractic since 1999, the first year in which its program was operational. Because Arkansas, Oklahoma and Utah do not require certification, representatives from those states were unable to provide DORA with estimates as to the number of DCs actively engaged in the practice of animal chiropractic.

---

However, the Applicant asserts that it has certified 17 Colorado practitioners, of which ten are DCs and seven are DVMs. In addition it has certified the following number of practitioners in the states discussed above: Arkansas - six DCs and one DVM; Nevada – five DCs and five DVMs; Oklahoma – four DCs and one DVM; and Utah – one DC and four DVMs. Thus, there are not a large number of Applicant-certified practitioners in any state that currently regulates the practice of animal chiropractic.

---

## **Analysis and Recommendations**

### Public Harm

The first sunrise criterion asks:

*Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument.*

To support its position that regulation of the practice of animal chiropractic is necessary to protect the health, safety and welfare of the public, the Applicant submitted directly, and arranged for consumers to submit, letters and case studies attesting to the effectiveness of animal chiropractic. Some examples of these follow.

**Testimonial #1: Alpaca** – A Colorado alpaca’s owner states that her doctor of veterinary medicine (DVM) forcibly removed a deceased fetus from the animal two months after the animal’s due date. The forced removal of the fetus and the resulting trauma caused blindness and severe pain. A friend referred the animal’s owner to a doctor of chiropractic (DC) who adjusted the alpaca’s spine. The animal improved immediately. The alpaca’s owner states that the “chiropractor was instrumental in saving [the alpaca’s] life.”

Two items are noteworthy in Testimonial #1. First, the animal’s owner makes no mention of whether the DVM attempted, or was allowed to attempt, to relieve the alpaca’s symptoms, or whether the DVM was consulted on how to relieve these symptoms. Second, this scenario occurred in Colorado’s current regulatory environment. The animal received the desired treatment, though there is no indication that this treatment was provided under the direct supervision of a DVM.

**Testimonial #2: Horse** – An eight-year old Colorado horse was diagnosed by a DVM as having navicular disease. Although the animal’s trainer worked with various DVMs for five years and was able to reduce some of the animal’s pain, the horse was scheduled for euthanasia. Without a referral or recommendation to do so, the trainer took the animal to a DC for an adjustment. The trainer claims that after the first adjustment, the horse “walked off calmly and soundly.” The horse was not euthanized.

---

Testimonial #2, like Testimonial #1, occurred in Colorado's current regulatory environment, although there is no indication as to whether a DVM supervised the chiropractic adjustment.

**Testimonial #3: Cat** – a Colorado cat's owner states that she had to have the animal worked on by a DC. Without providing details regarding the animal's diagnosis, the owner claims that after only two chiropractic adjustments, the cat improved considerably, thus avoiding the need to euthanize it. The owner asserts that had she complied with Colorado's current regulatory scheme, she would have been required to pay both a DVM and the DC. She found this cost structure prohibitive, so she ignored it and engaged the services of the DC only.

**Testimonial #4: Dog** – A Colorado dog's owner asserts that his dog was diagnosed with hip dysplasia in both hips. The owner's DVM attempted traditional treatments for three years, but the animal's condition continued to deteriorate. The owner was faced with euthanizing the dog. Upon the referral of other dog owners, the owner took the animal to a DC. After several treatments, the dog's condition improved, though it was not cured. The owner states, "[t]here is no doubt that our dog would be dead if she had not received animal chiropractic treatment."

The scenarios described in all four of these testimonials occurred in Colorado's current regulatory environment, though it appears that the animal owners (and trainers) ignored the law and engaged the services of animal chiropractors without the direct supervision of a DVM.

Another common element in all four testimonials is that in each case, the animals faced euthanasia in order to spare them severe pain and discomfort. In each case, the owners argue that euthanasia was avoided after chiropractic treatments.

In addition to the four testimonials discussed above, the Applicant provided DORA with approximately 10 "case studies." However, each of these case studies merely establishes the success of chiropractic treatment under the given circumstances. They do not indicate what types of harm, if any, would have been prevented had the DCs in question been regulated as the Applicant proposes.

---

Despite DORA's repeated requests to the Applicant to provide specific instances of harm that would have been avoided had the Applicant's regulatory proposal been in place at the time, no such examples were provided by the Applicant. Similarly, no such instances of harm could be found by DORA through its inquiries to the Denver/Boulder Better Business Bureau, the Office of the Attorney General Consumer Protection Section, the Colorado Board of Veterinary Medicine and the Colorado Board of Chiropractic Examiners.

In addition, the Applicant argues that individuals who attend weekend courses, such as those discussed earlier in this report, are injuring and maiming animals all across Colorado, either with or without the supervision of a DVM. However, this is anecdotal only, and DORA was unable to confirm that such stories are true. Furthermore, DORA was not able to obtain, and the Applicant did not provide, any direct evidence of such harm.

Each of the Applicant's case studies demonstrates that individuals already practice animal chiropractic, often with very positive results, in Colorado's current regulatory environment, thus bolstering the argument that the Applicant's proposed regulatory scheme is not necessary to protect the health, safety or welfare of the public.

### *Need for Regulation*

The second sunrise criterion asks:

*Whether the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional or occupational competence.*

Colorado law currently permits the practice of animal chiropractic, albeit under the direct, on-site supervision of a licensed DVM. Thus, regulation of the practice of animal chiropractic already exists. It simply exists in a form that the Applicant argues is inconvenient to the consumer.

Under Colorado's current regulatory scheme, DVMs act as gatekeepers to animal healthcare services. To become a DVM in Colorado, a person must have graduated from a school that has been accredited by the American Veterinary Medical Association, the agency recognized by the U.S. Department of Education to accredit veterinary medicine curricula, and passed a licensing examination approved by the Colorado Board of Veterinary

---

Medicine. This process ensures that the DVM has a minimum level of competency to diagnose and treat animals. This is important because there are many conditions, which, if misdiagnosed and subsequently mistreated, can be fatal to the animal and can pose risks to the public health.

Since a DVM currently must supervise the application of animal chiropractic, the DVM will already have diagnosed the animal's condition and determined that the animal does not suffer from a disease that is transmissible to humans or other animals, and that chiropractic is a viable treatment. In addition, the consumer is protected financially because the DVM is ultimately responsible for the treatment.

The Applicant argues that there are several problems with this regulatory scheme. First, it argues, properly trained DCs are equally, if not more, capable of diagnosing chiropractic conditions in animals than DVMs. Thus, the Applicant concludes, a DC does not need to be supervised by a DVM.

DVMs receive years' worth of training in animal anatomy, physiology, pathology, diseases and other conditions, but little to no training on chiropractic theory or practice. DCs on the other hand, receive considerable training in chiropractic theory and practice, human anatomy and physiology, including the spine and nervous system. The Applicant argues that it is easier for a DC to learn the anatomy, physiology, pathology, diseases and other conditions of animals than it is for a DVM to learn chiropractic theory and practice. The Applicant has provided no documentary or other evidence to support this position.

In addition, the issue of disease diagnosis is also important. One of the primary justifications for regulating the practice of veterinary medicine is to protect the public health through the early diagnosis, treatment and abatement of transmissible diseases, areas in which the Applicant admits DVMs hold greater expertise. The Applicant asserts that its philosophy is to train DCs to recognize when a condition is beyond their scope of practice and to refer such cases back to a DVM.

While this is as it should be, timing becomes an issue. With many diseases, delayed diagnosis and treatment can prove fatal, not only to the infected animal, but also to other animals with which it comes into contact.

---

Secondly, the Applicant argues that since most DVMs are not trained in animal chiropractic and do not understand chiropractic theory and practice, they cannot adequately supervise DCs. This argument has merit because it raises the question of the purpose of supervision. Supervision is typically required to ensure that a task is performed in a satisfactory manner. This requires that the supervisor possess superior knowledge or skills than the supervisee. How then can a DVM who does not understand chiropractic, competently supervise a DC who possesses greater chiropractic expertise?

A related issue is the competence of the chiropractor engaged to perform the service. Under Colorado's current regulatory scheme, it is conceivable, and indeed likely, that individuals who are not DCs are practicing animal chiropractic under the supervision of a DVM. Such individuals could be graduates of some of the weekend courses discussed earlier in this report. If the DVM lacks knowledge or experience regarding chiropractic, the Applicant argues, the DVM could very well find himself/herself supervising an incompetent person.

However, it is reasonable to assume that since the DVM is liable administratively, in terms of his/her license, and civilly, in terms of malpractice, the DVM will take reasonable steps to ensure that the individual he/she is supervising is competent.

Regardless, the Applicant argues that it is difficult to find a DVM who will suggest, much less supervise, animal chiropractic. Understandably, most reasonably diligent DVMs would resist the pressure to take on the additional liability exposure for a modality they don't understand.

This leads to the third and final argument posed by the Applicant regarding the faults of Colorado's current regulatory environment. According to the Applicant, it is costly and inconvenient. Under current law, the schedules of the consumer, the DVM and animal chiropractor must be coordinated so that all three, plus the animal, can be in the same place at the same time. An additional burden to the consumer is the added expense of paying the animal chiropractor for the services being rendered plus paying the DVM just for being there.



---

For a dog or other relatively small animal in an urban area, these issues are less convincing. But when one considers the logistics involved in coordinating multiple schedules in a rural setting, where travel and/or transportation issues and expenses are factored in, they become more credible.

While several of these issues are compelling, they do not clearly indicate that the public needs the practice of animal chiropractic to be regulated. Under Colorado's current regulatory scheme, the public is assured of a minimal level of competence because the DVM remains involved in the process. If a licensed DVM, with all the knowledge and training that license represents, has reason to believe that a particular animal chiropractor is incompetent, the DVM is not very likely to work with that individual because the DVM is ultimately liable. The DVM is likely to restrict his/her business relationships to those animal chiropractors he/she finds competent, thus affording a certain level of consumer protection.

An additional consideration revolves around malpractice. As discussed earlier in this report, the sole insurance company that offered errors and omissions insurance to animal chiropractors has discontinued that line of business. Even if the Applicant's proposed regulatory scheme provided the public with a greater assurance of competency, the public's financial interest would not be sufficiently safeguarded because malpractice insurance is not available for animal chiropractic.

The Applicant argues that if Colorado adopts its proposal, more DCs and DVMs will become Applicant-certified. It is arguable, therefore, that if demand is high enough, insurance carriers may offer error and omission lines of insurance for animal chiropractors. On the other hand, the Applicant has already certified 626 DCs and DVMs in the United States. At what point will demand be high enough for the insurance industry to re-enter a line of business for which it has already determined profits to be insufficient?

There is insufficient evidence to suggest that the public would be assured of any greater competency or protection with increased regulation of the practice of animal chiropractic.

---

### Alternatives to Regulation

The third sunrise criterion asks:

*Whether the public can be adequately protected by other means in a more cost-effective manner.*

As discussed above, it is not clear that the public health, safety and welfare will be better protected by the restrictive regulatory scheme advocated by the Applicant. To determine whether the public can be adequately protected by some other regulatory scheme in a more cost-effective manner, it is necessary to look at alternative regulatory environments.

Four states currently regulate the practice of animal chiropractic in one form or another, but no state regulates the practice in the manner advocated by the Applicant. Following is a brief synopsis of each state's regulatory scheme.

- Arkansas – only licensed DVMs and Applicant-certified DCs may practice animal chiropractic, but DCs must do so under the direct supervision of a DVM. This regulation is actually more restrictive than Colorado's current regulatory scheme because Colorado does not require animal chiropractors to be certified by the Applicant, only that they work under the supervision of a DVM. Thus, Arkansas has developed a regulatory scheme that is a step above Colorado's inasmuch as it is more restrictive and requires at least some education and testing by the Applicant.
- Utah – a DC who has completed a course approved by the Applicant or the Utah Veterinary Board may practice animal chiropractic with a written referral from a DVM.
- Oklahoma - a DC may practice animal chiropractic: 1) if the DC is certified by the Board of Chiropractic Examiners to practice animal chiropractic, or 2) with a referral from a DVM. The process by which a DC may practice animal chiropractic without a referral has not yet been developed or implemented.
- Nevada – The Board of Veterinary Medicine may certify a DC to practice animal chiropractic provided the DC is certified by the Applicant. A certified DC may only practice animal chiropractic under the direction, of a DVM. This requirement has been interpreted to require a referral from the DVM to the DC. Finally, the DC must transmit to the referring DVM, within 48 hours of the office visit, the patient's treatment record.

---

These four states provide a broad spectrum of regulatory approaches. Importantly, all four states require the involvement of a DVM. These states either require an animal chiropractor to be supervised by a DVM, or they require a DVM referral, which implies prior diagnosis by a DVM.

Only Oklahoma has legislated a process whereby a DC could practice animal chiropractic without the referral by or supervision of a DVM. After two years, that state has not yet developed a safe and effective process to implement this legislative mandate.

DORA's research revealed no other state that eliminates DVMs from their traditional role as gatekeepers of animal health care. Even in states where all that is required is a DVM-referral, the DVM continues to diagnose the animal before referring it to an animal chiropractor. This means that the cost-savings realized by the animal owner are minimal.

### Conclusion

The main issues involved in this sunrise review are protecting the public health, protecting the public welfare and protecting animals.

The primary justification for regulating veterinarians is to better protect the public health. DVMs receive years of training on the diagnosis, pathology and epidemiology of animal-based diseases, many of which are, or may be, transmissible to humans. DCs, regardless of whether they have attended Applicant-approved courses, do not possess this expertise and cannot be expected to obtain it in a few hours.

The Applicant's proposal could eliminate the expertise of the DVM and enable a consumer to take his/her animal(s) directly to an animal chiropractor who may be a DC. DVMs would no longer be the gatekeepers of animal health care. Thus, the health of the public and the animal(s) could be placed in jeopardy because the expertise of DVMs could be circumvented.

Additionally, absent regulation, there is greater risk that consumers will be defrauded by individuals claiming to have experience in animal chiropractic, or who have experience in methods that can exacerbate an animal's condition, or create new injuries. Colorado's current regulatory environment minimizes this concern because an animal chiropractor must be

---

supervised by a DVM. The public is protected against fraud and financial loss because the DVM is held financially responsible and claims may be made against the DVM's errors and omissions insurance policy. Animals are protected by virtue of the fact that a DVM is present and supervising the animal chiropractor and can halt the administration of chiropractic if it appears to the DVM that the treatment is harming the animal.

The Applicant has not established that licensing animal chiropractors is necessary to protect the health, safety or welfare of the public. While, this sunrise review has revealed several less restrictive options for regulating the practice of animal chiropractic, none of those options afford the public or animals greater protection than Colorado's current regulatory scheme.

***Recommendation - The General Assembly should not implement the Applicant's proposal to create a board of animal chiropractic that would be authorized to license animal chiropractors.***

---

***Appendix A –  
Proposed  
Animal  
Chiropractor  
Practice Act***

**MODEL ANIMAL CHIROPRACTIC PRACTICE ACT**

**Prepared by:  
American Veterinary Chiropractic Association**

**Page 1 of 10**

---

## **PREAMBLE**

This statute is enacted as an exercise of the police powers of the state to promote the public health, safety and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of animal chiropractic. It is hereby declared that the right to practice animal chiropractic is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this act.

### **Section 1 - Title**

This act shall be known as the Colorado Animal Chiropractic Act. Except where otherwise indicated by context, in this act the present tense includes the past and future tenses and the future tense includes the present, each gender includes both genders; and the singular includes the plural, and the plural the singular.

### **Section 2 - Definitions**

When used in this act these words and phrases shall be defined as follows:

1) "Accredited or approved college of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation or approval by the American Veterinary Medical Association.

2) "Accredited or approved college of chiropractic" means any chiropractic college or division of a university or college that offers the degree of Doctor of Chiropractic or its equivalent and that conforms to the standards required for accreditation or approval by the Council on Chiropractic Education.

3) "Animal" means any vertebrate animal other than human and includes fowl, birds, fish and reptiles.

4) "Board" means the State Board of Animal Chiropractic.

5) "Licensed animal chiropractor" means a person who is validly and currently licensed to practice animal chiropractic in this state.

6) "Person" means any individual, firm, partnership, association, joint venture, cooperative, corporation or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer or any other representative of such person.

7) Practice of animal chiropractic means:

A) to diagnose, correct, and manage conditions resulting from vertebral subluxation or neuromuskuloskeletal abnormality excluding the use of drugs or surgery.

B) to represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subsection (A).

8) "Animal chiropractor" means a person who has received a professional degree from a college of chiropractic or college of veterinary medicine and has received postgraduate education from an approved program and passed the certification requirements of the American Veterinary Chiropractic Association.

---

### **Section 3 - License Requirement and Exceptions**

No person may practice animal chiropractic or use the appellation "animal chiropractor" who is not certified in animal chiropractic by the American Veterinary Chiropractic Association, possesses a current license in good standing in Veterinary Medicine or Chiropractic, and submits proof of continuing education in animal chiropractic as mandated by the American Veterinary Chiropractic Association. This act shall not be construed to prohibit:

1) A person who is a regular student in an accredited or approved college or postgraduate program performing duties assigned by his instructors, or working under the direct supervision of a licensed animal chiropractor.

2) An animal chiropractor licensed in another state consulting with a licensed chiropractor, veterinarian, or animal chiropractor in this state.

3) A member of the faculty of an approved college of veterinary medicine, college of chiropractic, or postgraduate program in animal chiropractic performing his regular functions or a person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine or college of chiropractic or in connection with an approved continuing education course or seminar.

### **Section 4 - Board of Animal Chiropractic**

A board of animal chiropractic shall be appointed by the governor, which shall consist of five members appointed for a term of five years or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit a staggering of terms whereby one term expires each year. Whenever the occasion arises for an appointment, the state animal chiropractic association may nominate three or more qualified persons and forward the nomination to the governor at least 30 days before the date set for the appointment. The governor may appoint one of the persons so nominated. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two consecutive five year terms, but a person appointed for a term of less than five years may succeed himself.

Members of the board shall consist of two animal chiropractors, one chiropractor, one veterinarian and one public member.

The board shall meet at least once per year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the Board by giving notice as may be required by the rule. Except as otherwise provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to deliberate the qualification of an applicant for license or the disposition of a proceeding to discipline a license animal chiropractor.

At its annual meeting, the Board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the Board serve for terms of 1 year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of Board meetings.

---

At the end of each fiscal year, the president and secretary-treasurer shall submit to the governor a report on the transactions of the Board, including an account of the moneys received and disbursed.

All revenues received by the Board shall be accepted by the secretary-treasurer and deposited by him with the treasurer of the state to be credited to an account to be known as the Board of Animal Chiropractic Fund. All expenses of the Board shall be paid from the fund by voucher signed by the secretary-treasurer of the Board, and no part of the state's general fund, except to the extent that the balance in the fund at the close of any fiscal year exceeds the Board's current budget by 200%, in which case the excess shall be transferred to and becomes a part of the state's general fund.

The Board shall have the power to:

- A) Examine and determine the qualifications and fitness of applicants for a license to practice animal chiropractic in the state.
- B) Issue, renew, deny, suspend, or revoke licenses and temporary permits to practice animal chiropractic in the state or otherwise discipline licensed animal chiropractors consistent with the provisions of the act and the rules and regulations adopted thereunder.
- C) Adopt, promulgate and enforce rules and regulations relating to: specific duties and responsibilities; certification, registration, or licensure; and matters pertaining to animal chiropractic assistants.
- D) Establish and publish annually a schedule of fees for licensing and registration of animal chiropractors. The fee schedule shall be based on the Board's anticipated financial requirements for the year.
- E) Conduct investigations for the purpose of discovering violations of this act or grounds for disciplining licensed animal chiropractors.
- F) Hold hearings on all matters properly brought before the Board and in connection thereto to administer oaths, receive evidence, make necessary determinations, and enter orders consistent with the findings. The Board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The Board may designate one or more of its members to serve as its hearing officer.
- G) Employ full or part-time personnel--professional, clerical, or special--necessary to effectuate the provision of this act and purchase or rent necessary office space, equipment and supplies.
- H) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or outside the state where such representative is deemed desirable.
- I) Bring proceedings in the courts for the enforcement of this act or any regulations made pursuant thereto.
- J) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this act, including the establishment and publication of standards of professional conduct for the practice of animal chiropractic.



---

The powers enumerated above are granted for the purpose of enabling the Board to effectively supervise the practice of animal chiropractic and are to be construed liberally to accomplish this objective.

#### **Section 5 - Status of Persons Previously Licensed**

Any person holding a valid license to practice veterinary medicine or chiropractic in this state and who has been certified by the American Veterinary Chiropractic Association on the date this act becomes effective shall be entitled to be licensed as an animal chiropractor so long as he complies with the provisions of this act, including annual renewal of the license.

#### **Section 6 - Application for License: Qualifications**

Any person desiring a license to practice animal chiropractic in this state shall make written application to the Board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or college of chiropractic and holds a current license in veterinary medicine or chiropractic. The application shall show that the applicant has completed an approved post graduate course in animal chiropractic. The application shall also show that the applicant is 21 years of age, of good moral character and such other information and proof as the Board may require by rule. The application shall be accompanied by a fee in the amount established by the Board.

If the Board determines that the applicant possesses the proper qualifications, it shall grant him a license. If the applicant is found to not be qualified, he shall be notified immediately in writing of such finding and the grounds therefore. An applicant found unqualified may require a hearing on the question of his qualifications under the procedure set forth in Section 13. Any applicant who is found not qualified shall be allowed the return of his application fee.

#### **Section 7 - Examinations**

The Board may adopt and use the examination conducted by the American Veterinary Chiropractic Association as its standard examination or may accept documentation that the applicant has shown successful completion of this examination.

If the Board determines to conduct its own examination, such examination shall be held at least once per year. The secretary-treasurer shall give public notice of the time and place for each examination at least 120 days in advance of the date set for the examination. A person desiring to take an examination shall make application at least 60 days before the date of the examination.

The preparation, administration, and grading of examinations shall be governed by rules prescribed by the Board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques common to animal chiropractic. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove himself a competent person to practice animal chiropractic in the judgment of the Board.

---

All examinees shall be tested by written examination, supplemented by such oral interviews and practical demonstrations as the Board may deem necessary.

After each examination, the secretary-treasurer shall notify each examinee of the result of his examination, and the Board shall issue licenses to the persons successfully completing the examination. The secretary-treasurer shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

#### **Section 8 - License Without Examination**

The Board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of an accredited college of veterinary medicine or college of chiropractic, and who,

- 1) has for the five years immediately prior to filing his application, been a practicing veterinarian or a practicing chiropractor licensed in a state, territory or district of the United States (having license requirements at the time the applicant was first licensed, which were substantially equivalent to the requirements of this act and,
- 2) currently holds an active license to practice in at least one other state and,
- 3) whose license is now, and has been in its duration of effect, in good standing with no disciplinary actions taken against it, and ,
- 4) has successfully completed and passed the examination provided by the AVCA, and,
- 5) has been certified for at least five (5) years by the AVCA, has currently active certifications by the AVCA, and is a member in good standing of the AVCA.

At its discretion, the Board, in addition to the above, may orally and/or practically examine any person qualifying for licensing under this section.

#### **Section 9 - Temporary Permit**

The Board may issue without examination a temporary permit to practice animal chiropractic in this state:

- 1) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the examination in this state or in any other state, territory, or district of the United States or a foreign country.
- 2) To a nonresident animal chiropractor validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the Board provided that such temporary permit shall not be for a term in excess of two weeks in any calendar year.

---

### **Section 10 - License Renewal**

All licenses shall expire annually on December 31 of each year but may renewed by registration with the Board and payment of the registration renewal fee established and published by the Board. On December 1 of each year, the secretary-treasurer shall mail a notice to each licensed animal chiropractor that his license will expire on December 31 and provide him with a form for reregistration. The secretary-treasurer shall issue a new certificate of registration to all persons registering under this act.

Any person who shall practice animal chiropractic after the expiration of his license and willfully or by neglect fail to renew such license shall be practicing in violation of this act. Provided, that any person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have lapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license and take the license examination.

The Board may by rule waive the payment of the registration renewal fee of a licensed animal chiropractor during the period when he is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of a national emergency.

### **Section 11 - Discipline of Licensees**

Upon written complaint sworn to by any person the Board may, after a fair hearing and by a majority vote, take disciplinary action against any licensed animal chiropractor for any of the following reasons:

1. Conviction of any felony involving moral turpitude.
2. Conviction of any other criminal offense which reasonably calls into question his ability to practice animal chiropractic.
3. Engaging in, authorizing, or aiding or abetting fraud, deceit, misrepresentation of material facts, provision of false or forged evidence, or bribery in connection with any application for a certificate or registration.
4. Knowingly promoting, or aiding or abetting, an unlicensed person to perform activities which require license as an animal chiropractor.
5. The use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the Board.
6. Cruelty to animals.
7. Revocation of a license to practice animal chiropractic by another state, territory, or district of the United States on grounds other than nonpayment of registration fee.
8. Unprofessional conduct as defined in regulations adopted by the Board.
9. Engaging in any practice or activity which is fraudulent or beyond the authorized scope of practice for an animal chiropractor.
10. Practicing while his ability to practice is impaired by alcohol, drugs, physical disability or mental illness.
11. Being habitually intoxicated by, or engaging in the unlawful use of, alcohol, narcotics, barbiturates, amphetamines, hallucinogens or other controlled substances having similar effects.

- 
12. Engaging in, authorizing, or aiding or abetting, over utilization of practice.
  13. Imposing, or authorizing the imposition of, improper charges for services.
  14. Engaging in, authorizing, or aiding or abetting, fraud misrepresentation or deceit in connection with his or her practice of animal chiropractic.
  15. Making any false statement or misrepresentation of material fact in connection with any application or claim for payment of any health care benefit.
  16. Engaging in, authorizing, or aiding or abetting any improper solicitation, inducement, or referral.
  17. Engaging in gross misconduct in the practice of his or her profession as an animal chiropractor.
  18. Failing to comply with any other applicable state or federal law or regulation.

For purposes of this document the term “disciplinary action” shall include, but shall not be limited to: denial, revocation or suspension of a license; refusal to renew a license; issuance of a letter of censure; issuance of a written reprimand; or placement on probation.

### **Section 12 - Hearing Procedure**

A hearing shall be held no sooner than 20 days after written notice to a licensed animal chiropractor of a complaint against him under Section 11 or, in the case of a person whose application for license is denied, no sooner than ten days after receipt by the Board of a written request for a hearing. Notice of the time and place of the hearing, along with a copy of the complaint filed, shall be served on a licensee in the same manner required for original service of process in a civil suit.

The applicant or licensee shall have the right to be heard in person and with counsel, the right to have subpoenaed the attendance of witnesses in his behalf, and the right to cross-examine witnesses appearing against him. Strict rules of evidence shall not apply. The Board shall provide a stenographer to take down the testimony and shall preserve a full record of the proceeding. A transcript of the record may be purchased by any person interested in such hearing on payment to the Board of the cost of preparing such transcript.

The Board shall notify the applicant or licensee of its decision in writing ten days after the conclusion of the hearing. The secretary-treasurer in all cases of suspension or revocation shall enter the fact on the register. Any person whose license is suspended or revoked shall be deemed an unlicensed person for purposes of this act. The fees and expenses allowed witnesses and officers shall be paid by the Board and shall be the same as prescribed by law in civil cases in the courts of this state.

### **Section 13 - Appeal**

---

Any party aggrieved by a decision of the Board may appeal the matter to a court of general jurisdiction within 90 days after receipt of notice of the Board's final determination. Appeals shall be taken by filing action with the court and serving upon the secretary-treasurer of the Board written notice of the appeal stating the grounds thereof. The court shall review the decision of the Board as it would the decision of an inferior court. The decision of the reviewing court shall be final and no further appeal shall be taken.

#### **Section 14 - Reinstatement**

Any person whose license is suspended or revoked may, at the discretion of the Board be reinstated at any time, without an examination, by majority vote of the Board on written application made to the Board showing cause justifying relicensing or reinstatement.

#### **Section 15 - Enforcement**

Any person who shall practice animal chiropractic without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$500.00 nor more than \$5,000, or imprisoned for no more than 90 days, or both fined and imprisoned; provided that each act of such unlawful practice shall constitute a distinct and separate offense.

No person who shall practice animal chiropractic without a currently valid license or temporary permit may receive any compensation for services so rendered.

The Board or any citizen of this state may bring an action to enjoin any person from practicing animal chiropractic without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate this act, it shall enter an injunction restraining him from such unlawful acts.

The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

The Board shall have the authority to implement a system of Cite and Fine procedures for licensed and non-licensed individuals who violate the state animal chiropractic act.

#### **Section 16 - Severability**

If any part of this act is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect.

#### **Section 17 - Effective Date**

---

**This act shall become effective on \_\_\_\_\_. This act does not affect rights and duties that have matured, penalties that were incurred, and proceedings that were begun before its effective date.**