

LLS NO. 09-0217.01_L.001

SENATE HEALTH AND HUMAN SERVICES
COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

LLS NO. 09-0217.01 be amended as follows:

1 Amend proposed bill, (LLS NO. 09-0217.01), page 4, strike lines 1
2 through 22.

3 Renumber succeeding sections accordingly.

4 Page 5, strike lines 23 through 27.

5 Page 6, strike lines 1 through 5 and substitute the following:

6 "SECTION 7. 12-33-102 (1) and (1.5), Colorado Revised
7 Statutes, are amended, and the said 12-33-102 is further amended BY
8 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
9 read:

10 **12-33-102. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (1) "Chiropractic" means that branch of the healing arts which is
13 based on the premise that disease is attributable to the abnormal
14 functioning of the human nervous system. It includes the diagnosing and
15 analyzing of human ailments and seeks the elimination of the abnormal
16 functioning of the human nervous system by the adjustment or
17 manipulation, by hand, of the articulations and adjacent tissue of the
18 human body, particularly the spinal column, and the usage as indicated of
19 procedures which facilitate and make the adjustment or manipulation
20 more effective, and the use of sanitary, hygienic, nutritional, and physical
21 remedial measures necessary to such practice. "Chiropractic" includes the

1 ~~use of venipuncture for diagnostic purposes. "Chiropractic" does not~~
2 ~~include colonic irrigation therapy. "Chiropractic" includes treatment by~~
3 ~~acupuncture when performed by an appropriately trained chiropractor as~~
4 ~~determined by the Colorado state board of chiropractic examiners.~~
5 ~~Nothing in this section shall apply to persons using acupuncture not~~
6 ~~licensed by the board~~ "ACUPUNCTURE" MEANS THE PUNCTURE OF THE
7 SKIN WITH FINE NEEDLES FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES.

8 (1.3) (a) "ANIMAL CHIROPRACTIC" MEANS DIAGNOSING AND
9 TREATING ANIMAL VERTEBRAL SUBLUXATION THROUGH CHIROPRACTIC
10 ADJUSTMENT OF THE SPINE OR EXTREMITY ARTICULATIONS, OF FULLY
11 AWAKE DOGS AND HORSES. THE CHIROPRACTIC ADJUSTMENT MAY BE
12 PERFORMED ONLY WITH THE HANDS OR THE USE OF A HAND-HELD
13 LOW-FORCE MECHANICAL ADJUSTING DEVICE FUNCTIONALLY EQUIVALENT
14 TO THE DEVICE KNOWN AS AN ACTIVATOR; ALL OTHER EQUIPMENT IS
15 PROHIBITED.

16 (b) "ANIMAL CHIROPRACTIC" DOES NOT INCLUDE:

17 (I) PERFORMING VETERINARY MEDICAL CARE AND DIAGNOSIS;

18 (II) PERFORMING SURGERY;

19 (III) DISPENSING OR ADMINISTERING MEDICATIONS, DIETARY OR
20 NUTRITIONAL SUPPLEMENTS, HERBS, ESSENCES, NUTRACEUTICAL
21 PRODUCTS, OR ANYTHING ELSE SUPPLIED ORALLY, TOPICALLY EXCEPT
22 TOPICALLY APPLIED HEAT OR COLD, RECTALLY, BY INHALATION, OR BY
23 INJECTION;

24 (IV) GENERATING RADIOGRAPHIC IMAGES OR PERFORMING
25 IMAGING PROCEDURES, INCLUDING THERMOGRAPHY;

26 (V) PERFORMING ACUPUNCTURE, OR ANY TREATMENT ACTIVITY
27 OTHER THAN CHIROPRACTIC ADJUSTMENT;

28 (VI) PROVIDING MAGNETIC OR OTHER NONMANUAL TREATMENT
29 TECHNIQUES, COLONICS, COLORED-LIGHT THERAPY, HOMEOPATHY,
30 RADIONICS, OR VITAMIN THERAPY;

31 (VII) VENIPUNCTURE;

1 (VIII) MAKING DIAGNOSES BY METHODS SUCH AS LIVE CELL
2 ANALYSIS, PENDULUM DIVINING, IRIDOLOGY, HAIR ANALYSIS,
3 NUTRITIONAL DEFICIENCY QUESTIONNAIRES, HERBAL CRYSTALLIZATION
4 ANALYSIS, OR FOOD ALLERGY TESTING.

5 (1.5) ~~"Acupuncture" means the puncture of the skin with fine~~
6 ~~needles for diagnostic and therapeutic purposes~~ "ANIMAL VERTEBRAL
7 SUBLUXATION" MEANS A LESION OR DYSFUNCTION IN A JOINT OR MOTION
8 SEGMENT IN WHICH ALIGNMENT, MOVEMENT INTEGRITY, OR
9 PHYSIOLOGICAL FUNCTION ARE ALTERED, ALTHOUGH CONTACT BETWEEN
10 JOINT SURFACES REMAINS INTACT, WHICH MAY INFLUENCE
11 BIOMECHANICAL AND NEURAL INTEGRITY. DIAGNOSIS OF ANIMAL
12 VERTEBRAL SUBLUXATION TYPICALLY INVOLVES EVALUATION OF GAIT
13 AND RADIOGRAPHS, AND STATIC AND MOTION PALPATION TECHNIQUES
14 THAT ARE UTILIZED TO IDENTIFY JOINT DYSFUNCTION. DIAGNOSIS OF
15 ANIMAL VERTEBRAL SUBLUXATION DOES NOT INCLUDE METHODS SUCH AS
16 APPLIED KINESIOLOGY, REFLEXOLOGY, PENDULUM DIVINING, OR
17 THERMOGRAPHY.

18 (1.7) "CHIROPRACTIC" MEANS THAT BRANCH OF THE HEALING
19 ARTS THAT IS BASED ON THE PREMISE THAT DISEASE IS ATTRIBUTABLE TO
20 THE ABNORMAL FUNCTIONING OF THE HUMAN NERVOUS SYSTEM. IT
21 INCLUDES THE DIAGNOSING AND ANALYZING OF HUMAN AILMENTS AND
22 SEEKS THE ELIMINATION OF THE ABNORMAL FUNCTIONING OF THE HUMAN
23 NERVOUS SYSTEM BY THE ADJUSTMENT OR MANIPULATION, BY HAND OR
24 INSTRUMENT, OF THE ARTICULATIONS AND ADJACENT TISSUE OF THE
25 HUMAN BODY, PARTICULARLY THE SPINAL COLUMN, AND THE USE AS
26 INDICATED OF PROCEDURES THAT FACILITATE AND MAKE THE ADJUSTMENT
27 OR MANIPULATION MORE EFFECTIVE, AND THE USE OF SANITARY,
28 HYGIENIC, NUTRITIONAL, AND PHYSICAL REMEDIAL MEASURES FOR THE
29 PROMOTION, MAINTENANCE, AND RESTORATION OF HEALTH, THE
30 PREVENTION OF DISEASE, AND THE TREATMENT OF HUMAN AILMENTS.
31 "CHIROPRACTIC" INCLUDES THE USE OF VENIPUNCTURE FOR DIAGNOSTIC
32 PURPOSES. "CHIROPRACTIC" INCLUDES TREATMENT BY ACUPUNCTURE
33 WHEN PERFORMED BY AN APPROPRIATELY TRAINED CHIROPRACTOR AS
34 DETERMINED BY THE COLORADO STATE BOARD OF CHIROPRACTIC
35 EXAMINERS. NOTHING IN THIS SECTION SHALL APPLY TO PERSONS USING
36 ACUPUNCTURE NOT LICENSED BY THE BOARD.

37 (5) "VETERINARY MEDICAL CLEARANCE" MEANS A VETERINARIAN
38 LICENSED UNDER ARTICLE 64 OF THIS TITLE HAS EXAMINED AN ANIMAL

1 PATIENT, HAS PROVIDED A DIAGNOSIS OR DIFFERENTIAL DIAGNOSIS IF
2 APPROPRIATE, AND HAS PROVIDED WRITTEN CLEARANCE, WHICH MAY BE
3 TRANSMITTED ELECTRONICALLY, FOR ANIMAL CHIROPRACTIC. THE
4 VETERINARY MEDICAL CLEARANCE SHALL PRECEDE THE COMMENCEMENT
5 OF ANIMAL CHIROPRACTIC TREATMENT AND MAY CONTAIN LIMITATIONS
6 ON THE SCOPE, DATE OF INITIATION, AND DURATION OF CHIROPRACTIC
7 TREATMENT. ONCE A VETERINARY MEDICAL CLEARANCE HAS BEEN
8 RECEIVED, THE CHIROPRACTOR IS RESPONSIBLE FOR DEVELOPING THE PLAN
9 OF CARE FOR THE ANIMAL PATIENT'S ANIMAL CHIROPRACTIC."

10 Page 6, after line 22, insert the following:

11 "SECTION 9. Part 1 of article 33 of title 12, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **12-33-127. Animal chiropractic - registration - qualifications**
15 **- continuing education - collaboration with veterinarian - discipline**
16 **- title restriction - rules.** (1) (a) A LICENSED CHIROPRACTOR WHO IS
17 REGISTERED UNDER THIS SECTION IS AUTHORIZED TO PERFORM ANIMAL
18 CHIROPRACTIC WHEN SUCH CHIROPRACTIC DIAGNOSIS AND TREATMENT IS
19 CONSISTENT WITH THE SCOPE OF PRACTICE FOR CHIROPRACTORS. A
20 CHIROPRACTOR SHALL HAVE THE KNOWLEDGE, SKILL, ABILITY, AND
21 DOCUMENTED COMPETENCY TO PERFORM AN ACT THAT IS WITHIN THE
22 SCOPE OF PRACTICE FOR CHIROPRACTORS.

23 (b) IN RECOGNITION OF THE SPECIAL AUTHORITY GRANTED BY THIS
24 SECTION, THE PERFORMANCE OF ANIMAL CHIROPRACTIC IN ACCORDANCE
25 WITH THIS SECTION SHALL NOT BE DEEMED A VIOLATION OF SECTION
26 12-64-104.

27 (c) A LICENSED CHIROPRACTOR WHO IS NOT REGISTERED UNDER
28 THIS SECTION MAY PERFORM ANIMAL CHIROPRACTIC IF THE ANIMAL HAS
29 BEEN PROVIDED A VETERINARY MEDICAL CLEARANCE BY A LICENSED
30 VETERINARIAN AND THE ANIMAL CHIROPRACTIC IS PERFORMED UNDER THE
31 DIRECT, ON-PREMISES SUPERVISION OF THE VETERINARIAN WHO HAS
32 PROVIDED THE VETERINARY MEDICAL CLEARANCE.

33 (d) AN INDIVIDUAL WHO IS NOT LICENSED AS A CHIROPRACTOR OR
34 AS A VETERINARIAN MAY NOT PERFORM ANIMAL CHIROPRACTIC.

1 (2) THE STATE BOARD OF CHIROPRACTIC EXAMINERS SHALL
2 REGULATE ANIMAL CHIROPRACTIC AND DIAGNOSIS, INCLUDING, WITHOUT
3 LIMITATION, EDUCATIONAL AND CLINICAL REQUIREMENTS FOR THE
4 PERFORMANCE OF ANIMAL CHIROPRACTIC AND THE PROCEDURE FOR
5 HANDLING COMPLAINTS TO THE DEPARTMENT OF REGULATORY AGENCIES
6 REGARDING ANIMAL CHIROPRACTIC DIAGNOSIS AND THERAPY.

7 (3) **Registry.** (a) THE STATE BOARD OF CHIROPRACTIC EXAMINERS
8 SHALL MAINTAIN A DATABASE OF ALL LICENSED CHIROPRACTORS THAT
9 ARE REGISTERED PURSUANT TO THIS SECTION AND RULES PROMULGATED
10 PURSUANT TO THIS ARTICLE TO PRACTICE ANIMAL CHIROPRACTIC IN THIS
11 STATE. INFORMATION IN THE DATABASE SHALL BE OPEN TO PUBLIC
12 INSPECTION AT ALL TIMES AND SHALL BE EASILY ACCESSIBLE IN
13 ELECTRONIC FORM.

14 (b) A LICENSED CHIROPRACTOR WHO CHOOSES TO PRACTICE
15 ANIMAL CHIROPRACTIC AND WHO SEEKS REGISTRATION IN ANIMAL
16 CHIROPRACTIC SHALL PROVIDE THE STATE BOARD OF CHIROPRACTIC
17 EXAMINERS WITH REGISTRATION INFORMATION ESTABLISHED BY THE
18 BOARD, WHICH SHALL INCLUDE THE CHIROPRACTOR'S NAME, CURRENT
19 ADDRESS, EDUCATION AND TRAINING IN THE FIELD OF ANIMAL
20 CHIROPRACTIC, ACTIVE COLORADO CHIROPRACTIC LICENSE, AND
21 QUALIFICATIONS TO PERFORM ANIMAL CHIROPRACTIC AND TREATMENT.
22 FORMS FOR CHIROPRACTORS TO PROVIDE SUCH INFORMATION SHALL BE
23 PROVIDED BY THE BOARD.

24 (4) **Educational qualifications.** A LICENSED CHIROPRACTOR WHO
25 SEEKS REGISTRATION IN ANIMAL CHIROPRACTIC SHALL OBTAIN EDUCATION
26 IN THE FIELD OF ANIMAL CHIROPRACTIC FROM AN ACCREDITED COLLEGE
27 OF VETERINARY MEDICINE, ACCREDITED COLLEGE OF CHIROPRACTIC, OR
28 AN EDUCATIONAL PROGRAM DEEMED EQUIVALENT BY MUTUAL
29 AGREEMENT OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS AND THE
30 STATE BOARD OF VETERINARY MEDICINE. THE EDUCATIONAL PROGRAM
31 SHALL CONSIST OF NO FEWER THAN TWO HUNDRED TEN HOURS, INCLUDE
32 BOTH CLASSROOM INSTRUCTION AND CLINICAL EXPERIENCE, AND
33 CULMINATE WITH A PROFICIENCY EVALUATION. EDUCATION SHALL
34 INCLUDE THE FOLLOWING SUBJECTS:

35 (a) CHIROPRACTIC TOPICS, INCLUDING:

36 (1) HISTORY AND SYSTEMS REVIEW;

- 1 (II) SUBLUXATION AND VERTEBRAL SUBLUXATION; AND
- 2 (III) ADJUSTMENT TECHNIQUES FOR DOGS AND HORSES;
- 3 (b) VETERINARY TOPICS SPECIFIC TO CANINE AND EQUINE SPECIES,
4 INCLUDING:
- 5 (I) ANATOMY, INCLUDING SACROPELVIC, THORACOLUMBAR,
6 CERVICAL, AND EXTREMITY, INCLUDING NORMAL HOOF ANATOMY AND
7 CARE;
- 8 (II) PHYSIOLOGY;
- 9 (III) BEHAVIOR;
- 10 (IV) KNOWLEDGE OF BREED ANOMALIES;
- 11 (V) RESTRAINT;
- 12 (VI) BIOMECHANICS, GAIT, AND LAMENESS;
- 13 (VII) NEUROLOGY, NEUROANATOMY, AND NEUROLOGICAL
14 CONDITIONS;
- 15 (VIII) DIFFERENTIAL DIAGNOSIS OF NEUROMUSCULOSKELETAL
16 CONDITIONS;
- 17 (IX) MOTION PALPATION;
- 18 (X) PATHOLOGY; AND
- 19 (XI) RADIOGRAPHIC INTERPRETATION;
- 20 (c) RECOGNITION OF CANINE AND EQUINE ZONOTIC AND
21 CONTAGIOUS DISEASES;
- 22 (d) ANIMAL-SPECIFIC CASE MANAGEMENT, OUTCOME ASSESSMENT,
23 AND DOCUMENTATION; AND
- 24 (e) ANIMAL-SPECIFIC PROFESSIONAL ETHICS AND LEGALITIES.

1 **(5) Continuing education.** A LICENSED CHIROPRACTOR WHO IS
2 REGISTERED TO PERFORM ANIMAL CHIROPRACTIC SHALL COMPLETE
3 TWENTY HOURS OF CONTINUING EDUCATION, PER LICENSING PERIOD, THAT
4 IS SPECIFIC TO THE DIAGNOSIS AND TREATMENT OF ANIMALS. ALL
5 CONTINUING EDUCATION COURSES SHALL BE IN THE FIELDS OF STUDY
6 LISTED IN SUBSECTION (4) OF THIS SECTION.

7 **(6) Records and professional collaboration.** (a) A LICENSED
8 VETERINARIAN WHO PROVIDES VETERINARY MEDICAL CLEARANCE FOR
9 ANIMAL CHIROPRACTIC MAY REQUIRE A VETERINARIAN'S PRESENCE AT
10 ANY CHIROPRACTIC TREATMENT RENDERED PURSUANT TO THE
11 VETERINARY MEDICAL CLEARANCE.

12 (b) THE CHIROPRACTOR AND THE VETERINARIAN SHALL CONTINUE
13 PROFESSIONAL COLLABORATION AS NECESSARY FOR THE WELL-BEING OF
14 THE ANIMAL PATIENT. THE VETERINARIAN SHALL PROVIDE THE ANIMAL
15 PATIENT'S MEDICAL RECORD TO THE CHIROPRACTOR UPON REQUEST.

16 (c) THE CHIROPRACTOR SHALL MAINTAIN AN ANIMAL PATIENT
17 RECORD THAT INCLUDES THE WRITTEN VETERINARY MEDICAL CLEARANCE,
18 INCLUDING THE NAME OF THE VETERINARIAN, DATE, AND TIME CLEARANCE
19 WAS RECEIVED. THE CHIROPRACTOR SHALL FURNISH A COPY OF THE
20 MEDICAL RECORD TO THE VETERINARIAN UPON THE VETERINARIAN'S
21 REQUEST.

22 (d) A LICENSED CHIROPRACTOR REGISTERED TO PERFORM ANIMAL
23 CHIROPRACTIC SHALL MAINTAIN COMPLETE AND ACCURATE RECORDS OR
24 PATIENT FILES IN THE CHIROPRACTOR'S OFFICE FOR A MINIMUM OF THREE
25 YEARS.

26 **(7) Discipline.** COMPLAINTS RECEIVED IN THE OFFICE OF THE
27 STATE BOARD OF CHIROPRACTIC EXAMINERS THAT INCLUDE ALLEGATIONS
28 OF A VIOLATION RELATED TO ANIMAL CHIROPRACTIC SHALL BE
29 FORWARDED TO THE STATE BOARD OF VETERINARY MEDICINE FOR ITS
30 REVIEW AND ADVISORY RECOMMENDATION TO THE STATE BOARD OF
31 CHIROPRACTIC EXAMINERS. THE STATE BOARD OF CHIROPRACTIC
32 EXAMINERS RETAINS THE FINAL AUTHORITY FOR DECISIONS RELATED TO
33 THE DISCIPLINE OF A CHIROPRACTOR.

34 **(8) Separate treatment room.** A LICENSED CHIROPRACTOR WHO
35 PROVIDES ANIMAL CHIROPRACTIC DIAGNOSIS AND TREATMENT IN THE

1 SAME FACILITY WHERE HUMAN PATIENTS ARE TREATED SHALL MAINTAIN
2 A SEPARATE NONCARPETED ROOM FOR THE PURPOSE OF ADJUSTING
3 ANIMALS. THE TABLE AND EQUIPMENT USED FOR ANIMALS SHALL NOT BE
4 USED FOR HUMAN PATIENTS.

5 (9) **Use of title.** ONLY A LICENSED CHIROPRACTOR QUALIFIED AND
6 REGISTERED IN COLORADO TO PERFORM ANIMAL CHIROPRACTIC MAY USE
7 THE TITLES "ANIMAL CHIROPRACTOR", "ANIMAL ADJUSTER", "EQUINE
8 CHIROPRACTOR", OR "EQUINE ADJUSTER". NO CHIROPRACTOR SHALL USE
9 THE TITLES "VETERINARY CHIROPRACTOR" OR "VETERINARY ADJUSTER"
10 UNLESS THE CHIROPRACTOR IS ALSO LICENSED TO PRACTICE VETERINARY
11 MEDICINE IN COLORADO. NOTHING IN THIS SECTION SHALL PROHIBIT A
12 LICENSED VETERINARIAN FROM USING THE TITLES "ANIMAL ADJUSTER" OR
13 "EQUINE ADJUSTER".

14 (10) **Rules.** THE STATE BOARD OF CHIROPRACTIC EXAMINERS, IN
15 CONSULTATION WITH THE STATE BOARD OF VETERINARY MEDICINE, MAY
16 ESTABLISH BY RULE ANY ADDITIONAL REQUIREMENTS TO BE MET BY A
17 CHIROPRACTOR REGARDING REQUIRED DOCUMENTATION AND ANY OTHER
18 RULES NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE.

19 (11) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT,
20 LIMIT, OR ALTER THE PRIVILEGES OR PRACTICES OF ANY OTHER LICENSED
21 PROFESSION, INCLUDING VETERINARIANS, FROM PERFORMING SPINAL,
22 EXTREMITY, OR OTHER ASPECTS OF ADJUSTMENT, MANIPULATION, OR
23 MOBILIZATION ON ANIMALS AS ALLOWED FOR IN THE SCOPE OF THEIR
24 RESPECTIVE PRACTICE ACTS.

25 **SECTION 10.** 12-64-104 (1), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **12-64-104. License requirements and exceptions - definitions.**

28 (1) No person may practice veterinary medicine in this state who is not
29 a licensed veterinarian. No person may practice artificial insemination or
30 ova transplantation of cattle or other animal species in this state except in
31 accordance with section 12-64-105 (9) (c). This article shall not be
32 construed to prohibit:

33 (p) THE PRACTICE OF ANIMAL CHIROPRACTIC PURSUANT TO
34 SECTION 12-33-127.

1 **SECTION 11.** 13-21-115.5 (3) (c) (II) (B), Colorado Revised
2 Statutes, is amended to read:

3 **13-21-115.5. Volunteer service act - immunity - exception for**
4 **operation of motor vehicles.** (3) As used in this section, unless the
5 context otherwise requires:

6 (c) (II) "Volunteer" includes:

7 (B) A licensed chiropractor governed by the provisions of article
8 33 of title 12, C.R.S., performing chiropractic, as defined in section
9 12-33-102, (~~†~~); C.R.S., as a volunteer for a nonprofit organization, a
10 nonprofit corporation, a governmental entity, or a hospital;".

11 Renumber succeeding sections accordingly.

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