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RULE PROPOSALS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

41 N.J.R. 2081(a)

Proposed New Rule: N.J.A.C. 13:44-4.13

[Click here to view Interested Persons Statement](#)

Complementary Medicine

Authorized By: State Board of Veterinary Medical Examiners, Leslie Aronson, Executive Director.

Authority: *N.J.S.A. 45:16-3*.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-144.

Submit comments by July 17, 2009, to:
Leslie Aronson, Executive Director
State Board of Veterinary Medical Examiners
PO Box 45020
Newark, NJ 07101

The agency proposal follows:

Summary

N.J.S.A. 45:16-9 requires that any individual who engages in the practice of veterinary medicine, surgery or dentistry be licensed by the State Board of Veterinary Medical Examiners (Board). *N.J.S.A. 45:16-8.1* states that a person is engaged in the practice of veterinary medicine when he or she "either directly or indirectly diagnoses, prognoses, treats, administers, prescribes, operates on, manipulates or applies any apparatus or appliance for any

disease, pain, deformity, defect, injury, wound or physical condition of any animal." The Board has been concerned that unlicensed individuals have been providing services for animals that constitute the practice of veterinary medicine as it is defined in *N.J.S.A. 45:16-8.1*. In order to ensure that these services are only performed by a licensed veterinarian, or an individual employed and supervised by a licensed veterinarian, the Board is proposing new rule N.J.A.C. 13:44-4.13 that defines "complementary medicine" to encompass these services.

The proposed new rule defines "complementary medicine" as animal acupuncture, animal chiropractic, animal physical therapy or animal rehabilitative therapy. The rule states that licensed veterinarians may perform any form of complementary medicine. Employees of a licensed veterinarian who are under the supervision of a licensed veterinarian may also perform complementary medicine. An employee may only perform complementary medicine in a licensee's office or where the animal is normally maintained.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

[page=2082] **Social Impact**

By limiting the individuals who may perform complementary medicine to licensed veterinarians and the employees of licensed veterinarians, the proposed new rule will ensure that these services are provided to animals in a safe and effective manner. Unlicensed individuals, who are not sufficiently educated in the anatomy and physiology of animals or in the proper handling of animals, should not be permitted to perform these services unless they are employed and properly supervised by a licensed veterinarian.

Economic Impact

The proposed new rule may have an economic impact on owners of animals that currently receive complementary medical services from unlicensed individuals. This rule clarifies that only licensed veterinarians and their employees may perform these services. It may be more expensive to receive these services from licensed individuals.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the proposed new rule.

Jobs Impact

The proposed new rule may prevent unlicensed individuals who are currently engaged in providing complementary medical services to animals from continuing in this practice. The Board believes that it is necessary to prohibit unlicensed individuals from providing these services in order to protect the health, safety and welfare of animals in New Jersey. The Board does not believe that the proposed new rule will increase or decrease jobs in New Jersey in any other way.

Agriculture Industry Impact

The Board does not believe that the proposed new rule will have any impact on the agriculture industry of this State.

Regulatory Flexibility Analysis

Since licensed veterinarians are individually licensed by the Board, under the Regulatory Flexibility Act (the Act), *N.J.S.A. 52:14B-16* et seq., they may be considered "small businesses" for the purposes of the Act.

The proposed new rule will have no economic impact on small businesses. The Board does not believe that licensees will need to employ professional services in order to comply with the proposed new rule. The proposed new rule imposes compliance requirements as detailed in the Summary above. The proposed new rule does not impose any recordkeeping or reporting requirements.

As the proposed new rule protects the health, safety and welfare of animals who receive complementary services by ensuring that the individuals who perform those services are properly educated or supervised to perform those services, the Board believes that the proposed new rule must be applied uniformly to all licensed veterinarians regardless of the size of the business.

Smart Growth Impact

The Board does not anticipate that the proposed new rule will have any impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan, otherwise known as the State Plan.

Housing Affordability Impact

The proposed new rule will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the new rule concerns the performance of complementary medicine on animals.

Smart Growth Development Impact

The proposed new rule will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rule would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the new rule concerns the performance of complementary medicine on animals.

Full text of the proposed new rule follows:

SUBCHAPTER 4. GENERAL RULES OF PRACTICE

13:44-4.13 Complementary medicine

(a) For purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Complementary medicine" means animal acupuncture, animal chiropractic, animal physical therapy or animal rehabilitative therapy.

"Employee" means an employee as defined in *N.J.A.C. 18:35-7.1*.

(b) A licensee may perform any form of complementary medicine.

(c) An employee of a licensee may perform complementary medicine on animals, as long as the employee is working under the responsible supervision of a licensee, as defined in *N.J.A.C. 13:44-3.1*.

(d) An employee of a licensee shall only perform complementary medicine on animals in a licensee's office or where the animal receiving services is normally maintained.

(e) A licensee who supervises an employee who is performing complementary medicine pursuant to (c) above shall

provide responsible supervision, as defined in *N.J.A.C. 13:44-3.1*, of the employee providing services and shall be responsible for the results of those services.

(f) If an individual is not permitted to perform complementary medicine on animals pursuant to (b) or (c) above, he or she shall not perform complementary medicine on animals.