

**IN THE CHANCERY COURT OF MONTGOMERY COUNTY, TENNESSEE
NINETEENTH JUDICIAL DISTRICT AT CLARKSVILLE**

LAURA COLMAN

PLAINTIFF,

V.

**BOARD OF VETERINARY MEDICAL
EXAMINERS; Leslie Wereszczak in
her official capacity as Board Chair,
Montgomery McInturff, Cathryn Youmans,
Angela Zinkus, Mark Garrett, Sarah Spidel, and
Marissa Lee, in their official capacities as
members of the Board.**

DEFENDANTS.

Case No. _____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

INTRODUCTION

1. Plaintiff Laura Colman is an experienced chiropractor who has completed hundreds of hours of coursework and holds a certificate in animal chiropractic from the American Veterinary Chiropractic Association. Yet regulations from Tennessee’s Board of the Veterinary Medical Examiners prohibit her from practicing animal chiropractic merely because she isn’t a licensed veterinarian.
2. The Board’s regulations are arbitrary, irrational, and unduly burdensome. The regulations would force Dr. Colman—an experienced and trained animal chiropractic—to spend hundreds of thousands of dollars and four years of her life to obtain a degree and a veterinary license just to practice animal chiropractic. This is particularly irrational because veterinary schools do not appear to require courses in animal chiropractic—and veterinary students certainly do not endure hundreds of hours of education and practical training, as Dr. Colman has through

animal chiropractic school. In all, the Board's regulations do not protect animals, but instead deprive animals and their owners of scarce animal chiropractic services.

3. The Board's regulations are arbitrary and irrational because they prohibit the most qualified individuals—those who are trained in animal chiropractic—from earning a living as animal chiropractors. That means that the regulations not only violate Dr. Colman's rights under the Fourteenth Amendment to the United States Constitution, but also the Law of the Land Clause under the Tennessee Constitution. The original understanding of that Clause dictates robust state constitutional protections for the right of Tennesseans like Dr. Colman to earn an honest living free from unreasonable government interference. Beyond the constitutional problems, the Board's asserted authority to regulate all alternative animal therapies, including animal chiropractic, also violates separation of powers principles. Tennessee law gives the Board authority to regulate veterinarians; it does not give the Board unfettered discretion to regulate anything it deems fit—as long as it relates to animals. The Board's regulations are therefore unlawful.

JURISDICTION AND VENUE

4. This Court has jurisdiction under Tenn. Code Ann. §§ 1-3-121; 4-5-224; 20-18-101; and 29-14-101, *et. seq.*
5. This Court also has jurisdiction under 42 U.S.C. § 1983 and the Fourteenth Amendment to the U.S. Constitution.
6. This Court has authority to enter a declaratory judgment and provide injunctive relief pursuant to Tenn. Code Ann. §§ 1-3-121; 4-5-225, 29-1-101; 29-14-102; 42 U.S.C. § 1983, and Tenn. R. Civ. P. 65, *et. seq.*
7. Venue is proper under Tenn. Code Ann. §§ 20-18-102; 20-4-104.

PARTIES

8. Plaintiff Laura Colman is a licensed chiropractor in Tennessee and holds a doctorate in chiropractic from Life University in Marietta, Georgia. Dr. Colman has completed coursework at Animal Chiropractic Education Source in 2021 and holds a certificate in animal chiropractic from the American Veterinary Chiropractic Association. Dr. Colman's business is in Clarksville, Tennessee, and she provides human and animal chiropractic services across Tennessee.
9. Defendant Tennessee Board of Veterinary Medical Examiners ("the Board") is empowered by the laws of the State of Tennessee to adopt rules and regulations governing the practice of veterinary medicine. Tenn. Code Ann. § 63-12-106. The Board is also empowered by the laws of the State of Tennessee to enforce the Tennessee Veterinary Practice Act including its rules, examinations, licenses, and policy.
10. Dr. Colman also sues the members of the Board in their official capacities only, as the agents responsible for enforcing the regulations pertaining to veterinary medicine. At present, the voting, non-ex-officio members of the Board are: Leslie Wereszczak (Board Chair), Montgomery McInturff (Vice Chair), Cathryn Youmans (Secretary) Angela Zinkus, Mark Garrett, Sarah Spidel, and Marissa Lee.

FACTUAL ALLEGATIONS

Animal Chiropractic

11. Animal Chiropractic is a drug-free treatment that focuses on the health of an animal's nervous system, spine, and joints.
12. The American Veterinary Chiropractic Association ("AVCA") is recognized as a world leader in animal chiropractic and is the primary credentialing agency in the United States. An AVCA

certification demonstrates professional competence and is recognized by the animal chiropractic profession and the public.

13. The American Veterinary Chiropractic Association and the International Veterinary Chiropractic Association issue certificates in animal chiropractic to qualified applicants. They do not require applicants to hold doctorates in veterinary medicine to obtain certification in animal chiropractic.
14. Applicants for certificates in animal chiropractic from the AVCA can only qualify if they hold, or are within six months of graduating, doctorates in chiropractic (“DC”) or veterinary medicine (“DVM”).
15. To obtain an AVCA certification in animal chiropractic applicants must complete and meet the following criteria:
 - a) Attend a basic post-graduate animal chiropractic program that is approved by the Education Committee of the American Veterinary Chiropractic Association (AVCA).
 - b) After successfully passing the AVCA-approved program’s exit exam, apply to sit the ACCC written and clinical (practical) examinations.
 - c) Sit the ACCC written and clinical (practical) examinations.
 - d) Pass both the written and clinical (practical) examinations.
 - e) *Applicants must hold a current/active (good standing) state/provincial license of chiropractic or of veterinary medicine.*
 - f) Applicants receive 3-year certification by the ACCC/AVCA based on fulfillment of all requirements.¹
16. All AVCA-approved postgraduate programs are required to admit DC and DVM applicants if they meet the programs’ other requirements. Each program requires at least 210 certified hours of animal chiropractic curriculum.²

¹ American Veterinary Chiropractic Association Certification Credential, <http://avcaexam.regstep.com/> (last visited October 30, 2024) (emphasis added).

² AVCA Approved Post Graduate Programs, <https://www.animalchiropractic.org/avca-approved-post-graduate-programs/> (last visited October 30, 2024).

17. Only chiropractors and veterinarians can be certified in animal chiropractic, and the requirements are the same regardless of whether the applicant is a chiropractor or a veterinarian.
18. To maintain a certificate in animal chiropractic from the AVCA, certificate holders must complete thirty hours of continuing education every three years.

The Tennessee Board of Veterinary Medical Examiners

19. Under the Tennessee Veterinary Practice Act (“the Act”), the Tennessee legislature created the Board of Veterinary Medical Examiners. Tenn. Code. Ann. § 63-12-101 *et seq.*
20. The legislature granted the Board authority to adopt “reasonable rules” to regulate the practice of veterinary medicine. Tenn. Code Ann. § 63-12-106(1).
21. The Act provides: “[a]ny person wishing to practice veterinary medicine in this state shall obtain a license from the board. It is unlawful for such person to practice veterinary medicine as defined in § 63-12-103 unless the person obtains a license; and if the person so practices, the person shall be considered to have violated this chapter.” Tenn. Code Ann. § 63-12-112(a)(1).
22. To obtain a license from the Board, a person must graduate from a school or college of veterinary medicine approved by the Board. Tenn. Code. Ann. § 63-12-112(b)(1).
23. The Act defines veterinary medicine to “include[] veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.” Tenn. Code Ann. § 63-12-103(19).
24. The “[p]ractice of veterinary medicine” is defined as follows:
 - (i) Diagnose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode, including:
 - (a) The prescription, dispensing, administration, or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance or medical or surgical, including cosmetic, technique;

- (b) The use of complementary, alternative, and integrative therapies;
- (c) The use of any manual, mechanical, biological, or chemical procedure for the testing of pregnancy, or for the management or treatment of sterility or infertility;
- (d) The rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to subdivisions (10)(A)(i)(a)-(c); and
- (e) The collection of blood or other samples for the purpose of diagnosing disease or other conditions

Tenn. Code Ann. § 63-12-103(10).

25. The Board has adopted regulations that further define the “practice of veterinary medicine” to include: “acupuncture, *chiropractic therapy*, laser therapy, massage therapy, veterinary rehabilitative therapy, and ultrasound.” *Id* (emphasis added).
26. The Board defines “chiropractic therapy” as “[t]he manipulation and treatment of the structures of the animal body, especially those of the spinal column, for the treatment, correction, alleviation or prevention of any animal disease, illness, pain, deformity, defect, injury or other physical condition.” Tenn. Comp. R. & Regs. 1730-01-.01(11).
27. The Board treats animal chiropractic as the practice of veterinary medicine that requires a veterinary license.
28. Any person who practices veterinary medicine without a license “commits a Class B misdemeanor for each instance of such practice.” Tenn. Code Ann. § 63-12-119.
29. A Class B misdemeanor can result in up to six months in jail and a fine not exceeding \$500. Tenn. Code Ann. § 40-35-111(e)(2).
30. If the Board determines that an unlicensed person is engaging in the practice of veterinary medicine, it has the power to issue disciplinary or cease-and-desist orders, request criminal charges, seek an injunction, impose civil penalties up to \$1,000 per violation, and assess the

costs of any disciplinary proceedings. Tenn. Code Ann. §§ 63-12-128, 130; 132 Tenn. Comp. R. & Regs. 1730-01-.15.

31. Due to the Board's regulations concerning animal chiropractic, animal chiropractors who practice animal chiropractic without a license in veterinary medicine are subject to criminal and civil penalties under Tennessee law.

Tennessee's Veterinary License

32. To obtain a veterinary license in Tennessee, an applicant must graduate from a Board-approved veterinary school, pass both national and state licensing exams, and pay a non-refundable fee. *See* Tenn. Code Ann. § 63-12-112(b); Tenn. Comp. R. & Regs. 1730-01-.06.

33. The American Veterinary Medical Association (AVMA) is the principal accrediting body for veterinary schools in the United States.

34. The AVMA's website lists only approximately thirty-three (33) accredited schools in the United States.

35. AVMA-accredited veterinary schools require that students be taught over a minimum period of four (4) academic years.

36. AVMA's accreditation standards do not appear to require either mandatory or elective courses in animal chiropractic.

37. AVMA's accreditation standards do not appear to require graduates of AVMA-accredited veterinary schools to demonstrate knowledge of, or proficiency in, animal chiropractic.

38. Only two schools in Tennessee offer Board-approved programs where one may obtain a Doctor of Veterinary Medicine: University of Tennessee, Knoxville, and Lincoln Memorial University.

39. Neither the University of Tennessee nor Lincoln Memorial University appear to require students to learn animal chiropractic.

40. The University of Tennessee states on its website that tuition for the 2024–2025 academic year is \$30,788 for in-state students and \$58,124 for out-of-state students. The university also estimates an additional \$3,508 in costs for books, course materials, supplies, and equipment.
41. When factoring in housing, food, transportation, etc. The University of Tennessee estimates that the total cost for the 2024–2025 year is \$57,712 for in-state students and \$85,048 for out-of-state students.
42. Lincoln Memorial University states on its website that tuition and costs of attendance for the students entering the 2024-2025 academic year are as follows: Year 1 total direct cost is \$59,722 and indirect costs (housing, food, etc.) estimated at \$22,600; Year 2 total direct cost \$58,872 and indirect costs estimated at \$22,600; Year 3 total direct cost \$58,872 and indirect costs estimated at \$22,600; and Year 4 total direct cost \$ 59,102 and indirect costs estimated at \$33,520.
43. To attend either the University of Tennessee or Lincoln Memorial University for a Doctorate in Veterinary Medicine an individual would likely pay more than \$200,000 in tuition and costs not including indirect costs such as housing, food, etc.

Plaintiff Dr. Colman

44. Dr. Colman holds a doctorate in chiropractic from Life University and is a licensed chiropractor in Tennessee.
45. Dr. Colman holds a certificate in animal chiropractic from the American Veterinary Chiropractic Association (“AVCA”). To obtain the certificate, Dr. Colman completed animal chiropractic coursework and passed a board examination that contained practical and written sections.

46. Dr. Colman completed Animal Chiropractic Education Source's Animal Chiropractic 101 course. She completed 240 hours of coursework. The coursework consisted of 129 lecture hours and 111 on-site laboratory hours.
47. Animal Chiropractic Education Source is an AVCA-approved animal chiropractic program.
48. Dr. Colman has also been a board member for Austin Peay State University's Institutional Animal Care and Use Committee and is also on the research grant committee for the Australian Spinal Research Foundation.
49. Dr. Colman has been practicing animal chiropractic since 2021 and balances her practice between humans, domestic animals, and larger farm animals.
50. Dr. Colman does not hold herself out as a veterinarian nor does she practice, or wish to practice, veterinary medicine.
51. Dr. Colman does not prescribe any medications for animals or conduct other veterinary practices. Her practice concerning animals is only chiropractic.

Injury to Dr. Colman

52. Under the Board's regulations, animal chiropractors are considered veterinarians and must obtain a veterinarian license. Tenn. Code Ann. § 63-12-112(a)(1); Tenn. Comp. R. & Regs. 1730-01-.02.
53. Dr. Colman is not a licensed veterinarian.
54. Dr. Colman is not eligible for the exemptions under the Act. *See* Tenn. Cod Ann. § 63-11-133.
55. Dr. Colman is therefore subject to civil and criminal penalties for practicing animal chiropractic.
56. Dr. Colman is under investigation by the Tennessee Department of Health, which informed her that it is "conducting an investigation, pursuant Title 63 concerning allegations included, but

not limited to, practicing veterinary medicine (T.C.A. §63-12- 103) without a license - T.C.A. §63-12-112(a) related to providing chiropractic services to animals, i.e., horses and canines.”

57. Each day Dr. Colman provides animal chiropractic services she is under the threat of criminal and civil penalties, as well as the threat of having her work enjoined, due to the Board’s power to impose such penalties against individuals engaging in the unlicensed practice of veterinary medicine.
58. Dr. Colman is experienced and qualified in animal chiropractic and has devoted significant time, money, and effort into cultivating her skills.
59. Dr. Colman has no desire to become a licensed veterinarian and does not have the money or time to become a licensed veterinarian.
60. To get a veterinary license, Dr. Colman would have to get accepted to one of the few schools offering a veterinary degree, move, pay up to hundreds of thousands of dollars, stop working for at least four (4) years, suffer the loss of regular income and her business, pass the necessary examinations, and pay the necessary fees.
61. Veterinary school would not further Dr. Colman’s expertise and practice in animal chiropractic.
62. Dr. Colman does not wish to be an employee of a veterinarian.
63. Although Dr. Colman is competent to practice on her own, she has chosen to have a veterinarian supervise her practice in light of the investigation.
64. Dr. Colman has previously worked under no supervision and would continue to do so absent the Board’s regulations and pending investigation.
65. The effect of the Board’s regulations is that animal chiropractors, like Dr. Colman, who are certified and qualified to practice animal chiropractors are unlawfully practicing animal chiropractic.

66. There is a shortage of animal chiropractors in Tennessee. There are only twenty animal chiropractors certified by the AVCA in Tennessee.
67. Out of these twenty, a small minority have doctorates in veterinary medicine, while the large majority have doctorates in chiropractic.
68. Requiring the large majority of animal chiropractors, including Dr. Colman, to go to veterinary school for another four years and possibly spend over \$200,000 for a degree that does not train or teach them animal chiropractic, and then go through the process of becoming licensed veterinarians, arbitrarily denies animal chiropractors from earning a living, and reduces the number of individuals allowed to provide chiropractic services to animals in need across Tennessee.
69. Dr. Colman is the primary earner in her family and now worries that she will lose a significant part of her business. In addition, because few people possess Dr. Colman's expertise, many animals will no longer receive the chiropractic care that they need.

LEGAL CLAIMS

FIRST CLAIM OF RELIEF

Tennessee Constitution, Article I, Section 8 - Law of the Land Clause (Right to Earn a Living)

70. Article I, Section 8 of the Tennessee Constitution provides that "no man shall be ... disseized of his freehold, liberties or privileges ... or in any manner destroyed or deprived of his life, liberty or property, but by judgment of his peers, or the law of the land."
71. The right to earn an honest living under the Tennessee Constitution is a fundamental right and is protected by this constitutional provision.
72. Animal Chiropractic is a distinct practice from veterinary medicine and the requirements to become a licensed veterinarian are unrelated to animal chiropractic.

73. Requiring a veterinary license for someone who has both a doctorate in chiropractic and a certificate in animal chiropractic but no doctorate in veterinary medicine, has no rational connection to either their fitness or capacity to practice animal chiropractic.
74. The Board's Animal Chiropractic Regulations bear no real and substantial relationship to the public's health, safety, morals, or general welfare.
75. Allowing veterinarians who are not trained or certified in animal chiropractic to practice animal chiropractic, but prohibiting chiropractors who are trained and certified in animal chiropractic from practicing animal chiropractic is arbitrary and unreasonable.
76. Even assuming, *arguendo*, that the requirement that a person obtains a veterinary license to practice animal chiropractic has any tendency to further a legitimate state interest, the effect of the requirement as a whole is so unreasonably burdensome that it becomes oppressive in relation to the underlying governmental interest.
77. The vast majority, if not the entirety, of the required veterinary educational programs and the Board's testing for veterinarians have little to do with animal chiropractic.
78. Requiring Dr. Colman to spend four years and over \$200,000 (or more) obtaining veterinary licenses and enrolling in classes all while failing to require any instruction or training in the practice of animal chiropractic is unreasonable and oppressive.
79. Whatever benefit the public derives is grossly out of proportion to the burdens placed on Dr. Colman.
80. Requiring certified and trained animal chiropractors to obtain a veterinary license and go to veterinary school which does not require training in animal chiropractic far exceeds whatever legitimate public health and safety requirements are necessary to protect the public.

81. The Board's regulations deprive Dr. Colman of both her liberty and property in contravention of the law of the land.

SECOND CLAIM FOR RELIEF

Due Process Clause of the Fourteenth Amendment to the United States Constitution

82. The Due Process of Law Clause of the Fourteenth Amendment to the U.S. Constitution protects the right to earn a living free from unreasonable government interference. Under this provision, no person may be deprived of his or her right to earn a living unless the law is rationally related to a legitimate government interest.

83. Animal Chiropractic is a distinct practice from veterinary medicine and the requirements to become a licensed veterinarian are unrelated to animal chiropractic.

84. Requiring a veterinary license for someone who has both a doctorate in chiropractic and a certificate in animal chiropractic but no doctorate in veterinary medicine, has no rational connection to either their fitness or capacity to practice animal chiropractic

85. Requiring Dr. Colman to spend four years and over \$200,000 (or more) obtaining veterinary licenses and enrolling in classes while failing to require any instruction or training in the practice of animal chiropractic does not rationally advance any legitimate public health and safety concerns.

86. Allowing veterinarians who are not trained or certified in animal chiropractic to practice animal chiropractic but prohibiting chiropractors who are trained and certified in animal chiropractic from practicing animal chiropractic, bears no rational relationship to protecting the public health, safety, or welfare.

87. The license requirement serves the actual purpose of providing a valuable economic benefit to licensed veterinarians in the growing field of animal chiropractic.

88. On its face, it appears the only purpose of the law is to protect veterinarians from competition in animal chiropractic services.
89. Economic protectionism is not a legitimate government purpose.
90. The Board's arbitrary, irrational, and fundamentally unfair animal chiropractor regulations deprive Dr. Colman of her constitutional right to earn a living in her chosen profession without due process of law.

THIRD CLAIM OF RELIEF

Excess of Statutory Authority

91. The Board possesses no authority except for the authority that is expressly delegated by the General Assembly.
92. If a statute grants an agency authority to adopt rules and regulations that define the scope of a licensed profession, the rules and regulations cannot be overly broad and expand the practice of the profession beyond what the legislature intended.
93. The Board does not have statutory authority to require certified and qualified animal chiropractors to obtain a veterinary license.
94. Animal chiropractic is not the practice of veterinary medicine.
95. The Board's authority to regulate the practice of veterinary medicine as defined in Tenn. Code Ann. § 63-12-103(10) does not grant the Board to regulate all treatments, corrections, changes, and other forms of relief related to an animal's physical or mental condition.
96. Animal Chiropractic is not veterinary surgery, obstetrics, dentistry, or a branch of veterinary medicine. Tenn. Code Ann. § 63-12-103(19).
97. The Board's regulations to define animal chiropractic as the practice of veterinary medicine are overly broad and regulate a profession outside the scope of the statute.

98. The Board has exceeded its statutory authority, and the regulations should be held unlawful and vacated.

FOURTH CLAIM OF RELIEF

Violation of the Tennessee Constitution, Non-Delegation Doctrine, and Separation of Powers

99. Article II, Section 1 of the Tennessee Constitution provides that “The powers of the government shall be divided into three distinct departments: legislative, executive, and judicial.”

100. Article II, Section 3 of the Tennessee Constitution, vests the legislative power in the State’s General Assembly.

101. The General Assembly may not delegate power that is purely legislative and may not delegate to an agency the exercise of legislative discretion to determine what the law shall be.

102. Any grant of authority to an administrative agency to promulgate rules must be limited and defined in a manner that administrative officials can discern and implement the legislature’s will.

103. Lawful delegations of authority require a “sufficient basic standard,” and “a definite and certain policy and rule of action” that can guide agency action.

104. A statute delegating power to an agency must contain sufficient safeguards to prevent arbitrary agency action.

105. The Tennessee Veterinary Practice Act authorizes the Board to “[a]dopt reasonable rules governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent.” Tenn. Code Ann. § 16-12-106.

106. The “practice of veterinary medicine” as defined in the Act to “diagnose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other

physical, dental, or mental conditions by any method or mode,” which includes the “use of complementary, alternative, and integrative therapies,” *see* Tenn. Code Ann. § 63-12-103(10), is so broad that it delegates to the Board the authority to exercise legislative discretion to determine what the law shall be.

107. The definition of what constitutes veterinary medicine contains no basic standard nor sufficient safeguards to prevent arbitrary agency action.

108. If the practice of veterinary medicine is construed as authorizing the Board to exercise legislative power to regulate animal chiropractors and other professionals who do not perform veterinary medicine, then the Board’s regulations violate the non-delegation doctrine and must be vacated.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court:

1. Declare that the inclusion of animal chiropractic in Tenn. Comp. R. & Regs. 1730-01-02 as the practice of veterinary medicine and requiring animal chiropractors to obtain a veterinary license is unconstitutional under and Article I, Section 8 of the Tennessee Constitution and the Fourteenth Amendment to the U.S. Constitution;
2. Enter an order permanently enjoining the defendants from enforcing a veterinary licensure requirement for animal chiropractic. Or in the alternative an order enjoining the defendants from enforcing the veterinary licensure requirement applied to Dr. Colman or individuals who are certified in animal chiropractic;
3. Enter a declaratory judgment that Tenn. Comp. R. & Regs. 1730-01-02 pertaining to animal chiropractic and chiropractic therapy is unlawful and an Order vacating the portion of the rule;

4. Award attorneys' fees, costs, and expenses in this action pursuant to 42 U.S.C. § 1988, and;
5. Any other relief as the Court deems just and proper.

DATED: November 13, 2024

Respectfully submitted,



Ben Stormes
B.P.R. No. 041908
ben.stormes@beacontn.org
Wencong Fa
B.P.R. No. 041768
wen@beacontn.org
BEACON CENTER OF TENNESSEE
1200 Clinton Street #205
Nashville, TN 37203
Tel.: 615-383-6431
Counsel for Plaintiff