

BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE
June 7, 2001

I. CALL TO ORDER

The Board Vice-President, Dr. George Gowan, called the meeting to order at 9:20 a.m.

II. ROLL CALL

Roll call was taken by the Secretary/Treasurer, Dr. Robert Lofton, with the following results:

Those present were:

Dr. Adrienne Aycock	Board President *
Dr. George Gowan	Board Vice-President
Dr. Robert Lofton	Board Secretary/Treasurer
Dr. Edwin Davis	Board Member
Dr. Glenn Walther	Board Member
Kimberly Barbier	Board Administrative Director
Michael A. Tomino, Jr.	Board General Counsel

Guests:

Dr. Pat Thislewaite	Vice-President, LVMA
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(Due to bad weather and flooding, Dr. Aycock arrived late.)*

III. ADMINISTRATIVE HEARING – Case No. 00-1208.2V

Mr. Tomino informed the Board that Dr. Aycock, as presiding officer, has granted a postponement of the hearing scheduled for 9:30 am upon a request and due to the recent sudden death of the respondent's son. The hearing has been rescheduled to 9:30 am on Thursday, August 2, 2001.

IV. APPROVAL OF MINUTES – April 5, 2001

The Board reviewed the minutes from the April 5, 2001 board meeting. Motion was made by Dr. Lofton to accept the minutes as presented, seconded by Dr. Walther, and passed unanimously by voice vote.

V. FINANCIAL AND CONTRACT MATTERS

A. **Financial Reports – March and April 2001**

Dr. Lofton presented the financial reports for March and April 2001. After review and discussion, motion was made by Dr. Lofton to accept the financial statements, seconded by Dr. Davis, and passed unanimously by voice vote.

(Dr. Aycock arrived at approximately 9:30 am during review of agenda item V.A. Dr. Davis inquired regarding the balance and purchase procedure for Certificates of Deposit. The Board moved to agenda item number V.C.1 and 2 for discussion.)

B. **Fiscal Year 2001 Budget Forecast**

Dr. Lofton presented worksheets for review and discussion relative to the budget and totals to date for the present fiscal year, 2001. Also presented was a proposed forecast for the fiscal year end totals prepared by Ms. Barbier.

(Agenda item V.C.1 and 2 were discussed with agenda item V.A.)

C. **Investments**

1. Update Fiscal Year 2001 – The Board reviewed and discussed the balance sheet for CDs purchased during the present fiscal year (2001).

2. Authorization for Fiscal Year 2002 -- Dr. Davis inquired regarding the amount of CDs purchased over the present fiscal year. Dr. Lofton and Ms. Barbier explained the procedure for purchasing CDs throughout the year.

(The Board returned to agenda item V.A.)

Motion was made by Dr. Lofton to authorize Ms. Barbier with the Board's Secretary/Treasurer – Dr. Davis, Secretary/Treasure elect – to make internal fund transfers at Bank One for the purchase of certificates of deposit (CDs) with a maximum balance limit of \$215,000 at any time during fiscal year 2002, seconded by Dr. Walther, and passed unanimously by voice vote.

3. Federal Reserve Bank Authorization – Ms. Barbier presented an authorization form with regards to collateral accounts held by Bank One as security against the CDs owned by the Board for signature by pledgee representatives of the Board.

D. Audit – Fiscal Year 2001

Ms. Barbier presented the compliance questionnaire for review and discussion for authorization of the audit engagement for fiscal year 2001 to be performed in July. Motion was made by Dr. Walther to adopt the compliance questionnaire as presented, seconded by Dr. Lofton, and passed unanimously by voice vote.

E. Professional Contracts

1. Adoption of National Examinations - Motion was made by Dr. Walther to adopt the use of the North American Veterinary Licensing Examination (NAVLE) for use in veterinary licensing and Veterinary Technician National Examination (VTNE) for use in certification of veterinary technicians, seconded by Dr. Gowan and passed unanimously by voice vote.

a. NBEC for NAVLE Examination – Ms. Barbier presented information regarding the agreement letter with NBEC for use of the NAVLE.

b. PES for the VTNE Examination – Ms. Barbier presented information regarding the contract with Professional Examination Services (PES) for use of the VTNE.

After discussion of the agreement letter and service contract, motion was made by Dr. Walther to approved the agreement letter and contract for the use of examinations as presented, seconded by Dr. Gowan, and passed unanimously by voice vote.

2. Legal Services

a. Amendment for Present Contract – Ms. Barbier presented information for an amendment to the present contract with Mr. Michael Tomino, Attorney, for legal services. The amendment is for an additional \$7,000 to raise the cap of the contract from \$110,000 to \$117,000 to ensure that Mr. Tomino can be paid through the end of the contract, June 30, 2001. Motion was made by Dr. Gowan to approve the amendment to the present contract as presented, seconded by Dr. Lofton, and passed unanimously by voice vote.

b. New Service Contract – Ms. Barbier presented information for a new contract with Mr. Tomino to provide legal services from July 1, 2001 through June 30, 2004 (three years) for a total amount of \$165,000 (\$55,000 per year). After discussion, motion was made by Dr. Lofton to approve the new contract as presented with the removal of a previous cap on the number of hours Mr. Tomino

can invoice for regular board meetings attended, seconded by Dr. Gowan, and passed unanimously by voice vote.

VI. POLICY, PROCEDURE, AND RULES

A. **Rule Making**

1. General Update - The Board reviewed information on rule promulgation in progress.

2. Adoption of Rules – No rules were presented for adoption.

3. Consideration/ Review of New Rules

a. PAVE Program – The Board discussed possible rule changes to include the acceptance of completion of the AAVSB PAVE Program by applicants for veterinary licensure who graduated from a foreign veterinary school. As discussion became lengthy and involved, Dr. Lofton suggested tabling the issue to a later time.

b. Continuing Education Year – Dr. Thislewaite, representing the LVMA, presented a request from the LVMA Board that the LBVM Board consider changing the present continuing education year, presently the fiscal year immediately preceding the renewal year, to a calendar year. After discussion, the Board concluded that changing the CE year to a calendar year would require changing the time table for other annual issues and would create a problem with the Board's finances. Motion was made by Dr. Walther to decline changing the CE year at this time with a possibility of revisiting this issue at a later date, seconded by Dr. Gowan, and passed unanimously by voice vote.

B. **Policy and Procedure**

1. Procedure – Annual License Renewal – Ms. Barbier presented a proposed procedure with regards to following up on licensees who renew with an inactive status or who do not renew and expire and who have a Louisiana professional and/or home address on file. After review and discussion of the procedure, motion was made by Dr. Lofton to approve the procedure, seconded by Dr. Walther, and passed unanimously by voice vote. A draft letter for use with this procedure was reviewed and minor revisions were made.

2. Procedure – Request for File Review and Copies – Ms. Barbier presented a proposed procedure with regards to requests for review of concluded disciplinary case files and copies of case file information. After review and discussion of the

procedure, motion was made by Dr. Walther to approve the procedure with revisions made, seconded by Dr. Davis, and passed unanimously by voice vote.

3. Policy/Guidelines – Closing of Practice and Patient Records – Mr. Tomino and Dr. Davis presented draft guidelines relative to the closing of a veterinary practice and handling of patient records. During discussion the issue of selling a practice was brought up to be included in the guidelines. Mr. Tomino and Dr. Davis were instructed to continue working on the guidelines incorporating information discussed.

C. Practice Act-Related Inquiries/Declaratory Statements

1. New Issues

a. Mr. Tomino presented an inquiry received from Dr. William French regarding non-veterinarian ultrasonographers performing ultrasound scans for evaluation by a referring veterinarian. Mr. Tomino noted that the Board had previously reviewed and responded to a similar issue. After review and discussion of the inquiry, Mr. Tomino was instructed to respond to the inquiry based on the previous response and the Practice Act. Motion was made by Dr. Gowan to accept and send the proposed response, seconded by Dr. Walther, and passed unanimously by voice vote.

(The Board briefly discussed agenda item VII.E.1 with agenda item C.1.a.)

b. Mr. Tomino presented an inquiry received from Ms. Johnette Norris, Event Coordinator, regarding a livestock expo to be held at the Expo Center in West Monroe. After review of her request regarding a barrel racing clinic, referral veterinarians, and removal of sick animals from the event, a response was proposed by the Board. Motion was made by Dr. Gowan that Mr. Tomino prepare the response as presented by the Board, seconded by Dr. Lofton, and passed by voice vote – FOR: Dr. Aycock, Dr. Gowan, Dr. Lofton, Dr. Walther; AGAINST: Dr. Davis. The Board instructed that Mr. Tomino have Dr. Gowan review and approve the response prior to mailing.

2. Reviews

a. Mr. Tomino presented a draft response for review regarding a previous inquiry made by Dr. William Marcello relative to a local rabies vaccination campaign at which lay personnel were reportedly soliciting other vaccine series. After discussion, Mr. Tomino was instructed to prepare a response to be sent after review and approval of the response by Dr. Aycock.

b. Mr. Tomino presented further information received from Dr. Brian Ghere regarding a previous inquiry relative to handling the health of feral cat colonies in the New Orleans area through the Charity Animal Hospital. After discussion, motion was made by Dr. Walther that in the interest of public health Dr. Ghere should be allowed to proceed with the program as outlined with the understanding that the veterinarian is ultimately responsible, seconded by Dr. Lofton, and passed unanimously by voice vote. Mr. Tomino was instructed to prepare a response to be sent after review and approval of the response by Dr. Walther.

VII. MISCELLANEOUS MATTERS

A. **Applicant Issues**

1. DVM – Ashley Holm – The Board reviewed the request from Dr. Holm, an LSU-SVM 2001 graduate, regarding acceptance of eight weeks (03/20/2001 – 05/14/2001) she performed at Hagyard-Davidson-McGee Associates in Kentucky to satisfy the full preceptorship requirement for licensure. It was noted that Hagyard-Davidson-McGee was not an approved preceptorship facility at the time Dr. Holm was there and all preceptorship paperwork required, including the agreement and a practice assessment questionnaire, was not submitted to the board office until May 2001. Motion was made by Dr. Davis to deny the request based on Board Rules 1105.B.1 and 2 and 1111.B.6, seconded by Dr. Gowan, and passed unanimously by voice vote.

Ms. Barbier presented the practice assessment questionnaire received from Hagyard-Davidson-McGee in late May. As presented and reviewed by board office personnel, the facility will be granted limited approval.

2. DVM – Dr. Robert Holmes - The Board reviewed the request from Dr. Holmes for reconsideration of the Board's decision rendered at the April 5, 2001 board meeting on his previous request to waive retaking out-of-date national examinations and waiver of the preceptorship requirement based on his employment and other qualifications. Dr. Holmes submitted additional information regarding his education, professional and publishing, and other experience. After discussion and consideration of the information presented, motion was made by Dr. Gowan that the information submitted by Dr. Holmes does not meet the requirement of Board Rule 303.B.4.b. as equivalent to five years employment (immediately preceding application) as a licensed veterinarian in a full-time private practice for waiver of re-taking the national examinations or Rule 1105.E for waiver of the preceptorship requirement and stand on its previous decision to deny the request, seconded by Dr. Walther, and passed unanimously by voice vote. Mr.

Tomino was instructed to prepare the response to be sent after review and approval by Dr. Aycock.

B. Continuing Education

1. CAET CE Review

a. The Board reviewed information submitted by St. Mary Parish Animal Control regarding an in-house program to be presented using video tapes and workbooks entitled "Staff Training For Animal Shelters and Kennels". After review of the information, motion was made by Dr. Lofton to approve the program for CE, seconded by Dr. Walther, and passed unanimously by voice vote.

b. The Board reviewed information submitted for a Certification Training and Continuing Education Conference presented by the Association of Certified Cruelty Investigators. After review of the information, motion was made by Dr. Lofton to approve the program for CE, seconded by Dr. Walther, and passed unanimously by voice vote.

c. The Board reviewed information submitted for the Louisiana Animal Control Certification Academy – Level I presented by the Louisiana Animal Control Association (LACA). After review of the information, motion was made by Dr. Lofton to approve the program for CE, seconded by Dr. Walther, and passed unanimously by voice vote.

d. The Board reviewed information submitted by Elaine White, CAET, for two programs sponsored by a local veterinary association she attended. Ms. Barbier noted that the programs had been pre-approved by the board office as continuing education for veterinarians. After review and discussion, motion was made by Dr. Lofton to accept the use of the program relative to ectoparasite control but deny the program on heartworm update noting that heartworm information is not related to animal control, seconded by Dr. Walther, and passed unanimously by voice vote.

Dr. Lofton brought up an issue regarding local association CE programs and the number of hours awarded for programs. He notes that the associations will ask and be approved for two hours for a program, but in his experience, the CE program usually only lasts one to one and one-half hours not the full two hours approved. The rest of the time is usually spent with dinner and socializing. He requests to work with the board office to correct this issue. He noted that one of the duties of the Vice-President position is CE review so all CE program requests should be reviewed and approved by the Vice-President; that local association meetings should be approved for a maximum of one and one-half hours; and that information

should be added to program approval letters informing the sponsor associations that the hours approved must represent the full, actual presentation time only.

C. Chemical Capture Course 2001

Ms. Barbier presented information for the Chemical Capture Course to be presented by LACA in August 2001. Motion was made by Dr. Walther to approve the course for lead CAET designation and officer training, seconded by Dr. Gowan, and passed unanimously by voice vote. Ms. Barbier noted that she has been asked to present a session at the Chemical Capture Course relative to the rules and regulations for a lead CAET. The Board reviewed the information Ms. Barbier proposed to be covered and questions she developed for use on the course test. The Board approved the material presented.

D. Review of the NAVLE Examination

The Board opted not to send anyone to review the NAVLE examination.

E. AAVSB

1. Model Practice Act – General discussion of this item was held during other agenda items. Further discussion was held. Ms. Barbier presented a few responses received from licensees regarding the AVMA comments on the AAVSB's model practice act sent out to AVMA membership. Mr. Tomino explained that the model practice act is a culmination of information gathered by the AAVSB and if voted into approval by the state delegates would only be used as a guide/model that Board's can use when revising or developing laws. It is not a binding item.

2. PAVE Program – Ms. Barbier presented a letter from the Colorado State Board of Veterinary Medicine in which they have pulled their previous support of the AAVSB's PAVE Program and copies of information regarding the PAVE and ECFVG (AVMA) programs for review and discussion. No action was taken by the Board on this issue.

3. Annual Meeting – The Board reviewed the agendas for sessions to be presented at the AAVSB conference. After discussion, the Board decided not to send anyone to the conference this year.

F. AVMA – ECFVG Program Changes

The Board reviewed a memo from AVMA regarding changes to the ECFVG Certification Process. After discussion, no comments were noted.

G. Web Site

Ms. Barbier presented a copy of the information that has been developed on the Board's new website. A draft mission statement and disclaimer was presented to be added to the home page and disclaimer for the Practice Act page of the website. Ms. Barbier proposed items to be put on the important news page. Corrections were noted on the board and staff page and application pages. The information for renewal, a generic renewal form, and draft introduction for the complaint form were reviewed and approved. The Board complimented Ms. Barbier for her work on the website and pleasure with its outcome.

H. Other matters Properly Brought Before the Board

No other miscellaneous matters were brought before the Board.

VIII. ANNUAL ITEMS

A. Election of Officers

Nominations were made and election was held for officers of the Board for fiscal year 2002 with the following result:

Board President – George Gowan, DVM
Board Vice-President – Robert Lofton, DVM
Board Secretary/Treasurer – J. Edwin Davis, DVM

Motion was made by Dr. Walther to adopt the results of the election for officers for the 2002 fiscal year and resolve that the Board President shall be afforded all powers associated with the office of the President including the power to execute contracts and other documents on behalf of the Board, seconded by Dr. Lofton, and passed unanimously by voice vote.

B. Authorization to Sign Checks

Motion was made by Dr. Aycock that the Board authorize Ms. Barbier – Administrative Director, Dr. Gowan – Board President Elect, and Dr. Davis – Board Secretary/Treasure Elect, to sign checks on behalf of the Board; that all checks over \$2,000 must require two signatures; and payroll checks for Ms. Barbier may not be signed by Ms. Barbier, seconded by Dr. Walther, and passed unanimously by voice vote.

C. Review of Board Member Positions and Duties

The Board reviewed the present Board Member positions and assigned duties. No changes were made.

IX. OTHER BUSINESS

A. Wall certificates were presented for signature for the following new licenses/certificates issued since the April 5, 2001 board meeting:

<u>DVM License No.</u>		<u>Issued</u>
2335	Patrick B. Cleveland, DVM	5/8/2001
2336	Ronald J. Gregg, DVM	5/15/2001
2337	William M. Traylor, DVM	5/15/2001
2338	Laura B. Meaux, DVM	5/16/2001
2339	Paul M. Rist, DVM	5/18/2001
2340	Wendi K. Smith, DVM	5/18/2001
2341	Chad J. Richard, DVM	5/18/2001
2342	Pamela R. Young, DVM	5/22/2001
2343	Elizabeth A. Saylor, DVM	5/24/2001
2344	Tara A. Malta, DVM	5/29/2001
2345	J. Robin Cresler-Roberts, DVM	5/29/2001
2346	Sara M. Groan, DVM	5/29/2001

B. Ms. Barbier presented information relative to the temporary appointment of Ms. Amanda Hidalgo to the Clerk position at \$7.00 per hour through the summer covering the renewal period. Dr. Aycock had been consulted on this appointment prior to being made. No objections were made.

C. Dr. Lofton proposed that the board books for board meetings be sent out to the Board Members earlier than they have been to give the Members more time to review meeting items. The Board set policy changing the board agenda deadline from two weeks prior to the board meeting to three weeks prior to the board meetings.

D. Dr. Gowan announced that he will host the annual function to be scheduled in September. More information will be forthcoming to all members.

E. On behalf of the other Members of the Board, Dr. Lofton offered sincere thanks to Dr. Aycock, whose term on the Board is to expire July 31, 2001, for all her dedication and hard work on the Board during her term.

IX. EXECUTIVE SESSION

There were no items to be brought before the Board in executive session.

X. ADJOURN

There being no further business before the Board, the meeting was adjourned at approximately 3:20 pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD ON AUGUST 2, 2001.

J. Edwin Davis, DVM
Board Secretary/Treasurer