

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
December 4, 2003**

DRAFT
Minutes

I. CALL TO ORDER -

Board President, Dr. J. Edwin Davis, called the meeting to order at 8:25 a.m.

II. ROLL CALL -

Roll call was taken by Board Secretary-Treasurer, Dr. Lon Randall, with the following results:

Those present:

J. Edwin Davis, DVM	Board President
Glenn Walther, DVM	Board Vice President
Lon Randall, DVM	Board Secretary-Treasurer
Patrick Bernard, DVM	Board Member
Brent Robbins, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy Parrish	Board Administrative Director

Absent: None

Guests: Louis L. Martin, DVM (until 11:30 a.m.)
John Lambert, Jr., DVM and
Lester Gauthier, Legal Counsel for Dr. Lambert (11:00 a. m. appearance)

III. APPROVAL OF MINUTES

A. October 2, 2003

The Board reviewed the minutes from the October 2, 2003 Board meeting. Motion was made by Dr. Walther to accept the minutes as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. **Financial Reports** -

1. September 2003 and October 2003

Dr. Randall and Ms. Parrish presented the financial reports for September and October 2003 for review. Review of target budget categories was discussed, as well as investments of income currently held in the Board checking account. Ms. Parrish was directed to purchase additional CDs with maturation dates occurring to cover monthly expenses for the remainder of the fiscal year. Motion was made by Dr. Walther to approve the financial reports as presented, seconded by Dr. Robbins, and approved unanimously by voice vote.

B. **FY2005 Budget Proposal** – Ms. Parrish presented a proposed budget for FY2005 (July 1, 2004 through June 30, 2005) for review and discussion. It was noted that adjustments have been made to reflect legal costs which have increased as a reflection of the number of cases, complexity of cases, and increased utilization of legal counsel for declaratory statements and rule change proposals. It was also noted that unless licensing fees were increased, the projected spending in FY2005 would exceed projected revenue. Following discussion of various licensing fee increase proposals, motion was made by Dr. Walther, seconded by Dr. Robbins, to accept the proposed budget for FY2005 as presented with the fee increases of \$50 for active DVM, \$25 for inactive DVM and \$25 for faculty. Motion was made by Dr. Walther, seconded by Dr. Bernard, to amend the above motion with the addition of the fee increases of \$75 for original licenses, and \$25 for DVM application fee, all to become effective following completion of rule promulgation procedures. Motion was passed unanimously by voice vote. Ms. Parrish was advised to include notice of the proposed fee increases in the April 2004 newsletter, and to begin rule promulgation procedures.

V. **ADMINISTRATIVE HEARING**

Case 04-0707V, Sharyl R. Rushing, DVM – Dr. Walther was introduced as presiding officer for the hearing. Dr. Bernard recused himself as investigating Board member in the case. The members of the Hearing Panel consisted of Dr. Davis, Dr. Walther, Dr. Randall, and Dr. Robbins. Dr. Rushing waived appearance at the hearing. Mr. Tomino presented, on behalf of the State, the facts of the case, submitted exhibits for review, and a proposed Consent Order for consideration by the Board. Upon conclusion of the presentations and questions, motion was made by Dr. Davis, seconded by Dr. Robbins, to enter into executive session for deliberation of the facts and proposed consent order presented in the case, and passed unanimously by voice vote. The executive session was closed to the public and only those Board members on the panel were present for deliberation.

Motion was made by Dr. Davis to return to open session, seconded by Dr. Robbins, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was made by Dr. Davis, seconded by Dr. Robbins and passed unanimously to accept the Consent Order as presented for this case.

VI. **POLICY, PROCEDURE, AND RULES**

A. **Rule Making**

General Update

There were no updates presented.

Adoption of Rules -

There were no adoption of rules presented.

Consideration/Review of Proposed Rules/Amendments

1. **Deer Farmer Use of Capture Drugs (1:00 p.m.)**

(Agenda item VI.A.3.a was scheduled for 1:00 p.m. Until that time, the Board continued with agenda items VI.B through XII. The Board returned to agenda item VI.A.3.a at 1:00 p.m.)

Mr. Tomino presented the proposed rule regarding deer farmer use of capture drugs for review by the Board. Following examination of the draft and questions regarding the proposed rule, motion was made by Dr. Bernard, seconded by Dr. Robbins, to accept the proposed rule as presented and move forward with standard rule promulgation. Motion passed unanimously by voice vote.

B. Policy and Procedure

None presented.

C. Practice Act-Related Matters/Declaratory Statement Requests

1. **Legislative Session 2003 Review** – Mr. Tomino presented a review of legislative session 2003 items relative to the practice of veterinary medicine. Ms. Parrish was asked to include the update of pertinent legislation items in the April 2004 newsletter. No action was taken on this item.

2. **PetMed Express, Inc. Query (Gary Koesten, M.S., R.Ph)** – Mr. Tomino presented a request by Dr. Koesten for clarification of prescription rules in Louisiana. A statement of policies sent to PetMed Express by certain Louisiana veterinarians was also reviewed. Mr. Tomino and Dr. Walther were asked to reply to Dr. Koesten's query citing the rules regarding prescriptions and to the involved veterinarians, and to draft an article regarding prescriptions to internet pharmacies for the April 2004 newsletter.

3. **Consent Form for Anesthesia, and Consent Form for Euthanasia** – Mr. Tomino presented concerns regarding the potential lack of, or improperly worded and/or incomplete consent authorizations. In an effort to circumvent potential problems and complaints due to lack of and/or improper/incomplete consent forms, it was recommended that suggested sample consent forms for anesthesia and for euthanasia will be included in the December 2003 newsletter. Ms. Parrish was asked to include the forms in the upcoming publication.

4. **Necropsy** – Following discussion of necropsy protocols and recent complaints, Dr. Robbins agreed to work with Mr. Tomino to formulate guidelines, rules and suggestions regarding necropsy of animals with questionable death of the patient. Dr. Robbins and Mr. Tomino are to present information at a future Board meeting.

5. **Faculty Licenses** - A review of the history and current faculty licensure rules was presented by Mr. Tomino. Dr. Bernard and Mr. Parrish were asked to compose a letter to be sent to the LSU-SVM administration reminding them of the prohibitions regarding private practice by faculty staff with no active Louisiana license.

VII. DVM ISSUES

A. **J.W. Lambert, Jr., DVM - Request for Reinstatement of DEA Licensure**

(personal appearance, 11:00 a.m.)

Dr. Walther was introduced as presiding officer for the hearing under Rule 1421. The members of the Hearing Panel consisted of Dr. Davis, Dr. Walther, Dr. Randall, Dr. Bernard and Dr. Robbins. Dr. Lambert and his wife were introduced. Mr. Lester Gauthier was present as legal counsel for Dr. Lambert. Mr. Tomino was present as legal counsel for the State. Also in attendance were Dr. Louis Martin, and Ms. Parrish, Board Administrative Director. Mr. Tomino presented, on behalf of the State, the facts and history of the request for reinstatement, exhibits for review, and the proposed agreement for consideration by the Board. Mr. Gauthier presented character statements in support of Dr. Lambert's request for reinstatement of his DEA license. The hearing panel asked questions related to the case. Upon conclusion of the presentations and questions, motion was made by Dr. Davis, seconded by Dr. Robbins, to enter executive session for deliberation of the facts and the proposed agreement. Motion passed unanimously by voice vote. The executive session was closed to the public and only those Board members on the panel were present for deliberation.

Motion was made by Dr. Davis, seconded by Dr. Robbins, to return to open session, and passed unanimously by voice vote. Motion was made by Dr. Bernard, seconded by Dr. Robbins, to accept the proposed agreement as presented. Motion passed by voice vote as follows: FOR - Dr. Davis, Dr. Walther, Dr. Randall, Dr. Bernard, Dr. Robbins; OPPOSED - none.

B. **Leicester L. Landon, DVM - Request for status change.** Following review of documentation provided by Dr. Landon, motion was made by Dr. Robbins, seconded by Dr. Walther, to grant change of status to Inactive Retired and waive CE requirements. Motion passed unanimously by voice vote.

VIII. DVM APPLICANT ISSUES

A. **Michael S. Bodri, MS, VMD, PhD** - previously licensed in Pennsylvania and currently Chair of Biology at Northwestern State University in Natchitoches, requested reconsideration for waiver of retaking the national examination based on employment history throughout the five years prior to application. Following review of additional documentation provided by Dr. Bodri, motion was made by Dr. Walther, seconded by Dr. Bernard, to approve waiver of retaking the national examination. Motion passed unanimously by voice vote.

B. Laura E. Peyche, DVM, MS - 1998 graduate of LSU-SVM, licensed in Texas, Georgia and Colorado, request to waive retaking national examination and preceptorship requirement based on employment history of years prior to application. Following review of documentation provided by Dr. Peyche, motion was made by Dr. Walther, seconded by Dr. Robbins, to approve waiver of retaking the national examination and waiver of the preceptorship requirement. Motion passed unanimously by voice vote.

C. G. Lynne Luna, DVM, MAM, ACPV - 1998 graduate of LSU-SVM, licensed in Georgia and Mississippi and member of the American College of Poultry Veterinarians, request to waive retaking national examination and preceptorship requirement. Following review of documentation provided by Dr. Luna, motion was made by Dr. Robbins, seconded by Dr. Walther, to approve waiver of retaking the national examination and waiver of the preceptorship requirement. Motion passed unanimously by voice vote.

IX. DVM CONTINUING EDUCATION ISSUES

A. Society for Neuroscience Annual Scientific Meeting CE Approval Request - (Leslie McLaughlin, DVM), August 2004, in New Orleans. Motion was made by Dr. Walther, seconded by Dr. Bernard, to approve 8 credit hours for attendance at the August 2004 meeting by Dr. McLaughlin as it is relevant to her area of veterinary medicine. Motion passed unanimously by voice vote.

X. PRECEPTORSHIP ISSUES

A. St. Louis Zoo, St. Louis, Missouri - request for preceptorship facility approval. Motion was made by Dr. Walther, seconded by Dr. Bernard, to approve St. Louis Zoo as a limited preceptorship facility. Motion passed unanimously by voice vote. Mr. Tomino was asked to propose additional language to be included on the preceptor evaluation report and Board rules regarding requirement of successful completion and favorable scoring of preceptee at completion of the program.

XI. MISCELLANEOUS MATTERS

A. Annual Customer Service Questionnaire Summary - Ms. Parrish presented a summary of the annual customer service questionnaire (October 2002 through September 2003) for review. The majority of responses were favorable. Of 566 responses to the survey, less than 1% scored a negative answer regarding services by the Board and Board office. The report results will be mailed to the appropriate state agency. No action was taken on this item.

B. Inactive DVM (Louisiana address) Review - Ms. Parrish presented the updated list of inactive DVMs with Louisiana addresses for review by the Board. No action was taken on this item.

C. December 2003 Newsletter Draft – Ms. Parrish presented a draft of the December 2003 newsletter. Motion was made by Dr. Walther, seconded by Dr. Robbins, to approve the newsletter for publication as presented. Motion passed unanimously by voice vote.

D. AAVSB Board Member ListServe – Ms. Parrish presented Board members with information for members to join the AAVSB Board Member ListServe, an opportunity to network with other state veterinary board members by email.

E. New Licenses/Certificates Issued

Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

DVM

2487	Nicole Elise Burn
2488	Kathleen Morris Wilkinson
2489	Ronald Alvin Harrist, Jr.
2490	Tyra Latrell Davis
2491	Wendy Uyeyama Harris
2492	James Barrett Kyle
2493	Tasha Nicole Thomas

RVT

None

CAET

9311	Randy Lee Adams
9312	Carla DeAnne Brown
9313	Letrice Sanders
9314	Kathryn Elizabeth Schilling
9315	Selena Marie McNolty
9316	Tamala Renee Hamm
T0303	Nikki Lorene Johnson
T0304	Arbunia Michelle Larkins
T0305	Steven Ray Pete
T0306	Anthony Sean Causey
T0307	Jarod Christopher Villejoin
T0308	Roger Dale Laird
T0309	Samantha Kay Bloxham
T0310	Allison Kay Fontenot

F. Other Matters Brought Before the Board

1. Continuing Education Requirements for RVTs – Dr. Robbins opened discussion for the possibility of continuing education requirements for RVTs. Ms. Parrish was asked to work with Dr. Robbins to survey requirements and guidelines of other state boards, research current available courses pertinent to RVTs, develop rules and regulations for

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continuing education requirements for Louisiana RVTs, and present the material for consideration at the February 2004 Board meeting.

XII. EXECUTIVE SESSION

Motion was made by Dr. Walther to go into executive session to discuss issues and receive legal advice regarding potential contested matters, seconded by Dr. Bernard, and passed unanimously by voice vote. Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Walther, seconded by Dr. Robbins, and approved unanimously by voice vote.

A. Annual Review, Tisha Turner, Administrative Assistant – Following a summary of performance and recommendation to award Ms. Turner the maximum salary increase allowed for her exemplary work, ethics and performance over the past year, motion was made by Dr. Walther, seconded by Dr. Robbins, to award Ms. Turner an annual increase of 7%. Motion passed unanimously by voice vote.

B. Zig Ziglar Seminar – Motion was made by Dr. Robbins, seconded by Dr. Walther, to allow the Board staff to attend the one-day Zig Ziglar seminar in Baton Rouge in January 2004 as part of continuing education and training. Motion passed unanimously by voice vote.

C. Animal Ophthalmic Training Request – Following review of the request by Paul DaCosta, DVM, regarding retinal surgery, training and procedures performed by a non-veterinarian, Mr. Tomino and Dr. Walther were asked to respond to Dr. DaCosta citing appropriate Louisiana statutes and rules governing the practice of veterinary medicine which precludes such proposed program.

D. Franchise Agreement Guidelines for Veterinary Practice in Louisiana – Motion was made by Dr. Walther, seconded by Dr. Robbins, for Mr. Tomino to inform Banfield Corporation of the criteria under which a franchise arrangement is permissible under Louisiana law, and that Dr. Walther be designated as the Board member working with Mr. Tomino on this task. Motion passed unanimously by voice vote.

XIII. ADJOURN

There being no further business before the Board, motion was made by Dr. Bernard, seconded by Dr. Robbins, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 2:28 p.m.

MINUTES REIVEWED AND APPROVED BY FULL BOARD ON February 5, 2004.

Lon Randall, DVM, Board Secretary-Treasurer