

BOARD MEETING - LOUISIANA BOARD OF VETERINARY MEDICINE
August 5, 2021

Minutes

I. CALL TO ORDER

Board President, Dr. Joseph Bondurant, Jr., called the meeting to order at 8:35am.

II. ROLL CALL

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

Those present:

Joseph Bondurant, Jr., DVM	Board President
Alfred G. Stevens, DVM	Board Vice President
Trisha C. Marullo, DVM	Secretary-Treasurer
James R. Corley, DVM	Board Member (Outgoing)
Keri A. Cataldo, DVM	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel

Guests:

Kevin Wofford	Assistant Commissioner w/ LDAF
Melanie Talley	Louisiana Veterinary Medical Association

Mr. Granier announced to the Board that Dr. Larry Findley, Sr. of Vinton, Louisiana was officially appointed to the Board by Governor Edwards to replace outgoing Board member Dr. Corley.

Statement of Obligations was read aloud by Dr. Marullo to all present for the meeting.

III. APPROVAL OF MINUTES

A. Board Minutes for June 3, 2021

The Board reviewed minutes from June 3, 2021. Motion was made to accept the minutes as presented by Dr. Stevens, seconded by Dr. Marullo, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – May '21

Mr. Granier and Dr. Marullo presented the financial reports for the month of May for review by the Board. Mr. Granier informed the Board that June's financial statement was delayed with CPA completing the end-of-year financials for the 2021 Annual Fiscal Report (APR) due to the LA Office of Statewide Reporting and Accounting Policy. All financial matters are in order and the Board is projected to come in well within its revised budget. Motion was made by Dr. Stevens to accept the financial reports as presented, seconded by Dr. Marullo, and passed unanimously by voice vote.

V. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued

Mr. Granier reported all new licenses and certificated issued from 05/19 to 07/27/2021. No action was taken on this item.

License Number	Licensee	License Status	Initial License Date
10006	Elizabeth Bonnette	DVM - Active	5/21/2021
10007	Bethany Edler	DVM - Active	5/21/2021
10008	Mariah Markle	DVM - Active	5/21/2021
10009	Megan Simeon	DVM - Active	5/21/2021
10010	Candice Galella	DVM - Active	6/4/2021
10011	Christine Smith	DVM - Active	6/4/2021
10012	Rosemary Rhodes	DVM - Active	6/4/2021
10013	Alexandra von Almen	DVM - Active	6/4/2021
10014	Ashley Ryland	DVM - Active	6/7/2021
10015	Dashaunte Coleman	DVM - Active	6/7/2021
10016	Rodrigo Garces Torres	DVM - Active	6/7/2021
10017	Elizabeth Hecker	DVM - Active	6/8/2021
10018	Trevor Upton	DVM - Active	6/8/2021
10019	Chelsea Romero	DVM - Active	6/18/2021
10020	Julie Duckert	DVM - Active	6/18/2021
10021	Annie Graves	DVM - Active	7/1/2021
10023	Kera Varnado	DVM - Active	7/9/2021
10024	Melody Dickson	DVM - Active	7/12/2021
10025	Bethanne Eddy	DVM - Active	7/12/2021
10026	Rebekah Joyner	DVM - Active	7/12/2021
10027	Andrea Marquiss	DVM - Active	7/12/2021
10028	Steven Richards	DVM - Active	7/12/2021
10029	Elisabeth Alost	DVM - Active	7/16/2021
10030	Nicole Cutrer	DVM - Active	7/16/2021
10031	Ashley Maddox	DVM - Active	7/16/2021

License Number	Licensee	License Status	Initial License Date
Faculty 1001	Joel Ray	DVM - Faculty - Active	6/2/2021
Faculty 1002	Ira Roth	DVM - Faculty - Active	5/28/2021
Faculty 1003	Lauren Dean	DVM - Faculty - Active	5/28/2021
Faculty 1004	Tsz Ching Tang	DVM - Faculty - Active	6/2/2021
Faculty 1005	Yen-Hao Lai	DVM - Faculty - Active	6/2/2021
Faculty 1006	Fiona Herzog	DVM - Faculty - Active	6/2/2021
Faculty 1007	Kristen McCurdy	DVM - Faculty - Active	6/2/2021
Faculty 1008	Ivan Ravera	DVM - Faculty - Active	6/2/2021
Faculty 1009	Meghan Lancaster	DVM - Faculty - Active	6/2/2021
Faculty 1010	Loni Albrecht	DVM - Faculty - Active	6/3/2021
Faculty 1011	Roman Torres	DVM - Faculty - Active	6/4/2021
Faculty 1012	Megan Roeder	DVM - Faculty - Active	6/9/2021
Faculty 1013	Jeremy Redmond	DVM - Faculty - Active	6/9/2021
Faculty 1014	Dianna Ovbey	DVM - Faculty - Active	6/11/2021
Faculty 1015	Conner Hayes	DVM - Faculty - Active	6/11/2021
Faculty 1016	Lezith Chavez	DVM - Faculty - Active	6/11/2021

Faculty 1017	Kathryn Spivey	DVM - Faculty - Active	6/11/2021
Faculty 1018	Myriam Martín Benito	DVM - Faculty - Active	6/14/2021
Faculty 1019	Priscilla Groves	DVM - Faculty - Active	6/14/2021
Faculty 1020	Acacia Masri	DVM - Faculty - Active	6/15/2021
Faculty 1021	ANA RANGEL	DVM - Faculty - Active	6/21/2021
Faculty 1022	John Thomason	DVM - Faculty - Active	6/22/2021
Faculty 1023	José Santana	DVM - Faculty - Active	6/23/2021
Faculty 1024	Hugo Gonzalez Jassi	DVM - Faculty - Active	6/30/2021
Faculty 1025	Ellis Wright	DVM - Faculty - Active	7/1/2021
Faculty 1026	Jacobson Connor	DVM - Faculty - Active	7/6/2021
Faculty 1027	Reanna Cantrall	DVM - Faculty - Active	7/7/2021
Faculty 1028	ASHOK PADMANABHAN	DVM - Faculty - Active	7/7/2021
Faculty 1029	Lisa Ebner	DVM - Faculty - Active	7/12/2021
Faculty 1030	Kyra Kelly	DVM - Faculty - Active	7/23/2021

License Number	Licensee	License Status	Initial License Date
20005	Laura Hoffman	RVT - Active	6/8/2021
20006	Ashley Wiesepape	RVT - Active	6/8/2021
20007	Brittney Ducote	RVT - Active	6/9/2021
20008	Samantha Grant	RVT - Active	6/17/2021

License Number	Licensee	License Status	Initial License Date
30006	Katelyn Myers	CAET - Active - Full	6/4/2021
30007	Caitlyn Reed	CAET - Active - Full	6/18/2021
30008	Katelyn Whaley	CAET - Active - Full	7/8/2021

B. AAVSB Annual Meeting – Denver, CO, Sept. 30 to Oct. 2, 2021

Mr. Granier presented details on the AAVSB’s Annual Meeting being held in person from September 30th to October 2nd, 2021 in Denver, CO. Attending will be Mr. Granier, Mr. Vogt, and Dr. Cataldo. Incoming Board Member, Dr. Larry Findley, will also be made aware of the conference. No action was taken on this item.

C. Update on Renewals and New Application/License Portal

Mr. Granier presented statistics on the renewal applications and progress of implementation and adjustments to the new Board Application and License Portals. No action was taken on this item.

D. Licensure Issue Update - Unlicensed Practice of Veterinary Medicine

Suit has been filed against a lay person practicing equine dentistry without a license as a DVM or RED. Service has been effected. The Respondent is under an informal extension to file responsive pleadings and has requested a meeting with the Board to discuss resolution short of litigation. This request has been honored and a discussion of litigation issues will be had at the next regular meeting.

VI. CONTINUING EDUCATION ISSUES

A. None at this time

VII. PRECEPTORSHIP ISSUES

A. None at this time

VIII. POLICY, PROCEDURE, AND RULES

A. General Update

1. NAVLE Requirement & Waiver for DVMs

There was a general discussion concerning the Board Rules which require that the NAVLE be retaken after 5 years have lapsed since the date of the examination for applicants for any applicant for licensure, and the circumstances that allow the waiver of that requirement under Rule 303 B and 303 (4) (b). The Board asked that counsel present proposed drafts of Rule changes that allow the Board varying degrees of discretion in its waiver power and/or delete the 5 year limitation for a successful NAVLE score, preceded by research re: the way neighboring states deal with those issues.

2. Waiver of retaking VTNE & State Board Exam Requirement for RVT Apps

Motion made by Dr. Marullo to create a preliminary State Board Exam (SBE) for RVTs equivalent to the SBE for DVMs, ready to present to Board at February '22 board meeting. Seconded by Dr. Stevens and passed unanimously by voice vote.

B. Policy and Procedure

1. Medical Records and Privileged Information

A practice query was posed by a licensee asking the Board for guidance on two issues: 1. The ability of a licensee to give information over the phone regarding vaccination status to boarders, without written authorization of the client and 2. The obligation of an attending veterinarian to include in the medical record the formula, method of distribution, etc. of patient specific, developed formulas for compounds and serums. The Board, after a considered discussion and deliberation, concluded that patient record content may not be shared notwithstanding custom and convenience, absent consent of the client/owner. Further, the mandatory content of patient records (Rule 701 C) and labeling of medication requirements of Rule 706 require that all drugs, chemicals and medications administered or prescribed contain the name of the medication, the quantity and strength of the product, the amount administered, and the method of administration. It was suggested this finding be specifically included in the newsletter published for the benefit of the practice.

C. Declaratory Statements

1. None at this time.

D. General Agenda

1. Practice Query - Trainer/Owner Dispute Over Records Release

The Board received a practice query regarding the obligation to keep veterinary medical records confidential. The circumstances were that a trainer initiated a valid VCPR with the licensee for the evaluation of a racing horse. The

owner then demanded access to the information but the client/trainer objected and demanded confidentiality. The Board, after a review of the guiding principles concluded that the trainer was within his rights to demand confidentiality and the licensee must abide by those demands. The Board encouraged the licensee to refrain from future business relationships under such discomforting circumstances.

E. Consent Agenda Opinions

1. Answered

i. Record Confidentiality and Record-Keeping

The Board received a practice query concerning the confidentiality of information in a medical record under the following circumstances: the licensee examined an animal thought to have been subject to abuse by the owner, which had been picked up by the local shelter. A copy of the results of the examination of the animal was kept for investigative/evidentiary purposes by the shelter, however the investigation revealed health problems accounted for the appearance of the animal and there was no evidence of owner abuse. The animal was returned to the owners. However, the people who filed the complaint against the owners were given a copy of the record by the shelter and used the record to harass the owners. The query presented the question of whether the complainants had obtained the record legally. The Board responded that patient confidentiality is required absent consent by the owner to disclose except in cases where disclosure is required by law or is necessary to protect the health and welfare of other individuals or animals. Further the content of the record remains with the owner of the facility. However, the Board does not license facilities nor does it have exclusive jurisdiction over the management of animal control facilities. The Board did not have enough information to decide whether its jurisdictional authorities proscribed the release of records by a third party, animal shelter.

ii. Client Abandonment of Patient

The Board received a practice query concerning the abandonment of an animal that had been injured. Its owner elected hospitalization and treatment but then failed to communicate with the licensee. The licensee requested information on the method of notification to the owner of the principles and protocol concerning abandonment, the alternatives regarding the disposition of the animal following formal abandonment (rehoming vs. surrender to animal control) and legal exposure. The Board responded that in this regard it is a secondary regulator and referred the licensee to the Louisiana Revised Statutes concerning animal abandonment—La. R.S. 3:2451, and cited its provisions as a matter of convenience.

iii. Permissible Changes to Rabies Certificate of Vaccination

A practice query was fielded by the Board concerning the alteration made to certificates of Rabies and the post-validity of the altered document. The Board responded that its regulatory jurisdictional bases (Practice Act, Board Rules and AVMA Principles of Ethics) do not apply here and referred the licensee to the State Sanitary Code and the State Public Health veterinarian.

iv. Allowed Duties for Unlicensed DVM under Supervision of Licensed DVM

The Board received a practice query concerning the scope of allowable duties at a veterinary clinic by a veterinary school graduate yet to be licensed. This did not involve duties under preceptorship but would be under the active supervision of a licensed veterinarian. The Board cited to the licensee the prohibition against any employee of a veterinarian conducting surgery, making a diagnosis or prognosis or the prescribing of drugs, medicines or appliances, even under the active supervision of a licensed veterinarian (Rule 702 A (2)). However, if a preceptee, such duties may be conducted if under the supervision of a licensed veterinarian qualified as a preceptor. Rule 702 (B) (1).

v. Accepted Practices for Electronic Record-Keeping

The Board received a query asking if the Rule regarding record retention for 5 years applied to electronic records. Rule 701 A's requirements make no distinction between written records or those generated electronically.

vi. Legal Difference Between Registered Vet Tech vs Assistants

The Board received a query concerning the difference between allowable duties of a veterinary assistant vs. a credentialed assistant (RVT) and whether "veterinary technician" may be used in a practice to describe trained assistants who are not RVTs. The Board noted there is no regulatory authority which contains a definitive list of duties authorized for a RVT vs. an assistant who is not a RVT. The propriety of duties is dependent on the task, the degree of veterinary supervision and the nature of the facility where the duties are performed. Proscribed duties for both RVTs and lay assistants were cited to the licensee under the Practice Act and Rules and references to the work sites and record keeping obligations given. Rule 702, 1031, section 1547 of title 37, revised statutes.

vii. Legal Difference Between Registered Vet Tech vs Assistants

a similar query was received as above, but in the context of allowable duties of an RVT and lay assistant in a hospital. The response from the Board was duplicated.

viii. Vet Assistant Requirements/Certifications in Louisiana

The Board received a query from a layperson inquiring as to the availability of certifications issued by the Board for a veterinary assistant who did not want to become an RVT. The Board noted that the sole certification in this area is regarding RVTs. The analysis of queries vi. and vii., above, were cited.

2. Proposed

i. ASPCA Spay-Neuter Launch in Lake Charles, LA

The City of Lake Charles sought event approval from the Board concerning a proposed spay/neuter launch to be held at the Lake Charles Convention Center. The City was advised that the Board does not issue permits, waivers or variances for events per se. The issue was converted to a practice query by the licensed veterinarian under whose supervision the launch would be conducted. The facilities in which the launch would be conducted were described to the Board, along with the conditions and equipment available for an out of vehicle surgery. Written agreements with local

hospitals/emergency care facilities were provided for aftercare and emergent care needs within the locale. The launch contemplated physical exams prior to the administration of anesthesia and a referral to diagnostic equipped facilities should the patient appear unhealthy. The requirement that the licensed veterinarian remain on site until the patient is ambulatory and discharged was affirmed. The requirements for surgery (Rule 709) were cited by the Board, as were equipment mandated for surgical procedures. The equipment and capabilities of a “mobile practice vehicle” were cited (rule 711), along with the required public notices and related requirements. Under the assurances given by the licensee, the Practice query was answered in the affirmative as to the compliance under regulatory authorities for the licensee’s conduct, subject to Board ratification as it pertained to future events. The response was affirmed by the Board.

F. Expedited / Emergency Opinion

i. Practice Allowances for Veterinary Assistant (non-RVT)

An unlicensed veterinary assistant expressed to the Board concerns over duties assigned in her new place of employment at a veterinary hospital—i.e. whether she might be violating the proscription of practicing veterinary medicine without a license by calculating the dosage for the sedation, administering sedation to hospitalized patients and then reversing the sedation, which had been described by her former employer as forbidden. The lay assistant was advised, by expedited opinion to be ratified, withdrawn or modified at the August meeting by the Board, that as long as the inquirer was employed as a veterinary assistant working under the direct supervision of a licensed veterinarian sanctions for the unauthorized practice of veterinary medicine would not be imposed and that the supervising veterinarian was subject to sanction should Board Rules or the Practice Act be violated. The issue, however, was pretermitted when the inquirer withdrew the query, having accepted a desk job at the hospital. Therefore no opinion was expressed by the Board.

(Public Comments)

Motion was made by Dr. Marullo to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law, seconded by Dr. Stevens, and passed unanimously by voice vote.

IX. ADMINISTRATIVE HEARINGS

A. Case #21-0512 V

A consent order was approved by the Board which imposed sanctions on a licensee who failed to confirm the sex of a feline thought to be presented for a spay by its owner. Following the unnecessary incision for a spay, the feline’s sex was determined to be that of a male and a neuter effected. There was a dispute concerning the owner’s representation to the licensee’s staff as to the sex of the patient. Nevertheless, the investigating/charging Board member determined the failure to independently ascertain the sex of the patient before undergoing a surgical procedure was conduct below the standard of care. The licensee was fined \$250 and ordered to reimburse the Board \$300 for the costs of investigation.

B. Case # 21-1006 I

A hearing was held on a complaint filed by the Board against a licensee allowed to practice

veterinary medicine under a prior consent order restricting the practice of veterinary medicine under circumstances where the licensee admitted impairment and agreeing to drug/alcohol testing, counseling and veterinary supervision, and the abstention from the constructive or actual possession of a controlled substance without a lawful prescription. The licensee failed to abide by the terms of the prior Consent Order. The license of the Respondent was suspended by the Board for 6 months. The licensee was referred to the HPFL for an evaluation and submission to treatment recommendations and allowed to petition the Board for a limited reinstatement in six months provided there be total compliance with the recommendations by the HPFL and a certification of the ability to practice competently and safely.

X. DVM, RVT, AND CAET ISSUES

A. Kenneth M. Allan, DVM - Request to Change Status – Inactive Disabled

Documentation was reviewed and discussed as provided by Dr. Allan for request to change status to Inactive Disabled. Outside of executive session, motion was made by Dr. Stevens, seconded by Dr. Cataldo, to approve Inactive Status with Disability with reduced renewal fees for renewal year '21-'22; however, the CE requirements for renewal year '21-'22 must still be fulfilled by Dr. Allan. Motion passed unanimously by voice vote. Renewal year '21-'22 is year 5 of 5 for eligible Inactive Disabled Status per Board Rules.

B. Jeffrey G. Baravik, DVM -- Request to Change Status to Active Military Duty

Documentation was reviewed and discussed as provided by Dr. Baravik of current active military status. Outside of executive session, motion was made by Dr. Stevens, seconded by Dr. Cataldo, to approve Inactive Status with Active Military Duty and waive renewal fees and the CE requirements for renewal year '21-'22. This renewal year of '21-'22 is first of three years eligible for the fee waiver per Board Rules. Motion passed unanimously by voice vote.

C. James G. Floyd, Jr., DVM - Request to Change Status – Inactive Retired

Documentation was reviewed and discussed as provided by Dr. Floyd for request to change status to Inactive Retired. Outside of executive session, motion was made by Dr. Stevens, seconded by Dr. Cataldo, to approve Inactive Retirement Status with reduced renewal fees for renewal year '21-'22. CE requirements for renewal year '21-'22 are also waived by Board Rules. Motion passed unanimously by voice vote. Renewal year '21-'22 is year 1 of 5 for eligible Inactive Retired Status per Board Rules.

D. Robert W. Stafford, DVM - Request to Change Status – Inactive Retired

Documentation was reviewed and discussed as provided by Dr. Stafford for request to change status to Inactive Retired. Outside of executive session, motion was made by Dr. Stevens and seconded by Dr. Cataldo, to approve Inactive Retirement Status with reduced renewal fees for renewal year '21-'22. CE requirements for renewal year '21-'22 are also waived by Board Rules. Motion passed unanimously by voice vote. Renewal year '21-'22 is year 2 of 5 for eligible Inactive Retired Status per Board Rules.

XI. DVM APPLICANT ISSUES

A. Holly L. Bethea, DVM – Request Waiver of Preceptorship

2018 graduate of Louisiana State University CVM, licensed in TX. The Board reviewed the documentation submitted by Dr. Bethea. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the

required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

B. Elizabeth D. Burton, DVM – Request Waiver of Preceptorship

2020 graduate of Louisiana State University CVM, licensed in MO and NV. The Board reviewed the documentation submitted by Dr. Burton. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

C. David R. Coffey, Jr., DVM – Request Waiver of Preceptorship

2019 graduate of St. George's University CVM, licensed in TX. The Board reviewed the documentation submitted by Dr. Coffey. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

D. Jennifer L. Daly, DVM – Request Waiver of NAVLE Retake & Preceptorship

2021 graduate of Ross University CVM, licensed in FL. The Board reviewed the documentation submitted by Dr. Daly. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

E. Jennifer Douthwaite, DVM – Request Waiver of NAVLE Retake & Preceptorship

2014 graduate of University of Wisconsin-Madison CVM, licensed in TN. The Board reviewed the documentation submitted by Dr. Douthwaite. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

F. Beth Favalaro, DVM – Request Waiver of Preceptorship

2020 graduate of St. George's University CVM, licensed in CA. The Board reviewed the documentation submitted by Dr. Favalaro. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

G. Rebecca C. Noel, DVM – Request Waiver of Preceptorship

2018 graduate of University of Tennessee CVM, licensed in TN. The Board reviewed the documentation submitted by Dr. Noel. Motion was made outside of executive session by Dr. Stevens and seconded by Dr. Cataldo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the

required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

Upon conclusion of executive session for above-listed items, motion was made to return to regular session by Dr. Stevens, seconded by Dr. Cataldo, and approved unanimously by voice vote. All votes related to administrative hearing, licensee issues and applicant issues above were made out of executive session.

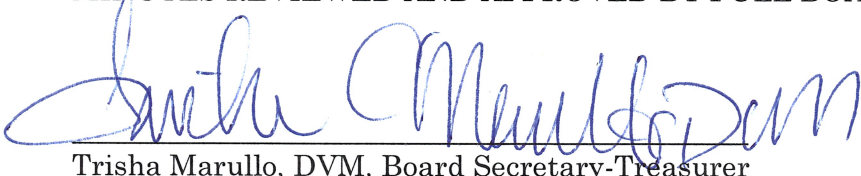
XII. EXECUTIVE SESSION

A. None at this time

XIII. ADJOURN

There being no further business before the Board, motion was made by Dr. Marullo, seconded by Dr. Stevens, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 1:15pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on Oct 14, 2021.



Trisha Marullo, DVM, Board Secretary-Treasurer