

# LA Board of Veterinary Medicine – Board Meeting Agenda – October 6, 2022

## I. CALL TO ORDER

Board President, Dr. Alfred Stevens, called the meeting to order at 8:36am.

## II. ROLL CALL

Roll call was taken by Board Secretary-Treasurer, Dr. Larry Findley, Sr., as follows:

Those present:

Alfred G. Stevens, DVM	Board President
Trisha C. Marullo, DVM	Board Vice President
Keri A. Cataldo, DVM	Board Member
Joseph Bondurant, Jr.	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel

Those not present:

Larry L. Findley, Sr, DVM	Secretary-Treasurer ( <i>teleconferenced</i> )
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Guests:

Dr. Bonnie Boudreaux	LSU School of Veterinary Medicine
Melanie Talley	Louisiana Veterinary Medical Association
Trishia Hadley	Active RVT Registrant
Dr. Dana Thomas	Veterinarian

Statement of Obligations was read aloud by Dr. Marullo to all present for meeting. Dr. Stevens opened the floor to comments from the public. Dr. Boudreaux gave the Board a general update on noteworthy news regarding the LSU SVM and its progress is moving forward with its core mission.

## III. APPROVAL OF MINUTES

### **A. Board Minutes for August 4, 2022**

The Board reviewed minutes from August 4, 2022. With no further discussion on the minutes as given, motion was made to accept the minutes as presented by Dr. Marullo, seconded by Dr. Cataldo, and passed unanimously by voice vote.

## IV. FINANCIAL MATTERS AND CONTRACTS

### **A. Financial Reports – July & August ‘22**

Mr. Granier presented the financial reports for the months of July and August '22 for review by the Board. Mr. Granier informed the Board that all financial matters are in order. There were no questions regarding financial reports. Motion was made by Dr. Bondurant to accept the financial reports as presented, seconded by Dr. Marullo, and passed unanimously by voice vote.

### **B. Annual Fiscal Report, FY2022**

Mr. Granier presented the Board's Annual Fiscal Report as prepared and submitted by the Board's CPA for FY 2022 for review. Motion was made by Dr. Cataldo to accept the audit update and exception resolutions as presented, seconded by Dr. Bondurant, and passed

unanimously by voice vote.

**C. Audit Update, FY2022**

Mr. Granier presented the FY 2022 legislative auditor's report for review. Mr. Granier discussed the report's exceptions, specifically the written policies and procedures in the report, noting that resolving these policy and procedure exceptions will be completed during FY 2023. Motion was made by Dr. Marullo to accept the audit update and exception resolutions as presented, seconded by Dr. Cataldo, and passed unanimously by voice vote.

**D. Investments - CDs, Request to Purchase in FY 2023**

Mr. Granier reviewed rates and accrued interest amounts for certificates of deposit (CDs) for FY2022 and requested Board approval to allow the two 12-month CDs that will mature in October and November '22 (\$170,000 and \$150,000 respectively) to be rolled into 6-month CDs to take advantage of increasing interest rates. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to authorize Mr. Granier, Executive Director, to make the proposed purchases of CDs. Motion passed unanimously by voice vote.

**V. POLICY, PROCEDURE, AND RULES**

**A. General Update**

**1. Status Update: LAC 46LXXXV.303.803**

**NAVLE waiver, VTNE waiver, & RVT State Board Exam Requirement**

Mr. Granier informed the Board that the final rule is being promulgated in the *Louisiana Register's* October '22 edition.

**2. Status Update: LAC 46LXXXV.Chapter 12**

**Preceptorship Requirement for DVM Licensure**

Mr. Granier informed the Board that the Notice of Intent regarding the repeal of the preceptorship program as a DVM licensure requirement will be presented to the Occupational Licensing Review Commission at its November 3<sup>rd</sup> meeting.

**3. Status Update: Expedited Licensure for Active Military and Spouses**

Mr. Vogt informed the Board that he is still working on the legislative-required rule changes concerning the licensing of individuals with military training, licensing endorsements of military spouses and dependents as per La. R.S. 37:3651 as affecting present Rule 307 concerning the expedited issuance of license for individuals with military qualifications and military spouses. The proposal will be brought before the Board for a vote once completed. No motion was made, and no action was taken on this matter. In the meantime, the Board will act as though its Rules have been amended as per La. R.S. 37:3651, using its discretionary functions.

**B. Policy and Procedure**

**1. Americans With Disabilities Act (ADA) Policy**

Mr. Granier presented the new ADA policy requirement from the LA Division of Administration through the Louisiana Office of State ADA Coordinator. Motion was made by Dr. Marullo to approve the ADA policy as presented and to adopt it into the Board's Policy Manual, seconded by Dr. Cataldo, and passed unanimously by voice vote.

**C. Declaratory Statements**

1. None at this time.

## D. General Agenda Informal Practice Queries

### 1. Emergency Care Obligation(s) & Possible Good Samaritan Laws

A licensee inquired of the Board concerning the obligations to provide the public with emergency care to a patient in instances where the licensee was fully booked at could not attend to both the animal needing emergency care and the licensee's patients, at a time when the practice is closed, in instances where a VCPR has been and has not been established prior to the emergency. The licensee also asked of the existence of "good Samaritan laws" related to the practice of veterinary medicine. This informal practice query was placed on the general agenda for opinion ratification as a query previously answered by the Board and/or on which clear regulations exist. The licensee was advised of a prior opinion (1998) of the Board finding a general moral and ethical responsibility to provide emergency care while the facility is open but recognizing that the issue is exquisitely fact sensitive. The consensus of the Board was that if an animal is presented as an emergency case during business hours, the veterinarian should at a minimum provide emergency care sufficient for stabilization and transport to another available facility. The AVMA's principles were also noted—that when veterinarians cannot be available to provide such services, information should be provided to assist clients in obtaining emergency services consistent with the needs of the locality. Finally, the licensee was advised of the existence of La. R.S. 1731 C, which provides licensed veterinarians who at the scene of an emergency administers in good faith and gratuitously care with civil and criminal immunity for acts and omissions in providing that care, or in failing to arrange for further services.

### 2. Legality of Cutting Un-Scored Pills

A licensed veterinarian inquired of the Board what "pharmacy laws" exist concerning the cutting of un-scored pills for administration to a patient or the dispensing to a client where administration involves the use of less than a whole pill. This query was placed on the general agenda for adoption or modification of an answered query where a prior Board had weighed in on the issue. The licensee was notified that in this regard the Board is a secondary regulator, requiring that all local, state and federal laws and regulations be followed but without an independent finding by the Board of a violation. Notwithstanding, the licensee was advised that in 2018, the Board found that the "cutting" of prescription pills did not fall neatly into the "adulteration" prohibitions of the FDA, DEA and/or Board of Pharmacy regulations, and noted that cutting is often required to avoid both overdosing and under-dosing, so that whether the veterinarian properly cuts a pill or instructs a client to do so, those acts do not breach the standard of care required by the Board through its Rules.

## E. Consent Agenda Opinions – Answered

### 1. **Modification: Can a DVM Dispense Prescription Dog Food Without VPCR?**

The Board, at its August meeting, ratified an opinion provided by counsel to a licensee asking whether a veterinarian can dispense "prescription food" without a VCPR, but felt that further explanation would be beneficial to the licensee. The licensee was advised that "prescription" food is a trademarked designation for one particular manufacturer. An analysis of the query requires identification of the food as an "ethical product", a "legend drug" and/or a "controlled substance". In most instances a "prescription food" is properly identified as an "ethical product"—one in which the sale is governed by the agreement with the manufacturer, who has voluntarily limited the products sale by a licensed veterinarian as a marketing decision. In such instances, the veterinarian is obliged to follow the contractual arrangement, which may be within a sales agreement or product label under ethical

considerations not provided for directly by the Board's Rules. The Board Rules do prohibit the dispensing of a "legend drug" or a "controlled substance" without the establishment of a VCPR. As to the latter two categories, the Board is a secondary regulator. However the licensee was advised that under FDA guidance documents, a food may be considered an animal drug if it is held out by label or other means (e.g. client testimonials) to prevent or cure a disease, although the manufacturer would likely be the subject of improper labeling enforcement by the FDA. The licensee was advised that if in the exercise of sound professional judgment the food product came within the category of an "animal drug", a VCPR is needed and the scope of the examination consistent with the proposed use of the product required. Further, a licensee cannot act as a pharmacy on behalf of another veterinarian, in instances where a food product may be considered an "animal drug".

**2. Modification: Can LA DVM Prescribe Controlled Drug to Former Client Out of State**

The Board was asked whether it was proper under its regulatory authorities for a licensed veterinarian to issue a prescription to a former patient that was now located out of state and in circumstances where there was insufficient time for the client to establish a new VCPR with a local veterinarian. An opinion by counsel was rendered and ratified at the August meeting. However the board felt further information should be given. The licensee was advised that if a VCPR had not been established out of state, the licensee could issue a prescription provided there was sufficient knowledge of the patient's current condition to maintain the VCPR. Moreover, if a pharmacy located in the new area would not accept a phone order of the medication on behalf of the client, the prescription could be mailed to the client for local filling.

**3. Can a Non-Veterinarian Administer Vaccines (Excluding Rabies)**

A member of the public, a participant/volunteer, asked the Board of the propriety of "free shot clinics" where core vaccinations are given to dogs and cats by lay people not employed by a licensed veterinarian and where there was no licensed veterinarian on premises. The person was advised that the administration of core vaccines constitutes the practice of veterinary medicine and the practice is forbidden by the Practice Act and Board Rules, irrespective of whether a fee is collected for the administration of the vaccines. While lay people are allowed to reciprocally aid neighbors without charge in performing "accepted livestock management practices without compensation", this does not apply to dogs and cats and is prohibited.

**4. Does Underwater Animal Therapy Require License or Supervision**

A manufacturer/installer of underwater equine and canine treadmill systems for veterinarian and private use asked the Board if Louisiana requires a "certified technician" to be present while an animal is using the unit and, if so, the hours needed for "water certification" and the cost of certification. The Board advised the person making the query of the Rules pertaining to "animal physical therapy" and the requirements of Rule 712—a layperson can on order of a licensed veterinarian with whom a VCPR exists perform Alternative Therapy and Collaborative Treatment only on direct supervision of the treatment where the service provider has obtained a license, certificate or registration issued by a state regulatory authority over the type of service (or training accepted by the Board). Specific consent to the treatment is required of the owner/agent with content as provided for by Rule 701. The supervising veterinarian is then held responsible for the acts and omissions of the service provider, including patient confidentiality requirements.

**5. Question Regarding Ownership of Medical Records**

The Board was asked whether medical records were the property of the owner of the

treated animal or the facility where treatment was given. A second question was posed as to whether an animal hospital can refuse to provide records to another animal hospital and if a refusal is not allowed, the recourse that is provided for that refusal. The Board advised that it does not regulate facilities and that its Rule regarding the ownership of records is in the context of the animal health facility versus the veterinarian departing from the practice. The ownership of the records in the context of the query is a matter of civil law for courts of general jurisdiction. Licensees must provide records upon request of the client or his authorized agent, or prepare a synopsis with the content governed by Rule. Confidentiality principles require the owner/agent to consent to the release of records to another person or facility. Additional information was requested should the inquirer need clarification.

**6. Prescription Requirements for Veterinarians**

A member of the public asked the Board whether a licensed veterinarian was required by the Board to have a client “fill out a form” so that prescriptions could be filled by an online pharmacy. She was advised that a licensed veterinarian cannot refuse to write a prescription for the client solely because someone else will receive the payment (profit), but that there are other considerations the veterinarian can rely on to refuse a written prescription (patient’s life is not in danger without immediate administration, the substance is not medically safe for at home administration, the prescription must be appropriate for the care of the patient). Further, the request need not be honored if the prescription is not directly requested by the client. The veterinarian also has the option to give the written prescription to the client, when appropriate, to have the client have it filled by the pharmacy. Finally, the person was advised that the veterinarian may charge a fee (a reasonable amount) for the service of providing a written prescription to the client.

**7. Low Cost / High Volume Spay Neuter Clinic Start-Up**

An unlicensed person asked of the Board about the applicable “guidelines” for establishing a low cost spay and neuter facility, noting she was a veterinarian but knew of several willing to participate in the proposed enterprise. She was advised that her question lacked sufficient detail for the Board to render a useful response.

**8. Question on Mobile Veterinary Services**

Yet another question was posed to the Board concerning the requirements of providing veterinarian services from a mobile unit. The licensed veterinarian asked, generally, what is required from the Board to “legally run the business” and specifically whether prescriptions could be labeled using a virtual address and whether a special license was required. The licensee was advised that the general question was too broad for an authoritative response but was referred to the specific provisions of Rule 711 (F) and the characteristics and equipment requirements of a “Mobile Practice Vehicle”, the need for a local contract with an animal hospital or clinic, the obligations to remain on premises until patient discharge, record keeping obligations and the other provisions of this Rule. No special licenses are required. However, the licensee was referred to the FDA and DEA concerning the labeling requirements of controlled and legend drugs but also directed to Rule 706 as to Board labeling requirements.

**9. Are Unregistered Veterinary Assistant Able to Administer Vaccines Other Than Rabies?**

The Board received a query asking a series of questions concerning a lay assistant administering vaccines to canines and felines where no veterinarian at the site of administration had ever examined the patient. The context of these questions were that if a patient is boarded at a facility that requires certain vaccines have been

administered, can they be administered by a lay technician who works for veterinarians that have never seen the boarded animals. The person was advised that the vaccines can be administered by a non-veterinarian only as incidental to their employment with a licensed veterinarian who has established a VCPR with the patient.

**F. Consent Agenda Opinions – Proposed**

1. None at this time

**G. Consent Agenda Opinions - Expedited / Emergency Opinion**

1. None at this time.

**VI. MISCELLANEOUS MATTERS**

**A. New Licenses and Certificates Issued**

Mr. Granier reported all new DVM licenses, RVT registrations, and CAET certificates issued listed below from 07/11/22 to 09/23/22. Motion was made by Dr. Cataldo to accept and ratify all issued licenses as given, seconded by Dr. Marullo, and passed unanimously by voice vote.

License Number	Licensee	License Status	Initial License Date
10108	Storm Aschebrock	DVM - Active	7/12/2022
10109	Anthony Loomis	DVM - Active	7/12/2022
10110	Jennifer Garcia	DVM - Active	7/12/2022
10111	Julia Fincher	DVM - Active	7/12/2022
10112	Emily Campesi	DVM - Active	7/18/2022
10113	Keely Shine	DVM - Active	7/27/2022
10114	Lauren Leflett	DVM - Active	7/27/2022
10115	Cheyenne Seff	DVM - Active	7/28/2022
10116	Kristin Schof	DVM - Active	7/29/2022
10117	Breanthony Humphrey	DVM - Active	8/1/2022
10118	Quinci Middlebrooks	DVM - Active	8/2/2022
10119	Claire Hise	DVM - Active	8/4/2022
10120	Natalie Wong	DVM - Active	8/8/2022
10121	Kelsey Savell	DVM - Active	8/8/2022
10122	Dominique Capaldo	DVM - Active	8/9/2022
10123	Lauren Hirsch	DVM - Active	8/10/2022
10124	Natalie McCormick	DVM - Active	8/15/2022
10125	Laurie Millward	DVM - Active	8/15/2022
10126	Alissa St. Blanc	DVM - Active	8/15/2022
10127	Allison Briscoe	DVM - Active	8/17/2022
10128	Kelsie Melancon	DVM - Active	8/23/2022
10129	Tiffany Cosey	DVM - Active	8/23/2022
10130	Jeffrey Marshall	DVM - Active	8/24/2022
10131	Sydney Shelby	DVM - Active	8/25/2022
10132	Ana Leah Meaux	DVM - Active	9/9/2022
10133	Amanda Ensor	DVM - Active	9/14/2022

License Number	Licensee	License Status	Initial License Date
Faculty 1081	Anna Hugel	DVM - Faculty - Active	7/14/2022
Faculty 1082	Kemba Clapp	DVM - Faculty - Active	7/25/2022
Faculty 1083	Harry Cridge	DVM - Faculty - Active	8/2/2022
Faculty 1084	Gretchen Delcambre	DVM - Faculty - Active	8/10/2022
Faculty 1085	Celina Diaz	DVM - Faculty - Active	8/10/2022
Faculty 1086	Colleen Embersics	DVM - Faculty - Active	8/30/2022
Faculty 1087	Autumn Dutelle	DVM - Faculty - Active	9/1/2022
Faculty 1088	Nicolette Cassel	DVM - Faculty - Active	9/1/2022
Faculty 1089	Karin Allenspach Jorn	DVM - Faculty - Active	9/7/2022
Faculty 1090	Dawn Clarke	DVM - Faculty - Active	9/7/2022
Faculty 1091	Carlos Aguilar Miranda	DVM - Faculty - Active	9/9/2022

License Number	Licensee	License Status	Initial License Date
20042	Shea Russo	RVT - Active	8/10/2022
20043	Stefanie Collar	RVT - Active	8/25/2022
20044	Baleigh Ferguson	RVT - Active	8/25/2022
20045	Johnson Marisa	RVT - Active	8/30/2022
20046	Gabrielle Foster	RVT - Active	8/30/2022
20047	Alayia Jenkins	RVT - Active	8/30/2022
20048	Amy Koshmieder	RVT - Active	8/30/2022
20049	Megan Russell	RVT - Active	8/30/2022
20050	Sarah Tippet	RVT - Active	8/30/2022
20051	Victorie Wingate	RVT - Active	8/30/2022
20052	Kaitlyn Rodriguez	RVT - Active	9/7/2022
20053	Heather Borja	RVT - Active	9/9/2022

License Number	Licensee	License Status	Initial License Date
30028	Chandler Barnett	CAET - Active - Full	8/12/2022
30029	Bryce Chapman	CAET - Active - Full	8/12/2022
30030	Jordan Clark	CAET - Active - Full	8/12/2022
30031	Karin Copley	CAET - Active - Full	8/12/2022
30032	Brooke Darsey	CAET - Active - Full	8/12/2022
30033	Breanna DeVall	CAET - Active - Full	8/12/2022
30034	KEISHA DUHON	CAET - Active - Full	8/12/2022
30035	Stephanie Guillory	CAET - Active - Full	8/12/2022
30036	Jacelyn Hackett	CAET - Active - Full	8/12/2022
30037	Savana Landry	CAET - Active - Full	8/12/2022
30038	AMY LASORDA	CAET - Active - Full	8/12/2022
30039	Lacy Lejeune	CAET - Active - Full	8/12/2022
30040	Sadie Ortego	CAET - Active - Full	8/12/2022
30041	Nash Rodriguez-Soto	CAET - Active - Full	8/12/2022

30042	Claire Terracina	CAET - Active - Full	8/12/2022
30043	Jessica Thigpen	CAET - Active - Full	8/12/2022
30044	LaShyia Walker	CAET - Active - Full	8/12/2022
30045	Ruth Walker	CAET - Active - Full	8/12/2022
30046	Shari Wood	CAET - Active - Full	8/12/2022
30047	Bobby Lay	CAET - Active - Full	8/12/2022
30048	Terri Matthews	CAET - Active - Full	8/15/2022

**B. Office Updates – Applications, Renewals, Complaints**

Mr. Granier reported to the Board statistics on the renewal cycle from July 1<sup>st</sup> to September 23<sup>rd</sup>, and on applications and complaints from July 27<sup>th</sup> to September 23<sup>rd</sup>. No motion was made and no further action was taken on this matter.

<b>RENEWALS - '22-'23</b>			
<i>from 07/01 09/23</i>			
	Not Renewed	Renewed	Total
<b>Certified Animal Euthanasia Technician</b>	<b>53</b>	<b>96</b>	<b>149</b>
CAET - Active - Full	44	83	127
CAET - Active - Lead	9	13	22
<b>Doctor of Veterinary Medicine</b>	<b>404</b>	<b>1336</b>	<b>1740</b>
DVM - Active	386	1336	1722
DVM - Inactive - Disabled	1		1
DVM - Inactive - Retired	17		17
<b>Doctor of Veterinary Medicine - Faculty</b>	<b>73</b>	<b>58</b>	<b>131</b>
DVM - Faculty - Active	73	58	131
<b>Registered Veterinary Technician</b>	<b>83</b>	<b>253</b>	<b>336</b>
RVT - Active	83	253	336
<b>Grand Total</b>	<b>613</b>	<b>1743</b>	<b>2356</b>
	<i>Completeness?</i>	<i>26%</i>	<i>74%</i>

<b>APPS - APPROVED, 07/27 to 09/23</b>		<b>APPS - SUBMITTED, 07/27 to 09/23</b>	
	Total		Total
<b>Animal Euthanasia Technician</b>	<b>22</b>	<b>Animal Euthanasia Technician</b>	<b>2</b>
(blank)	22	(blank)	2
<b>Veterinarian</b>	<b>32</b>	<b>Veterinarian</b>	<b>7</b>
DVM Practicing Less Than 5 years	7	DVM Practicing Less Than 5 years	2
DVM Practicing More Than 5 yrs	6	DVM Practicing More Than 5 yrs	2
Student, New Grad or DVM < 90	19	Student, New Grad or DVM < 90	3
<b>Veterinarian - Faculty</b>	<b>12</b>	<b>Veterinarian - Faculty</b>	<b>7</b>
(blank)	12	(blank)	7
<b>Veterinary Technician</b>	<b>13</b>	<b>Veterinary Technician</b>	<b>13</b>
Certified in Another State	1	Certified in Another State	0
Student/New Graduate	12	Student/New Graduate	13
<b>Grand Total</b>	<b>79</b>	<b>Grand Total</b>	<b>29</b>



COMPLAINTS	Total
<b>From 07/27 to 09/23, 2022</b>	
Complaints Received	2
Complaints Closed	1
Consent Orders Issued	0
Consent Orders Closed	0
Other Negative Actions *	0
<b>Still On-Going / Active</b>	
Pending Cases (licensees)	16
Pending Cases (non-licensees)	1
Consent Orders	3
Other Negative Actions *	0
* Other negative actions include, formal reprimands, informal reprimands, cease & desist notices, etc.	

**C. Proposed Board Meeting Dates 2023**

Mr. Granier presented proposed Board meeting dates for 2022. Motion was made by Dr. Marullo, seconded by Dr. Cataldo to accept the proposed dates as presented to be printed in the Board's 2022-2023 newsletter and published in the next edition of the *Louisiana Register*. The 2023 board meeting dates are February 2 (to be held at the LSU School of Veterinary Medicine), April 6, June 1, August 3, October 5, December 7, 2022. Motion passed unanimously by voice vote.

**D. AAVSB Annual Conference Report**

Mr. Granier, Dr. Cataldo, Dr. Bondurant, and Mr. Vogt presented a review of various topics and discussions from the 2022 AAVSB Annual Conference in Charlotte, NC. No action was taken on this item.

**E. 2023 FARB Conference, January 26-28**

Mr. Granier presented a request to the Board for permission to attend the 2023 FARB (Federation of Associations of Regulatory Board) Conference in late-January. Motion was made by Dr. Bondurant to approve request of conference attendance, seconded by Dr. Cataldo, and passed unanimously by voice vote.

**VII. CONTINUING EDUCATION ISSUES**

A. None at this time.

**VIII. PRECEPTORSHIP ISSUES**

A. None at this time.

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

All votes noted for the following agenda items were made at the end of discussion and out of executive session.

**IX. ADMINISTRATIVE HEARINGS**

A. Case # 19-0405 (DT)

A licensee who is practicing under the terms of a Consent Order petitioned the Board to be relieved of the obligation of having to work under the supervision of a Board approved veterinarian after having faithfully complied with the other terms of the Consent Order, including successfully passing random drug screening for a number of years and after successfully obtaining a revoked DEA registration and license with the Board of Pharmacy. After hearing testimony as to the exigent circumstances involved and noting the to-date full compliance with all restrictions and terms of the Consent Order and full and complete participation in the Board's peer assistance program for impaired veterinarians, the Board fully discussed the merits and demerits of the request. The request was granted and will be memorialized by an amended Consent Order. Motion was made by Dr. Bondurant, seconded by Dr. Cataldo to accept proposed amendment to Consent Order. Motion passed unanimously by voice vote.

**B. Case # 22-0411 (AB)**

A Consent Order was agreed upon by and between a licensee and the investigating Board member concerning the merits of a complaint filed. The gist of the complaint was that the licensee extracted 11 canine teeth from a patient whose owner did not give explicit consent, nor was consent given via the mandatory written Anesthesia Consent Form contents authorizing the veterinarian, who had client authority only to administer teeth cleaning/scaling, to provide those services the veterinarian in her judgment thought necessary during the procedure. The extractions were by a technician. The owners had not authorized the administration of pain medication because they expected routine cleaning to be done only, resulting in potential unnecessary potential patient pain. The failure to use the mandatory form resulted in a violation, as did the utilization of a RVT to extract teeth (dental operation). The Board was called upon to approve the Consent Order, fining the veterinarian \$250, ordering restitution of the costs of investigation (\$1250) and ordering the licensee to complete additional CE on record keeping through a course approved by the investigating Board member. Motion was made by Dr. Bondurant, seconded by Dr. Cataldo to accept Consent Order as written. Motion passed unanimously by voice vote.

**X. LICENSEE ISSUES**

**A. Boyd T. Clement, DVM – Request for Inactive Retired Status**

Following review of the documentation provided by Dr. Clement, motion was made outside of executive session, by Dr. Marullo, seconded by Dr. Cataldo, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

**B. Frederick M. Enright, DVM – Request for Inactive Retired Status**

Following review of the documentation provided by Dr. Enright, motion was made outside of executive session, by Dr. Marullo, seconded by Dr. Cataldo, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

**C. James G. Floyd, Jr., DVM – Request for Inactive Retired Status**

Following review of the documentation provided by Dr. Floyd, Jr., motion was made outside of executive session, by Dr. Marullo, seconded by Dr. Cataldo, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

**D. Michael A. Liles, DVM – Request for Inactive Retired Status**

Following review of the documentation provided by Dr. Liles, motion was made outside of executive session, by Dr. Marullo, seconded by Dr. Cataldo, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

**E. David M. Moore, DVM – Request for Inactive Retired Status**

Following review of the documentation provided by Dr. Moore, motion was made outside of executive session, by Dr. Marullo, seconded by Dr. Cataldo, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

**XI. APPLICANT ISSUES**

**A. Ryan Devlin, DVM - Request Waiver of Preceptorship**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Devlin. Motion was made by Dr. Marullo, 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. Kevin Harbin, DVM - Request Waiver of Preceptorship & NAVLE Retake**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Harbin. Motion was made by Dr. Marullo, seconded by Dr. Cataldo, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

**C. Amy Oliver, DVM - Request Waiver of Preceptorship & NAVLE Retake**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Oliver. Motion was made by Dr. Marullo, seconded by Dr. Cataldo, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

**D. Mallory Kendall Tate, DVM - Request Waiver of Preceptorship & NAVLE Retake**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Tate. Motion was made by Dr. Marullo, seconded by Dr. Cataldo, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

**E. Jacob Walsh, DVM - Request Waiver of Preceptorship**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Walsh. Motion was made by Dr. Marullo, 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.

**F. Possible Peer Assistance Referral (MG)**

In connection with a renewal application, a licensed veterinarian disclosed current participation in an inpatient program for alcohol abuse. Motion made by Dr. Marullo, seconded by Dr. Cataldo, to refer to HPFLA. Motion passed unanimously by voice vote.

## **XII. EXECUTIVE SESSION**

### **A. Maximum Employee Wage Increase, FY 2024 Budget**

Mr. Granier presented the Board with the historical data of increases. Following discussion, motion to keep maximum possible increase at 7% for FY2023 made by Dr. Marullo, seconded by Dr. Cataldo, and passed unanimously by voice vote.

### **B. Update on Civil Litigation – Equine Dentistry (ON)**

The Board was advised by counsel of the status of litigation instituted to a person allegedly practicing veterinary medicine without a license in the field of equine dentistry.

### **C. Probation Violation of Licensee (KD)**

The board received an anonymous notification that a licensee who had entered a nolo contendere plea to misdemeanor criminal charges, which involved a period of probation, and who had satisfied the Board's terms and conditions of resulting Consent Order, had violated the terms of probation. It was decided that under the circumstances this was not a new and actionable, potential violation.

### **D. Claim of Non-Licensee Practicing Veterinary Medicine Ultrasound, Artificial Insemination, Progesterone Testing (SH)**

The Board received notice of a potential violation of the Practice Act by a non-veterinarian engaging in acts which may be a violation of the Practice Act. Advisory letter recommended.

### **E. Claim of Non-Licensee Practicing Veterinary Medicine - Equine Dentistry (TM)**


The Board received information concerning a non-veterinarian potentially violating the Practice Act by engaging in equine dental services. The information is not complete nor is it self-proving. No motion made. Item was pushed for Legal Counsel to conduct more research to present to the Board at a later meeting date.

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

## **XIII. ADJOURN**

There being no further business before the Board, motion was made by Dr. Cataldo, seconded by Dr. Marullo, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 1:55pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on December 1, 2022.

  
Dr. Larry Findley (Dec 2, 2022 09:24 CST)

Larry Findley, Sr., DVM, Board Secretary-Treasurer







# Minutes, 2022-10 (Oct 06)

Final Audit Report

2022-12-02

Created:	2022-12-01
By:	Jared Granier (director@lsbvm.org)
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-  Document created by Jared Granier (director@lsbvm.org)  
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-  Signer lfindley@lsbvm.org entered name at signing as Dr. Larry Findley  
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