

**BOARD MEETING**  
**LOUISIANA BOARD OF VETERINARY MEDICINE**  
**April 23, 1998**

I. CALL TO ORDER

The meeting was called to order at 9:15 a.m. by the President, Dr. James Burk.

II. ROLL CALL

Those present were:

|                      |                                     |
|----------------------|-------------------------------------|
| Dr. James Burk       | President                           |
| Dr. Anne Guedry      | Vice-President                      |
| Dr. Dick Walther     | Secretary/Treasurer                 |
| Dr. Adrienne Aycock  | Member                              |
| Dr. George Gowan     | Member                              |
| Mr. Charles Mann     | Executive Director                  |
| Ms. Virginia Anthony | Asst. Atty. General - for the Board |
| Mr. Chris Le Grange  | La. Veterinary Medical Association  |

III. APPROVAL OF MINUTES - January 22, 1998; February 15, 1998; and March 24, 1998.

After making corrections, it was moved by Dr. Walther to approve the minutes for the January 22, 1998, meeting, seconded by Dr. Guedry, and passed unanimously by voice vote.

After making a correction, it was moved by Dr. Aycock to approve the minutes for the February 15, 1998, meeting, seconded by Dr. Guedry, and passed unanimously by voice vote.

It was moved by Dr. Guedry to approve the minutes for the March 24, 1998, meeting, seconded by Dr. Aycock, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS

**A. Financial Statements:** Financial statements for January 1998, February 1998, and March 1998 were reviewed. It was moved by Dr. Aycock to accept the financial statements as presented, seconded by Dr. Guedry, and approved unanimously by voice vote.

**B. Budget Forecast:** Mr. Mann reviewed the 1997-98 budget projection, which showed a potential operating deficit of \$40,506. The Board had previously anticipated a deficit of \$14,049 based on a budget revision approved in December 1997. Legal expenses have continued to escalate (primarily due to the appeal in the Smythe case pending in state district court, but also because of two other administrative hearings that have been held this fiscal year) and over \$30,000 of the deficit can be attributed to that budget item. Dr. Aycock moved to authorize expenditures of up to \$40,506 from the fund reserve in the 1997-98 fiscal year, seconded by Dr. Guedry, and passed unanimously by voice vote.

**C. W. Shows Contract, 1997-98: Amendment:** After Mr. Mann presented the status of billings and payments on the contract with Wade Shows, Dr. Aycock moved to approve a contract amendment with Mr. Shows to raise the total amount payable to \$65,000, seconded by Dr. Gowan, and passed unanimously by voice vote. Dr. Burk discussed the need for a technical amendment to the contract which would change the name of Counsel from "E. Wade Shows" to "Shows, Cali, and Burns." Dr. Aycock moved to amend the contract to make this name change, seconded by Dr. Guedry, and passed unanimously by voice vote.

**D. Specials Meal Authorization:** Mr. Mann reviewed the March 25, 1998, letter to Edgar Jordan, Asst. Commissioner of Administration, concerning authorization for special meals, which has been approved by Mr. Jordan.

**E. Authorization to Travel:** Dr. Guedry moved to authorize 1997-98 travel expenses in accordance with state travel regulations for Mr. Mann, seconded by Dr. Aycock, and passed unanimously by voice vote.

**F. Board Member Names on Stationery:** Mr. Mann made the Board aware of Division of Administration regulations that state "any executives, officers, officials, etc. shall not have their individual names imprinted on the printed material unless required by law or granted special exemption." The Board decided not to request a special exemption.

**G. Service Contracts - Fiscal Year 1999:** Dr. Aycock moved to approve the 1998-99 contracts with the Louisiana Department of Justice (legal services, maximum of \$25,000); Shows, Cali, and Burns (legal services, maximum of \$20,000); Gregory M. Brown, CPA (accounting services, maximum of \$10,000); and Cajun Data and Telecom - Robert Shields (computer consulting services, maximum of \$4,500), seconded by Dr. Guedry, and passed unanimously by voice vote.

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

**A. Sunset Review:** Dr. Burk and Mr. Mann informed the Board of the 1998 Sunset Review process. The Sunset Review binder was available for inspection. No amendments to the response submitted to DHH were offered.

**B. Complaint and Discipline Policy and Procedure**

1. Non-notarized Complaints: The Board reviewed the proposed amendment to Rule 106 concerning the investigation of non-notarized complaints. The Board offered this amendment to clarify and restrict the investigation of such complaints, since the Board already has statutory authority to conduct investigations whether complaints are notarized or not. Disciplinary action cannot proceed without a notarized complaint. Mr. Le Grange from the LVMA indicated that the LVMA Legislative Committee objected to the proposed amendment, although it was understood that the Board has authority to conduct investigations. After discussion, Dr. Guedry moved to withdraw the proposed amendment to Rule 106 from promulgation, seconded by Dr. Gowan, and passed unanimously by voice vote. Dr. Guedry then moved to include the proposed rule as a policy statement in the complaint procedure book to guide complaint review committee chairs on how they may proceed with non-notarized information, seconded by Dr. Aycock, and passed unanimously by voice vote.

2. Rotation of Complaint Committee Chair: The Board decided to defer this item; in fact, discussion revealed that the issue is probably moot since it is always possible for Board members to chair the Complaint Committee on an as needed basis, as has happened with Dr. Walther taking cases during the current year. Dr. Gowan also indicated that he is chairing a Complaint Committee based on a drug review.

3. Attorney Role and Assignments: The Board reviewed a chart indicating which attorney would be serving as legal adviser and prosecutor, respectively, in cases 97-1010V (LaGraize Rehearing), 97-0710 (Pettigrew Hearing), and 97-0305.1V (second Pettigrew Hearing). Information presented also stated that Ms. Anthony will prosecute disciplinary cases in the future; that the legal adviser will not sit with deliberating board members in complaint cases, but will be available to respond to legal questions during the deliberation process; that Ms. Anthony may participate in the investigatory phase of the case; and that because Ms. Anthony was a client-complainant in a case involving Dr. Suzanne Hernandez, she will not participate in any future case that may involve Dr. Hernandez.

4. Executive Director Role: The Board reviewed "Executive Director Role in Complaint Cases" and agreed that the role is essentially that of a clerk of court, not an investigator.

5. Suggestions for Complaint Procedure Book: The Board reviewed the suggestions concerning discipline in complaint cases that had been prepared by Dr. Burk. The suggestions provide guidance on the goals of discipline and what questions to consider when negotiating a settlement. The Board expressed their appreciation for the suggestions and decided to review the document during the week following the Board meeting. If no revisions are offered, Mr. Mann was directed to place the suggestions in the complaint procedure book.

6. Inspection Ticklers: The Board reviewed the question of whether inspections that are routinely included in Consent Orders should be performed automatically when the tickler comes up or if the need for inspection should be reviewed with the relevant Complaint Committee Chair at the time the tickler appears. The Board decided the need for inspection should be reviewed with the relevant Complaint Committee Chair and the Chair may exercise his or her discretion to determine if an inspection should be ordered.

7. California Complaint - for information only: The Board reviewed information from a California case where a complainant launched a very public attack on the California Board because of dissatisfaction with the handling of a complaint. It served to remind the Board that its complaint review process must also be defensible to a complainant's challenges, not just those coming from licensees.

### **C. Practice Act-Related Inquiries and Reviews**

1. Veterinary Dentistry (including Equine Dentistry): The Board reviewed information received from the American Veterinary Dental College, American Association of Equine Practitioners, previous Board action on this issue and the LVMA (information received by Dr. Burk at the LVMA meeting in Alexandria). After discussion, it was agreed that Dr. Burk would draft a rule that would incorporate the language contained in the information gathered for consideration at the next regular Board meeting.

2. Direct Supervision for Anesthesia and Ear Flushing: The Board reviewed questions by Dr. Marcelo Gentinetta concerning direct supervision, anesthesia administration, ear flushing, and dental cleaning. After discussion, the Board determined that it would not be appropriate for a technician to administer anesthesia. A licensed veterinarian must calculate doses and induce anesthesia, and the licensed veterinarian must stabilize the patient. Once the patient is stabilized, a technician could monitor the patient while under anesthesia. In reference to ear flushing, a licensed veterinarian must perform an examination to determine that the procedure will cause no damage to the patient (for example, to make sure the ear drum is intact). After the examination is completed and the veterinarian has determined that the procedure is safe, a layperson could perform

the ear flushing under direct supervision. The Board determined that the procedure described in relation to anesthesia administration and ear flushing constitutes the degree of care that any veterinarian would exercise when treating a patient.

The Board determined that it could not provide a definitive answer to the dental cleaning and direct supervision question since the issue of veterinary dentistry is still under review.

3. Animal Behavior Consultant - T. Eddy, Ph.D.: The Board reviewed correspondence received from Dr. Timothy Eddy concerning the animal behavior consultations he provides. After discussion, the Board determined that the consultations being offered by Dr. Eddy probably fall within the definition of the practice of veterinary medicine and the only way they could be performed by a non-veterinarian is by referral from a licensed veterinarian. Also, the Board requires that non-veterinarian professionals who treat animals be licensed by the professional licensing board within their discipline. The Board also directed Mr. Mann to gather more information from the Animal Behavior Society about its certification requirements. The Board will investigate whether such certification should be required of persons performing animal behavior consultations.

4. Veterinary Corporate Names (Rule 1053) - B. Berryhill, DVM: The Board reviewed Rule 1053 and Dr. Berryhill's questions concerning veterinary corporate names. This was a reconsideration of its review of this rule at the January 22, 1998, meeting. After discussion, it was agreed that Dr. Burk would draft a rule that would address Dr. Berryhill's concerns for consideration at the next regular Board meeting. The Board continues to want to make sure the public can identify a veterinary facility as either a clinic or hospital. The Board will allow veterinary facilities time to come into compliance with any rule changes.

5. Legend & Controlled Drug Prescriptions for Home Use:The Board reviewed the specific question of whether a veterinarian may dispense euthanasia solution to a client/owner who is a medical doctor so that the client/owner may euthanize the owner's animal at home. The Board determined that this would not be appropriate veterinary medical care and that, if the client wanted the animal euthanized at home, the veterinarian should make a house call either to supervise the administration of euthanasia or to directly administer the euthanasia.

6. Lab Tests & Disclosure of Costs - M. Strain, DVM: The Board reviewed Dr. Strain's suggested alternative to the language contained in R.S. 37:1741, which requires that outside lab costs be disclosed in a specific manner. Concern was raised over whether the Board could consider the alternative disclosure language as a legal substitute since the method of disclosure is prescribed in the statute. Dr. Walther moved to authorize Mr. Mann to request an Attorney General's Opinion on

whether the Board could legally adopt a policy that would use the alternative disclosure method, seconded by Dr. Aycock, and passed unanimously by voice vote.

7. Sale of Veterinary Drug Issues

a. Southeastern Veterinary Exports: The Board reviewed a letter from Steve Kaplan, Southeastern Veterinary Exports, seeking veterinarians who would assist his company in obtaining non-prescription and prescription medications. The Board reiterated a previous position that it has no jurisdiction over the sale of non-prescription (non-legend) drugs. The Board also determined that the sale of a legend drug without a veterinarian-client-patient relationship is a violation of the rules promulgated by the Board. The only exception would be if the veterinarian also held a valid drug wholesaler's permit from the Board of Pharmacy and the legend drugs were sold in accordance with that permit.

b. Pet Med Express: The Board reviewed information it received about Pet Med Express offering to enter a relationship with a veterinarian whereby Pet Med would refer clients to the veterinarian so long as the veterinarian would refer the clients back to Pet Med for the purchase of prescription medications. The Board determined that Rule 1045 prohibits solicitation arrangements.

c. M. Elliott, DVM, Inquiry - Wholesaler Permit: The Board reviewed an inquiry from Dr. Melvin Elliott, who is interested in becoming a drug wholesaler for the purpose of selling heartworm preventive medicine to other drug wholesalers and licensed veterinarians. The Board reviewed a draft letter to Dr. Elliott on this subject and determined that it accurately expressed the Board's position, which is that absent some other legal authority (such as possessing a wholesaler's permit from the Board of Pharmacy), a private veterinary practitioner must have a veterinary-client-patient relationship with each animal to which a legend drug or controlled substance is prescribed, dispensed, administered, or delivered (see Rule 705).

8. Records and Sale of Practice - E. Boldt, DVM, Inquiry: The Board reviewed an April 22, 1998, letter from Dr. Edward Boldt, Jr., that made several inquiries about the proper disposition of patient records when a veterinary practice is sold. The Board determined that there is an apparent conflict between the language in Rule 701 which states that the records are the veterinarian's property, but also limits the release of records only to the client or the client's authorized representative. The Board directed Mr. Mann to gather more information from other licensing boards about this issue so that the question can be reviewed at the next regular Board meeting.

9. Vaccine and Protocol Changes - Dog and Cat: Dr. Burk briefly reported on the current changes in vaccine protocols. Not all schools of veterinary medicine are in sync with the changes. Texas A&M has adopted the new standards, but LSU has not. The concern is that veterinarians may be placed in a situation where they

can be accused of unnecessary financial charges by clients if they require annual vaccinations, or they could be accused of not providing adequate care if they do not require annual vaccinations and disease develops.

10. RVTs: Discussion of long-term changes to RVT regulations was deferred until the next regular Board meeting.

11. Professional Career Development Institute (Animal Care Specialist Program) - C. Savell Letter for RVT Course Approval: The Board reviewed material that Cindy Savell submitted concerning the Professional Career Development Institute's Animal Care Specialist Program. The Board declined to approve the course of study for the purpose of meeting the educational requirements for an RVT applicant.

#### **D. Rule Making**

1. Review of Year (March 1997 - March 1998): The Board reviewed summary information on rules that have been adopted or proposed for adoption for the period 3/97-3/98.

2. Update: The Board reviewed updated information on rules currently in the promulgation process. The proposed change to Rule 106 (non-notarized information) was deleted from the update based on action taken above (see item V.B.1. of minutes above).

3. Adoption of Rules:

a. ECFVG: The Board reviewed information concerning the proposed changes to the ECFVG requirement for graduates of foreign veterinary schools. After considerable discussion, Dr. Gowan moved to withdraw from the promulgation process the proposed amendments to sections 301, 303, and 700 previously authorized for promulgation and published in a Notice of Intent in the December 20, 1997, *Louisiana Register*, but to adopt the proposed amendment to section 1105 related to successful completion of the preceptorship program, seconded by Dr. Aycock, and passed unanimously by voice vote.

b. Non-notarized Complaints: This proposed rule was withdrawn (see item V.B.1 of minutes above).

c. DVM Renewal: Dr. Gowan moved to formally adopt, with an effective date of May 20, 1998, the amendment to section 305 previously authorized for promulgation and published in a Notice of Intent in the January 20, 1998, *Louisiana Register*, seconded by Dr. Aycock, and passed unanimously by voice vote.

d. OTC Products and Record Keeping: Dr. Gowan moved to formally adopt, with an effective date of May 20, 1998, the amendment to sections 700 and 701 previously authorized for promulgation and published in a Notice of Intent in the January 20, 1998, *Louisiana Register*, seconded by Dr. Aycock, and passed unanimously by voice vote.

e. Extended Care - Boarding and Nonboarding Animals: Dr. Gowan moved to formally adopt, with an effective date of May 20, 1998, the amendment to sections 700 and 702 previously authorized for promulgation and published in a Notice of Intent in the January 20, 1998, *Louisiana Register*, seconded by Dr. Aycock, and passed unanimously by voice vote.

f. Mobile Clinics: The Board reviewed proposed amendments related to mobile clinics. The proposed changes will be considered again at the next regular Board meeting.

g. Preceptorship Changes (applicability of changes and Taboada correspondence): The Board reviewed the proposed amendments related to the applicability of preceptorship changes to classes graduating prior to 2000. The proposed changes will be considered again at the next regular Board meeting. The Board also reviewed a February 3, 1998, letter to Dr. Joseph Taboada at LSU-SVM about the preceptorship program and indicated their approval of its content.

#### 4. Consideration of New Rules

a. Expired Drugs - Rule 705: The Board reviewed draft language for a possible rule change concerning expired drugs. This item was deferred to the next regular Board meeting.

b. Livestock Management Practices: The Board reviewed proposed rule changes related to Livestock Management Practices. After discussion, the Board agreed to change the definition of "livestock" so that animals other than cattle, hogs, sheep and goats would not be included. Dr. Guedry moved to authorize the executive director to begin the promulgation process for these rules (sections 700 and 707), seconded by Dr. Walther, and passed unanimously by voice vote.

c. Investigative Subpoenas: The Board reviewed a proposed rule change that would allow the Board to issue investigative subpoenas. Ms. Anthony stated that this rule is needed to allow the Board to issue subpoenas during the investigation stage of a case, rather than waiting for a hearing to be scheduled. She stated that there is a court decision that allows a board to issue investigative subpoenas so long as a rule granting the authority to do so is in effect. Dr. Walther moved to authorize the executive director to begin the promulgation process for this



rule amendment (section 106), seconded by Dr. Guedry, and passed unanimously by voice vote.

d. Declaratory Orders: The Board reviewed language from the Administrative Procedure Act (R.S. 49:962) that provides that state agencies shall establish a rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency. The Board directed Mr. Mann to gather rules promulgated by other boards to deal with this issue.

e. Findings of Fact Rule: The Board reviewed language from the Administrative Procedure Act (R.S. 49:958) that might allow the parties in a disciplinary hearing to submit proposed findings of fact at the conclusion of the hearing if a rule existed to do so was in effect. This possible rule was discussed at the February 15, 1998, meeting of the Board. After receiving other information on court decisions related to this matter, the Board decided not to consider further the promulgation of a rule.

f. Rule 705G - Review of Rule (Possible Revision): The Board reviewed section 705G as recently promulgated and a proposed revision to the section. A number of questions have arisen from veterinarians who read the new rule in the Board's newsletter. The proposed revisions make clear that the veterinarian must first determine that a prescription medication will be used in a patient's treatment or preventive health plan before there is any requirement that the prescription be provided to a client. This is to address the concern that has been raised that a client could simply demand a prescription and the veterinarian would be obligated to provide it. The proposed revision also states that a veterinarian shall not be required to write a prescription for any medication that, in the veterinarian's medical judgment, is not appropriate for the patient's medical care, and that the veterinarian may refuse to write a prescription if it is not directly requested by a client with whom a veterinarian-client-patient relationship exists. The proposed changes also provides that a written prescription can be construed to include any manner of authorization for filling a prescription, including verbal or electronic communication. Dr. Walther moved to authorize the executive director to begin the promulgation process for these rule amendments (section 705G), seconded by Dr. Gowan, and passed unanimously by voice vote.

Mr. Mann asked about questions he has received from veterinarians concerning clients who seem to be receiving legend drugs from mail-order pharmacies that are based on prescriptions that may have been written for a period beyond a year. The Board told him that such incidents should be referred to the Board of Pharmacy.

**E. Correspondence with S. Irwin, DHH Controlled Substances:** The Board reviewed a February 11, 1998, letter to Steve Irwin, DHH Controlled Dangerous Substances Program, from Mr. Mann which followed a meeting concerning the CAETs and state controlled dangerous substances licenses. Among items of particular note was the state requirement for a perpetual inventory of controlled substances and the need to change the CAET rules to make this clear.

**F. Proposed Legislation for Subsidized Sterilization Surgeries - LISA:** The Board reviewed information that LISA may try to introduce concerning subsidized sterilization surgeries. The Board determined that it does not have jurisdiction over the subject.

**G. Continuing Education Matters**

1. CE Review - IAMS Telesymposium - B. Stone, DVM, and R. Bordelon, DVM: The Board reviewed the requests of Dr. Benjamin Stone and Dr. Ramley Bordelon for C.E. approval of participation in IAMS Telesymposia. The Board determined that, although the content of the symposia may be good and appropriate, the requests could not be approved because there is no third-party grading as required under Rule 403(A)(2). The Board reserved the right to approve C.E. credit for participation in such telesymposia for persons who, due to health problems, may be experiencing difficulty in attending C.E. programs.

2. AAVSB Registry (RACE): Dr. Aycock moved to accept continuing education programs approved by the AAVSB Registry of Approved Continuing Education for Veterinarians (RACE) for credit in Louisiana, subject to the program and/or individual licensee meeting all other statutory or rule requirements, seconded by Dr. Walther, and passed unanimously by voice vote.

3. Expo 98: The Board reviewed a request from Veterinary Learning Systems for continuing education approval of Expo 98. After review of the materials provided, the Board determined that 1.5 hours of credit could be granted for veterinarians who participate in the seminar related to exotic animals and anesthesia techniques.

**H. Revised Renewal Form:** The Board reviewed a revised renewal form that will be used for the 1998-99 license renewal. The Board agreed that the license statuses offered on this form accurately portray those available under the Board's rules.

**I. National Exam Provider:** Dr. Aycock moved to adopt the National Board Examination and Clinical Competency Test as the national examinations required for licensure in Louisiana for 1998 and 1999, seconded by Dr. Guedry, and passed unanimously by voice vote.

**J. State Examination Review:** Each Board member returned the state exam that had been under review. Mr. Mann was directed to consolidate any changes and new exam questions for consideration at the next regular Board meeting.

VI. LICENSURE ISSUES

**A. E. Wozniak - Residency in lieu of Preceptorship Requirement:** Because Dr. Wozniak had not responded to the Board's request for more information (April 6, 1998, letter from Mr. Mann to Dr. Wozniak), this matter was deferred until a response is received.

**B. K. Strickland - Out-of-date National Exam Scores & Waiver of Preceptorship Requirement:** Dr. Gowan moved to accept Dr. Keith Strickland's national exam scores from December 1992 and to accept his residency at LSU School of Veterinary Medicine in lieu of completing a preceptorship, seconded by Dr. Aycock, and passed unanimously by voice vote.

VII. MISCELLANEOUS MATTERS

**A. Board Member Liability in Civil Suits:** The Board reviewed information concerning liability of Board members who are sued, specifically, La. R.S. 32: 5108. The statute states that Board members discharging their official duties are held harmless and indemnified from a financial loss. The statute also provides that Board members would be defended by the Attorney General's Office so long as that office was notified within five days of the Board member being served with a summons or like document. Mr. Mann said that the Office of Risk Management informed him that that office would pay for legal costs arising out of such a suit.

**B. LVMA Meeting Report:** Dr. Burk, Dr. Walther, and Dr. Gowan reported on events that occurred in February at the LVMA Meeting in Alexandria. Dr. Walther represented the Board at the LVMA Board meeting where he presented an update of Board of Veterinary Medicine activities. The only question raised at the LVMA Board meeting concerned the proposed rule changes related to foreign veterinary school graduates. Dr. Burk, Dr. Walther, and Dr. Gowan met with prospective nominees to the Board of Veterinary Medicine to explain the duties of Board members and to answer questions. Dr. Burk said that he had a positive exchange with many LVMA members, particularly with the legislative committee, and he encouraged Board members to engage in such discussions with their professional peers.

**C. Board Appointment:** There was nothing to report on this matter.

**D. AAVSB**

1. 1998 Annual Meeting: Due to budget constraints the Board decided that no one would attend the 1998 AAVSB Meeting in Baltimore. Mr. Mann noted that the 1999 meeting would be in New Orleans.

2. VTTC Vacancy: The Board did not nominate anyone for the Veterinary Technician Testing Committee.

**E. Petition - Good Samaritan Animal Hospital, E. Knispel, DVM:** Mr. Le Grange, prior to leaving the meeting for another appointment, reported that the LVMA was attempting to meet with Dr. Knispel and other veterinarians involved in the petition that is being circulated among Louisiana veterinarians. Dr. Burk stated that the Board offered to meet with the petitioners before the petition was circulated but was rebuffed. The Board is developing a response to the charges contained in the petition.

**F. Board of Pharmacy Roundtable Discussion:** The Board reviewed an April 9, 1998, letter from the Louisiana Board of Pharmacy concerning a roundtable discussion on regulatory issues that it is holding on April 24, 1998. Mr. Mann will attend the meeting.

#### VIII. PERSONNEL ISSUES

**A. C. Mann Pay Raise Delay:** The Board reviewed a March 6, 1998, memo from Mr. Mann to Dr. Burk explaining a one month delay in the implementation of his approved pay raise.

**B. K. Barbier Annual Review:** Mr. Mann reported that Kimberly Barbier, Executive Assistant, had been favorably reviewed and will receive a 6% pay raise as provided for in the budget.

**C. Clerk Position:** Mr. Mann reported that the Clerk position, recently vacated by Brenda DeHaven, will be filled prior to the renewal period, probably on a restricted appointment basis again for 90 days.

#### IX. DISCIPLINARY MATTERS

**A. Motion for Rehearing - 97-1010V - A. LaGraize, DVM:** Due to a schedule conflict, Michael Tomino, Jr., special counsel to the Board for this matter, was unable to attend the Board meeting. This matter was continued until May 7, 1998. Dr. LaGraize was informed of the continuance.

**B. Motion and Order to Relieve Curator - Case 97-0609N - Bernard Singleton:** The Board reviewed documents submitted by Maureen Coughlin, the

appointed curator for Bernard Singleton in Case 97-0609N. Dr. Guedry moved to relieve Ms. Coughlin as curator and to pay her a fee of \$150 in addition to documented expenses, seconded by Dr. Aycock, and passed unanimously by voice vote.

**C. Case 97-0710V - V. Pettigrew, DVM**

1. Hearing Scheduled for 5/7/98: Board members were reminded that the administrative hearing in Case 97-0710V is scheduled for May 7, 1998.

2. Report on Leslie Wilson Contempt Proceedings: Ms. Anthony reported that she was able to obtain a Consent Judgment in Orleans Parish Civil Court that requires Dr. Wilson's appearance at the administrative hearing.

**D. Case 97-0305.1V - V. Pettigrew, DVM - Hearing Schedule:** Board members were reminded that the administrative hearing in Case 97-0305.1V is scheduled for August 20, 1998.

**X. EXECUTIVE SESSION**

It was moved by Dr. Walther to enter executive session to discuss licensure issues related to professional competency based on physical health, drug reviews and complaint cases, including issues that may pertain to litigation, and the Inspector General's investigation, seconded by Dr. Aycock, and passed by voice vote. Upon return to the public record by motion of Dr. Walther, seconded by Dr. Guedry, and passed unanimously by voice vote, the following action was reported:

**A. Licensure Issues**

1. H. Caraway - License Surrender: Dr. Guedry moved to accept Dr. Hugh L. Caraway's Affidavit of Voluntary Surrender as submitted, seconded by Dr. Aycock, and passed unanimously by voice vote.

2. J. Blunski - CE Waiver: The Board directed Mr. Mann to inform Dr. Blunski that he must meet continuing education requirements if he wants to continue to hold an active license to practice veterinary medicine. Dr. Walther agreed to accept oral reports of Dr. Blunski's journal reviews. Dr. Walther also agreed to send medical journals to Dr. Blunski for his use. The Board also agreed, due to physical health, to allow Dr. Blunski to gain C.E. credit by participating in telesymposia.

**B. Drug Reviews:** Richard Keeton, DVM - Case 98-1218.2D: Dr. Guedry moved to accept Dr. Gowan's recommendation to close this case with a letter of

caution, seconded by Dr. Walther, and passed by voice vote. Dr. Gowan, investigating Board member in this case, abstained from voting.

**C. Complaints - Veterinary**

1. Steven F. Fontenot, DVM - Case No. 97-0430V: Dr. Guedry moved to accept the Complaint Review Committee's recommendations in this case and the terms of the Consent Order agreed to by Dr. Fontenot, seconded by Dr. Walther, and passed by voice vote. Dr. Burk, Complaint Chair in this case, abstained from voting.

At this point, Dr. Aycock moved to exit the current executive session and then re-enter executive session so that the four Board members who deliberated in case 97-1010V (A. LaGraize, DVM) could receive legal advice via telephone conference call from Michael A. Tomino, Jr., seconded by Dr. Walther, and passed by voice vote. Dr. Burk, Mr. Mann, and Ms. Anthony were not present for the conference call. Upon motion by Dr. Walther and second by Dr. Guedry, the four members conferring with Mr. Tomino exited executive session. Upon motion by Dr. Aycock and second by Dr. Guedry, the full Board entered executive session to continue consideration of complaint cases, litigation, and the Inspector General's investigation. Dr. Walther's motion referenced above for final exit from executive session occurred after all other matters discussed in executive session were concluded.

2. Gary Levy, DVM - Case No. 98-0924.1V: Dr. Burk moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Guedry, Complaint Chair in this case, abstained from voting.

3. John Rehak, DVM - Case No. 98-0924.2V: Dr. Burk moved to accept the Complaint Review Committee's recommendations in this case and the terms of the Consent Order agreed to by Dr. Rehak, seconded by Dr. Aycock, and passed by voice vote. Dr. Guedry, Complaint Chair in this case, abstained from voting.

4. Abraham Richmond, Jr., DVM - Case No. 98-1104V: Dr. Burk moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Guedry, Complaint Chair in this case, abstained from voting.

5. Benjamin Stone, DVM - Case No. 98-1016V: Dr. Walther moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Guedry, Complaint Chair in this case, abstained from voting.

**D. Complaints - Non-Veterinary**

1. Natalie Chlastak - Case No. 98-1021N: Dr. Gowan moved to accept the Complaint Review Committee's recommendation to close the case based on Ms. Chlastak's response to the Board's cease and desist letter, seconded by Dr. Walther, and passed by voice vote. Dr. Guedry, Complaint Chair in this case, abstained from voting.
2. Irma Russell, CAET - Case No. 97-0604.2C: Dr. Aycock moved to accept the Complaint Review Committee's recommendations in this case and the terms of the Consent Order agreed to by Ms. Russell, seconded by Dr. Guedry, and passed by voice vote. Dr. Burk, Complaint Chair in this case, abstained from voting.
3. Carla Weaver, CAET - Case No. 97-0604.1C: Dr. Burk reported on this case. Ms. Weaver's certificate of approval as an animal euthanasia technician has been revoked due to non-renewal. Ms. Weaver now lives in Texas. Instead of calling a public administrative hearing in this case, he recommended closing the case and placing in Ms. Weaver's file the results of the investigation so that they could be reviewed by the Board if Ms. Weaver ever applies to become a CAET again. Dr. Aycock moved to accept Dr. Burk's recommendation, seconded by Dr. Guedry, and passed by voice vote. Dr. Burk, Complaint Chair in this case, did not vote.

The Board also reviewed and approved letters to be sent to the St. Tammany Humane Society about cases involving employees with that agency, as well as a letter to Eileen Lardizabal, CAET, about properly recording drug usage.

- E. David B. Smythe v. Louisiana Board of Veterinary Medicine - No. 442537:** The Board reviewed the post-hearing memoranda submitted by Wade Shows and James Percy, Dr. Smythe's attorney. No other action was taken.
- F. Nicholas J. Milazo v. Louisiana Board of Veterinary Medicine - No. 437496:** No action was taken on this matter.
- G. Inspector General's Investigation:** No action was taken on this matter.

AGENDA ADDITION - PES CONTRACT

Dr. Guedry moved to add to the agenda consideration of the contract with Professional Examination Service (PES) to provide the national veterinary examinations for 1998-99, seconded by Dr. Walther, and passed unanimously by voice vote. Dr. Guedry moved to approve the contract with PES to provide the National Board Exam and Clinical Competency Test for licensure purposes, seconded by Dr. Walther, and passed unanimously by voice vote.

XI. ADJOURN

The regular meeting was adjourned at approximately 5:00 p.m.

APPROVED BY:

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Dick C. Walther, DVM  
Secretary/Treasurer