

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE**

December 2, 1999

I. CALL TO ORDER

The meeting was called to order at 9:15 a.m. by the President, Dr. Dick C. Walther.

II. ROLL CALL (taken by Dr. Walther; Dr. Gowan stepped away from meeting, returning shortly after roll call.)

Those present were:

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| Dr. Dick Walther | President |
| Dr. Adrienne Aycock | Vice-President |
| Dr. George Gowan | Secretary-Treasurer |
| Dr. Robert Lofton | Member |
| Ms. Kimberly Barbier | Administrative Director |
| Ms. Tisha Turner | Administrative Assistant |
| Michael A. Tomino, Jr. | Board General Counsel |
| Dr. Michael Strain | State Representative, District 74 |

Those absent were:

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| Dr. Edwin Davis | Member |
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(Note: Dr. Strain arrived after the meeting started, during discussion of item IV.B.1 and left prior to executive session.)

III. APPROVAL OF MINUTES - October 21, 1999

Mr. Tomino noted two minor changes to the minutes and Ms. Barbier indicated some grammatical corrections. Dr. Aycock moved to approve the minutes for the October 21, 1999 meeting with the changes noted, seconded by Dr. Gowan, and passed unanimously by voice vote.

Dr. Lofton noted that he had a conflict in scheduling for one of the year 2000 meeting dates accepted at the October 21, 1999 board meeting. After discussion of the matter, Dr. Aycock moved to change the April 6, 2000 board meeting date to Thursday, April 20, 1999, seconded by Dr. Gowan, and passed unanimously by voice vote.

IV. FINANCIAL AND CONTRACT MATTERS

A. Financial Reports

The financial report for October, 1999 had not been received from the CPA prior to the meeting.

B. Budget - Fiscal Year 2001:

Approval of the 2001 budget was deferred from the October 21, 1999 board meeting to allow for Dr. Gowan to review the proposed budget. After discussion, Dr. Gowan moved to approve the budget for fiscal year 2001 as presented, seconded by Dr. Lofton, and passed unanimously by voice vote.

V. PERSONNEL MATTERS: Administrative Assistant Position

Ms. Barbier introduced Ms. Tisha Turner to the Board. Ms. Turner had been hired to fill the Administrative Assistant position. Ms. Turner started her employ with the Board on Monday, November 29, 1999. Ms. Turner was welcomed by the Board.

VI. POLICY, PROCEDURE, AND RULES

A. Rule Making

1. General Update: The Board reviewed the status of proposed rule changes.

2. Adoption of Rules:

a. Rules 501 and 505 (Fee Schedule for DVMs): Dr. Lofton moved to formally adopt, with an effective date of December 20, 1999, the amendments to sections 501 and 505 previously authorized for promulgation and published in a Notice of Intent in the August 20, 1999, *Louisiana Register*, seconded by Dr. Gowan, and passed unanimously by voice vote.

b. Rules 809 and 811 (Fee Schedule for RVTs): Dr. Lofton moved to formally adopt, in anticipation that no legislative committee actions are taken prior to the time line of December 16, 1999, with an effective date of January 20, 2000, the amendments to sections 809 and 811 previously authorized for promulgation and published in a Notice of Intent in the September 20, 1999, *Louisiana Register*, seconded by Dr. Gowan, and passed unanimously by voice vote

3. Consideration of New Rules

a. Chapter 11 (Preceptorship): Discussion of the Chapter 11 amendments was deferred until the February 2000 board meeting.

b. Dispensing & Prescribing Drugs: Dr. Lofton and Mr. Tomino had not completed preparation of proposed rule amendments relative to this matter. Mr. Tomino presented copy of a letter to Mr. Fred Shiel of the Pharmacy Board regarding decisions made on this matter by the Board at the October 21, 1999 board meeting.

Dr. Walther presented an instance relevant to this matter for Board consideration. Legend drugs being dispensed without a veterinarian-patient-client relationship; example - Heartgard. Dr. Walther had been approached by a Federal Express delivery person in his office whom he had never seen before, who is not a client of his, and who requested to purchase Hartgard for her dog. This person proceeded to tell him that she usually just picks up Hartgard at any veterinary clinic she delivers to in the tri-parish zone, and that she has never before been asked for proof that her dog has been regularly taking Hartgard. Dr. Walther noted this act is detrimental not only to the public but all veterinary colleagues doing this. The veterinarians are in violation of the Practice Act regarding dispensing legend drugs. Mr. Tomino was instructed to write an article regarding this matter to be published in the Board's upcoming newsletter to warn licensees that this practice is illegal.

4. Legislative Update

a. NDDB Reports: Ms. Barbier reviewed the procedure for the handling of report received by the board office from the National Disciplinary Data Base of disciplinary actions taking in other states regarding Louisiana license holders. This procedure was accepted at the August 19, 1999 board meeting. She also reminded the Board that at the time there had been a suggestion made to revise the Board's present legislation to allow the Board to investigate instances of disciplinary action taken against other state licenses and possibly sanctioning those licensees. Mr. Tomino gave an explanation and informed the Board that the next legislative session in year 2000 will be for fiscal matters, so that these revisions

would not come up until the year 2001 legislative session. Ms. Barbier will bring this item back to the Board in late 2000.

B. Practice Act-Related Inquiries and Reviews

1. Anesthesia/Surgical Consent Forms: The Board discussed consent forms for anesthesia and/or surgery being required to protect the public as well as the practitioner. Dr. Lofton and Mr. Tomino will work together to prepared proposed new rule language regarding the use of consent forms for anesthesia and/or surgery in hopes of bringing about clearer communication between the practitioner and client. Use of an euthanasia consent form should be addressed also. Decisions regarding euthanasia should be discussed between the owner and practitioner and a separate form for euthanasia presented by the practitioner. Board members will send examples of forms to Dr. Lofton for his research.

(Note: Dr. Michael Strain entered the meeting.)

2. True Animal Emergencies and DVM Responsibility: This item had been discussed at the October 21, 1999 board meeting and deferred. Further discussion was made noting the broad stand in which the AVMA has taken in its Codes of Ethics regarding animal emergencies. The Board concluded that it would be too difficult for the Board to promulgate and enforce specific rules relative to this matter; and it will wait to see how the recently promulgated disciplinary rules in which the Board adopted the AVMA's Codes of Ethics will work. The Board concurred to take no action on this matter at this time.

(Note: Dr. Walther took a moment to introduce Michael Strain, DVM and newly elected State Representative.)

VII. MISCELLANEOUS MATTERS

A. Applicant Issues:

1. Registered Equine Dentists:

a. B. Young, Residency: The Board reviewed documents submitted by Mr. Young as proof of Louisiana residency. In lieu of a utility bill as defined in the emergency rules, Mr. Young had submitted a photocopies of his Louisiana driver's, automobile registration, and automobile insurance papers. After review, Dr. Lofton moved to accept the documents submitted as proof of residency and authorize Ms. Barbier to accept similar documents submitted in the future by other applicants, seconded by Dr. Aycock, and passed unanimously by voice vote.

2. Veterinarians:

a. N. Treadwell, Waiver of Out-of-Date National Exam Scores: The Board reviewed employment and residency and internship documents as submitted by Dr. Treadwell and her request for waiver of retaking and passing the national examinations. Dr. Aycock moved to accept Dr. Treadwell's previous employment as a practicing veterinarian and her completed internship and residency, upon submission of the proper verification documents, as proof of five years experience and approve waiver of her having to retake and pass the national examinations, seconded by Dr. Lofton, and passed unanimously by voice vote.

B. Licensure Issues

1. Reverse Suspensions - DVMs: The Board reviewed a list of veterinarians who had been suspended for non-renewal and have recently completed all renewal requirements to bring their licenses current (list attached). Dr. Lofton moved to reverse the suspension of those individuals listed, seconded by Dr. Gowan, and passed unanimously by voice vote.

2. Reinstatement - RVTs: The Board reviewed a list of veterinary technicians who had been revoked for non-renewal and have recently completed all renewal requirements to bring their certificates current (list attached). Dr. Aycock moved to reverse the revocation of those individuals listed and reinstate their certificates, seconded by Dr. Gowan, and passed unanimously by voice vote.

3. DVM - First Year Expired License (New Suspension): Ms. Barbier informed the Board that Dr. W. R. Kilgore, #1235, whom the Board had, at the October 21, 1999 board meeting, granted an extension to complete renewal, has not completed the renewal process. Dr. Aycock moved to suspended the license of Dr. W. R. Kilgore for non-renewal, seconded by Dr. Gowan, and passed unanimously by voice vote.

C. Newsletter - December 1999: The Board reviewed draft items presented by Ms. Barbier to be published in the Board's next newsletter to go out to licensees in December. Mr. Tomino will put together an explanation of the new disciplinary rules. Ms. Barbier presented a request recently received at the board office to publish a notice in the Board's newsletter regarding newly passed legislation and creation of an Animal Friendly prestige license plate. Proceeds from the issuance of these license plates will go into an animal overpopulation control fund to fund spays and neuters. The Board authorized Ms. Barbier to work with Mr. Tomino in preparing a notice to publish in the December newsletter.

D. Inheritance of a Veterinary Practice by Non-Veterinarians:

[Note: This item was added by Mr. Tomino.] Mr. Tomino gave the Board an update on the death of Dr. Richard Jester and the inheritance of his estate, including his sole owned veterinary clinic, by his non-veterinarian heirs. After talking with the veterinary associates, the succession of his estate is still open, and there is a good faith agreement that the heirs will sale the clinic to the associates who are still working at the clinic.

Dr. Walther requested a motion to close general session of the board meeting for a short break before going into executive session. Dr. Aycock moved to close the board meeting at approximately 10:40 am, seconded by Dr. Gowan, and passed unanimously by voice vote.

Dr. Walther called the board meeting back to order at 11:00 am.

VIII. EXECUTIVE SESSION

It was moved by Dr. Gowan to enter executive session to discuss matters of investigative proceedings; any other matters properly brought up for which legal advice as needed; and personnel matters, seconded by Dr. Aycock, and passed unanimously by voice vote. Upon return to the public record by motion of Dr. Gowan, seconded by Dr. Aycock, and passed unanimously by voice vote, the Board took the following action:

A. Investigative Proceedings Regarding Allegations of Misconduct

1. Involving Licensed Veterinarians: No cases were presented.
2. Involving Unlicensed Persons: No cases were presented.

B. Other Matters Properly Brought Up in Executive Session:

1. General Legal Advise: Legal items:
 - a. A request to destroy a disciplinary file.
 - b. Public records.
 - c. New disciplinary rules and review/appeals Administrative Hearing procedures.

C. Personnel - Evaluation of Clerk, A. Hidalgo: Dr. Lofton moved to accept the favorable six month evaluation of Ms. Hidalgo's position and approved a 7% rate increase as proposed by Ms. Barbier, seconded by Dr. Aycock, and passed unanimously by voice vote. The Board accepted Ms. Barbier's request to change Ms. Hidalgo's position from student worker clerk to the part-time clerk position effective upon her graduation from LSU.

IX. OTHER BUSINESS

Wall certificates were signed for new licenses/certificates issued since the October 21, 1999 board meeting.

X. ADJOURN

Dr. Aycock moved to close the meeting, seconded by Dr. Lofton, and passed unanimously by voice vote. The meeting was adjourned at approximately 12:30 pm.

APPROVED BY:

George Gowan, DVM
Secretary-Treasurer