

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
February 5, 2009**

Minutes

I. CALL TO ORDER –

Board President, Dr. William H. Green, called the meeting to order at 8:40 a.m.

II. ROLL CALL –

Roll call was taken by Board Secretary-Treasurer, Dr. Steven V. Slaton, with the following results:

Those present:

William H. Green, DVM	Board President
John C. Prejean, DVM	Board Vice President
Steven V. Slaton, DVM	Board Secretary-Treasurer
Mica F. Landry, DVM	Board Member
Gary T. Levy, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Administrative Director

Guests:

(1:00pm) Mary Sue Stages, CPA - Legislative Auditor

III. APPROVAL OF MINUTES

A. Board Meeting December 4, 2008

The Board reviewed the minutes from the December 4, 2008 Board meeting. Motion was made by Dr. Prejean to accept the minutes as presented, seconded by Dr. Landry, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – November and December 2008

Ms. Parrish and Secretary-Treasurer Dr. Slaton presented the financial reports for the months of November and December 2008 for review. Motion was made by Dr. Prejean to approve the financial reports as presented, seconded by Dr. Slaton, and passed unanimously by voice vote.

B. FY2008 Amended Legislative Audit Report (Mary Sue Stages, CPA, 1:00pm)

– Ms. Stages was introduced to the Board members at 1:00pm. Presentation was made regarding changes in reporting post-employment benefits as mandated by the current state governmental accounting standards. Following questions by the Board members, Ms. Stages left the meeting. No action was taken on this item.

V. MISCELLANEOUS MATTERS

A. LVMA Certified Veterinary Assistant Program Proposal – Information regarding a proposed certified veterinary assistant program as advertised in the January/February 2009 LVMA monthly newsletter was presented and discussed. Motion was made by Dr. Landry, seconded by Dr. Slaton, for Dr. Green to immediately contact by faxed letter and telephone, the current president of LVMA, James Rundell, DVM, informing LVMA that the Board has concerns with the proposed “certification” program and for a suspension of the program until it could be reviewed by the Board. Motion passed

unanimously by voice vote. Mr. Tomino was directed to send a letter to LVMA requesting information for further Board review.

VI. ADMINISTRATIVE PROCEEDINGS

A. Case 07-0831I – (10:00a.m.) – Request for Access to Specified Controlled Drugs –

Motion was made by Dr. Landry to go into executive session to discuss the character and professional reputation issues of the licensee, as well as compliance with an agreement entered into with the Board, seconded by Dr. Slaton, and passed unanimously by voice vote.

The respondent in the case was introduced to the Board. The Board was presented with pertinent documentation regarding request for access to certain controlled drugs.

Upon conclusion of the presentation by the respondent and his response to the questions from the Board, the respondent was informed that the Board would take the request under advisement and respond to him in writing. Respondent exited the meeting.

Upon conclusion of discussion, motion was made to return to regular session by Dr. Landry, seconded by Dr. Slaton, and approved unanimously by voice vote.

Motion was made by Dr. Landry, seconded by Dr. Levy, to allow by agreement (conditionally effective February 19, 2009), the respondent to practice, with access to a specified controlled substances (euthanasia solution only) with monthly drug record reporting, and otherwise the terms, limits and conditions as set forth in the Board's earlier decision and agreement remain in effect and unchanged with continuation of random drug screenings with an automated reporting program at respondent's cost, as well as for costs associated with this proceeding. Motion passed unanimously by voice vote.

B. Case 03-0205D – (11:00a.m.) - Request for Reinstatement/Licensure –

The respondent did not show for the proceedings as scheduled, nor contact the Board office as to reason for non-appearance. Board counsel attempted to reach the respondent by phone during meeting recess, to no avail. No action was taken on this item.

VII. POLICY, PROCEDURE, AND RULES

A. Policy and Procedure – None at this time.

B. Practice Act and Rules/Related Matters/Declaratory Statements

1. Rule 305B – Late Renewal Timeline and Late Renewal Fees – As requested by the Board, Mr. Tomino presented current statute and rules regarding timeliness of license renewal and continuing education credit time parameters. A proposed newsletter article will be published to clarify acceptable courses, timely request for pre-approval, and consistent and universal enforcement of the statute and rules.

2. Rule 400-413 and 1227, Continuing Education Rules (DVM, CAET) – Motion was made by Dr. Slaton, seconded by Dr. Landry, for Mr. Tomino and Ms. Parrish to present proposed changes for continuing education credits for DVMs and CAETs with respect to pre-approval timeline parameters, acceptable course content, in-house

presentations, and limitations of self-help/satellite/on-line course credits and sponsors. Motion passed unanimously by voice vote.

C. Rule Making –

1. **Final Rules 700 & 711 (Veterinary Practice, Mobile Practice Vehicle)**– Motion was made by Dr. Prejean, seconded by Dr. Slaton, to proceed with final rule promulgation, with rule to be effective February 20, 2009. Motion passed unanimously by voice vote.

VIII. DVM ISSUES

A. Georgia S. Barnette, DVM – Request for Status Change, Waiver of Late Renewal Fees – Request by licensee to defer consideration at April 2009 Board meeting so as to give adequate time to secure proper documentation. No action taken on this item.

B. Jeffery C. Aguillard, DVM – Request for Waiver of Late Renewal Fee – Following review of request and documents presented for waiver of late renewal fee by Dr. Aguillard, motion was made by Dr. Landry, seconded by Dr. Prejean, to deny waiver of late renewal fee. Motion passed unanimously by voice vote.

C. Elaine Frederick, DVM – Status Change, Waiver of CE Requirements – Following review of request and documentation submitted by Dr. Frederick, motion was made by Dr. Levy, seconded by Dr. Prejean, to approve status of **Inactive Incapacitated**, waiver of renewal fee and CE requirements for renewal period 2008-2009. Motion passed unanimously by voice vote.

D. Walter Ash, DVM – Request for Status Change, Waiver of Renewal Fee and Late Renewal Fees - Following review of request and documentation submitted by Dr. Ash, motion was made by Dr. Landry, seconded by Dr. Levy, to deny waiver of renewal fee and late renewal fee for renewal year 2008-2009. Motion passed unanimously by voice vote.

E. Nancy K. Fagan, DVM – Request for Waiver of Continuing Education Requirements for Renewal Year 2009-2010 – Following review of request submitted by Dr. Fagan for waiver of continuing education requirements for renewal year 2009-2010 due to impending military deployment, motion was made by Dr. Landry, seconded by Dr. Prejean, to approve waiver of continuing education requirements upon submission of proper documents supporting military deployment. Motion passed unanimously by voice vote.

IX. DVM APPLICANT ISSUES

A. Jerry Chauncey Latham, DVM – Request for Waiver of Retake of National Examination – 1988 graduate of Tuskegee University, previously licensed in Alabama, Mississippi and Georgia. Following review of the additional documentation submitted by Dr. Latham from October 2008 Board meeting, motion was made by Dr. Levy, seconded by Dr. Landry to defer decision for waiver of retake of the national examination until further documentation is submitted regarding full-time veterinary practice for five years immediately prior to application, as well as passing score requirements of Louisiana (standard deviation of 1.0) for previous CCT/NBE examinations. Motion passed unanimously by voice vote.

B. Leslie Ann Fitzgerald, DVM – Request for Waiver of Preceptorship Requirement – 2000 graduate of LSU School of Veterinary Medicine, licensed in Alabama and Texas. Following review of the documentation submitted by Dr. Fitzgerald, motion was made by Dr. Prejean, seconded by Dr. Levy to deny waiver of preceptorship requirement as she does not meet the criteria for waiver due to full time veterinary employment of less than 90 days immediately prior to application. Motion passed unanimously by voice vote.

C. Sabrina Lynn Jacobs, DVM – Request for Waiver of Retake of National Examination – 2004 graduate of Texas A & M University, licensed in Texas, GA, FL, SC, TN, NC, DL and MS. Following review of the documentation submitted by Dr. Jacobs, motion was made by Dr. Landry, seconded by Dr. Levy to deny waiver of retake of the national examination as the documents do not meet the criteria of full-time clinical veterinary practice for five years immediately prior to application. Motion passed by unanimously by voice vote.

D. Carolyn Jean McKinnie, DVM – Request for Waiver of Retake of National Examination – 1999 graduate of Colorado State University College of Veterinary Medicine, licensed in Colorado, Hawaii and Nevada. Following review of the documentation submitted by Dr. McKinnie, motion was made by Dr. Landry, seconded by Dr. Levy to deny waiver of retake of the national examination as the documents do not meet the criteria of full-time clinical veterinary practice for five years immediately prior to application. Motion passed by majority vote, with Dr. Prejean voting nay.

X. CONTINUING EDUCATION ISSUES

A. CAET CE – LA Summit on DisasterPre-Preparation (ASPC/LASART) (H Carruth, CAET) - Request for consideration of 6 credit hours of CAET CE for participation in the March 6-7, 2009 LA Disaster Summit and Pre-Preparation Review at LSU-SVM sponsored by ASPCA and LSART. Following review of the request and program outline and presenters, motion was made by Dr. Landry seconded by Dr. Prejean, to allow a maximum of 6 credit hours for annual license renewal of CAET CE for actual attendance by the CAET. Motion passed unanimously by voice vote.

B. CAET CE – Rabies Prevention & Bite Response (Texas Law) (Annette/Bossier City Animal Control) - Request for consideration of 6 credit hours of CAET CE for participation in the March 2009 Rabies Prevention & Bite Response seminar presented by Texas Department of Health Services. Following review of the request and program outline and presenters, motion was made by Dr. Prejean seconded by Dr. Landry, to allow a maximum of 6 credit hours for annual license renewal of CAET CE for actual attendance by the CAET. Motion passed unanimously by voice vote.

C. DVM CE – 38th Annual European Environmental Mutagen Society (EEMS) Program (M Banton, DVM) - Request for consideration of credit hours of DVM CE for annual license renewal. Following review of the request and program outline and presenters, motion was made by Dr. Levy seconded by Dr. Prejean, to allow the required 20 credit hours for annual license renewal of DVM CE for actual attendance by the DVM. Motion passed unanimously by voice vote.

D. DVM CE – MRI Course at LSU-SVM (L Gaschen, DVM) - Request for consideration of credit hours of DVM CE for annual license renewal. Following review of the request and program outline and presenters, motion was made by Dr. Levy seconded by Dr. Prejean, to allow 3 credit hours for the April 3, 2009 program (Equine MRI/Indications/Case Examples), and 6 credit hours for the April 4, 2009 program (Small Animal MRI/Indications/ Case Examples) for annual license renewal of DVM CE for actual attendance by the DVM. Motion passed unanimously by voice vote.

E. DVM CE – Koi Health Seminar (J Rockar, DVM) - Request for consideration of credit hours of DVM CE for annual license renewal. Following review of the request and January 2009 program outline and presenters, motion was made by Dr. Slaton seconded by Dr. Levy, to allow 20 credit hours for annual license renewal of DVM CE for actual attendance by the DVM. Motion passed unanimously by voice vote.

F. DVM CE – Weekly In-House Topics by Staff Veterinarians (D Mauterer, DVM) - Request for consideration of credit hours of DVM CE for annual license renewal. Following review of the request and review of current statute and rules, motion was made by Dr. Slaton seconded by Dr. Landry, to deny credit hours for in-house lectures by staff veterinarians due to a lack of timely submission for pre-approval and the in-house format. Motion passed unanimously by voice vote.

G. DVM CE – Weekly In-House Topics by Staff Veterinarians (S Lemarie, DVM) - Request for reconsideration of credit hours of DVM CE for annual license renewal. Following review of the request and additional documents submitted by Dr. Lemarie, and review of current statute and rules, motion was made by Dr. Slaton seconded by Dr. Landry, to deny credit hours for in-house lectures by staff veterinarians due to a lack of timely submission for pre-approval and the in-house format. Motion passed unanimously by voice vote.

H. CAET CE – On-Line FEMA Courses, On-Line PetSmart Charities Course - (B Brewster, CAET) – Post dated request for consideration of credit hours of CAET CE for participation in various on-line courses offered by FEMA and PetSmart Charities. Following review of the request and program outline and presenters, motion was made by Dr. Slaton seconded by Dr. Levy, to deny credit hours for annual license renewal of CAET CE due to online format and lack of timely submission for pre-approval. Motion passed unanimously by voice vote.

XI. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued:

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

DVM

2807	Lori Alisca Fornea
2808	Nikki Mary Palermo
2809	Kia Renee' Gray
2810	Troy Findley

RVT

8163	Anita Faye Russell
8164	Angela Rene Price
8165	Shelly Mignon Gastman

B. February 2009 Newsletter – Mr. Tomino presented for review, proposed articles for insertion into the draft of the February 2009 newsletter regarding medical records and continuing education. Motion was made by Dr. Landry, seconded by Dr. Levy, to accept the draft February 2009 newsletter with the addition of the two proposed articles, “Medical Records” and “Continuing Education and Late Renewals”. Motion passed unanimously by voice vote.

C. Customer Service Questionnaire Review – Ms. Parrish presented a summary of the customer service questionnaire comments from October 2007 through October 2008. All comments were reviewed by the Board members. The vast majority of the responses were positive and the results will be mailed to the appropriate state agency for reporting purposes. No action was taken on this item.

XII. EXECUTIVE SESSION

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

A. Veterinary Medical Lab/Lay Person Ownership (L Randall, DVM) – Query submitted regarding the legality of a lay person (non-veterinarian) owning a medical lab and performing CBC/chemistry panels, urinalysis tests, Phenobarbital levels, and culture/sensitivity tests for local veterinarians. After debate, motion was made by Dr. Landry, seconded by Dr. Slaton and unanimously passed whereby Dr. Randall will be notified of the Board's decision that the limited services identified are legally permissible if they are specifically requested tests on blood and tissue samples submitted by the outside attending veterinarian. More importantly, in the performance of the laboratory services described there is no on-going evaluation or diagnosis of the animal's condition by the staff of the lab which may require further medical treatment. The outside attending veterinarian requests the specific tests to be performed. The outside attending veterinarian will later receive the results of those tests he specifically requested and, thereafter, make his own diagnosis or evaluation of the animal's medical condition and the need for any medical treatment protocol. Such is consistent with the Board's earlier decisions regarding a denial of non-veterinarian's proposed venture and/or a lay person's performing ultrasonography and CT scans as these require the performance of an on-going evaluation or diagnosis of the animal's condition by the staff of the lab which may require further medical treatment. In addition, if the medical lab, owned in part or in whole by a lay person, were to have a veterinarian performing any services in its venture which may be interpreted as the practice of veterinary medicine in its broadest definition, obviously including an evaluation or diagnosis, this conduct would be a violation of the law prohibiting the lay person ownership of a veterinary practice. Mr. Tomino was directed to prepare a written response, subject to Board approval, which is reflective of the Board's decision.

B. Medical Records Storage for Closed Veterinary Clinic (V Lee, CAET) – Request regarding storage of a veterinarian's files (closed practice) and Lafayette Animal Control needing the space where the files are now being stored. Motion made by Dr. Prejean, seconded by Landry, and unanimously passed, whereby Ms. Lee will be notified of the Board's decision that it appreciates the assistance that she has given to the veterinarian and his clientele, however, the Board cannot legally provide any directions regarding the termination of the arrangement with the veterinarian since the agreement is personal between Lafayette Animal Control and the veterinarian. The law requires the veterinarian to maintain storage of the files for five (5) years which ends on March 9, 2010. The Board does not have the authority to change the agreement, or the law, regarding medical records maintenance/storage. It is believed that the veterinarian is no longer maintaining an active practice in any form due to personal reasons. The most recent contact information for the veterinarian was provided to Ms. Lee and, in the event the Board hears from the veterinarian, he will be informed that he needs to contact Lafayette Animal Control regarding this matter. Mr. Tomino is directed to prepare a written response, subject to Board approval, which is reflective of the Board's decision.

C. Dag's House - (C Rice/A K Dudek) - Query submitted regarding a humane society establishing a boarding facility with a proposed staff veterinarian and the performance of rehabilitation services. Motion made by Dr. Slaton, seconded by Dr. Levy, and unanimously passed, whereby the inquiring persons will be notified of the legalities and parameters regarding this issue which are consistent with the law and the Board's earlier responses regarding similar matters. As in the past, this matter may need to be revisited at a future Board meeting with interested persons in attendance. Mr. Tomino is directed to prepare a written response, subject to Board approval, which is reflective of the Board's decision.

XIII. ADJOURN

There being no further business before the Board, motion was made by Dr. Prejean, seconded by Dr. Levy, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 4:25 p.m.

MINUTES REIVEWED AND APPROVED BY FULL BOARD on April 2, 2009.

Steven V. Slaton, DVM, Board Secretary-Treasurer