

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE**

December 3, 2002

I. CALL TO ORDER

Board President, Dr. Robert Lofton, called the meeting to order at approximately 8:30 a.m.

II. ROLL CALL

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

Those present were:

Robert Lofton, DVM	Board President
Edwin Davis, DVM	Board Vice President
Glenn Walther, DVM	Board Secretary-Treasurer
Lon Randall, DVM	Board Member
Patrick Bernard, DVM	Board Member
Michael A. Tomino, Jr.	Board General Counsel
Wendy Parrish	Board Administrative Director

Absent: None

Guests:

Maxwell Lea, DVM
Larry Savage, Louisiana Department of Wildlife and Fisheries, Region II

III. FORMAL ADMINISTRATIVE HEARING

(Agenda item III was scheduled for 9:30 a.m. Until that time, the Board continued with agenda item IV and V.A, B, and C. Upon arrival of all parties, the Board returned to agenda item III after agenda item V.C.)

A. Case No. 01-0611V – Katherine Beier, DVM

Dr. Walther was introduced as Presiding Officer for the Hearing. Dr. Lofton recused himself from the Hearing Panel as investigating Board Member in the case. The members of the Hearing Panel consisted of Dr. Davis, Dr. Walther, Dr. Randall and Dr. Bernard. Dr. Beier's legal counsel waived her appearance for the scheduled hearing and presentation of a proposed consent order. Mr. Tomino presented, on behalf of the

State, the facts of the case, submitted exhibits for review, and presented the proposed Consent Order for consideration by the Board. Dr. Beier presented her statement. The Hearing Panel asked questions related to the case. Upon conclusion of the presentations and questions, motion was made by Dr. Davis to enter executive session for deliberation of the facts and proposed consent order presented in the case, seconded by Dr. Bernard, and passed unanimously by voice vote. The executive session was closed to the public and only those Board Members on the panel were present for deliberation.

Motion was made by Dr. Davis to return to open session, seconded by Dr. Bernard, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was made by Dr. Walther to accept the Consent Order as presented for this case, seconded by Dr. Bernard, and passed unanimously by voice vote.

(Upon conclusion of agenda item III, the Board returned to agenda item VI.)

IV. APPROVAL OF MINUTES - October 10, 2002

The Board reviewed the minutes from the October 10, 2002 Board meeting. Motion was made by Dr. Walther to accept the minutes as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

V. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports - September and October 2002

Dr. Walther and Ms. Parrish presented the financial reports for September and October 2002 for review. General discussion of the financial reports was held. The financial reports were found to be acceptable. Questions were raised on the overage of office rental, as well as Board mileage and per diem overage. The Board was advised that office rental overage is due to additional conference room space not budgeted in current fiscal year. Additional mileage and per diem amounts for Board meetings were noted to be due to a second Board meeting held in August 2002. Mr. Tomino and Ms. Parrish advised of an upcoming increase in the enforcement actions category due to receipt of a fine of \$7,000.00 (plus \$2,396.15 administrative costs) from a previously resolved case. Motion was made by Dr. Walther to accept the financial statements as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

B. Investments

CD Update FY2003 and CD Authorization FY 2003

Dr. Walther and Ms. Parrish presented information regarding the amounts currently held in the checking account and numerous certificates of deposit (CD) investments at

BankOne. Ms. Parrish noted that a large return on the CDs was not expected because of the lower interest rates given on the CDs. General discussion was held concerning CD interest rates, account insurable rate limits, diversification of banking institutions, and amounts set aside as reserve for possible legal costs for unforeseeable future matters. Ms. Parrish was instructed to research diversification of accounts with multiple banking institutions. In addition, it was requested that Ms. Parrish confer with the Board's contracted auditor regarding reserve accounts for future legal costs for unforeseeable matters. Motion was made by Dr. Walther and seconded by Dr. Bernard for Ms. Parrish to purchase additional certificates of deposits (CDs) in larger increments up to \$100,000.00 in CD investments with the goal of accruing reserve funds for future legal costs for unforeseeable matters. Motion passed unanimously by voice vote.

C. FY2004 Proposed Budget

Dr. Walther and Ms. Parrish presented the proposed budget for FY2004, July 1, 2003 through June 30, 2004. In an effort too save postage costs, email addresses will be requested during the upcoming renewal year with a choice to have the LBVM newsletter emailed or mailed by U.S. Postal Services to all licensees. As suggestion was made by Dr. Randall that in an effort to improve the quality of veterinary medicine in Louisiana, consideration to invest some of the unreserved funds to form a clinic inspection program should be discussed. It was requested that Mr. Tomino research the legal aspects and ramifications of clinic inspection in Louisiana and report back in the future to the Board with his findings, as this item may subsequently affect FY2005 budget. Changes recommended to the proposed budget were to designate \$100,000.00 in reserve funds for legal costs for unforeseeable future matters, indicate no growth in RED licensure, and budget \$500.00 for acquisition of a new fax machine and accounting software which will include payroll calculations. Motion was made by Dr. Walther to accept the proposed budget for FY2004 as presented with modifications noted above, seconded by Dr. Bernard, and passed unanimously by voice vote.

(Upon conclusion of agenda item III, the Board returned to agenda item VI.)

VI. POLICY, PROCEDURE, AND RULES

A. Rule Making

1. **General Update** - There was no rule promulgation in progress.
2. **Adoption of Rules** - There were no rules presented for adoption.
3. **Consideration/Review of Proposed Rules/Amendments**

a. Amended Rule 1201A. Application for Certificate of Approval.

Mr. Tomino presented proposed Amended Rule on CAET minimum age requirement. As no age requirement is currently stated in the Rules, the amendment requires that the applicant must have attained the age of eighteen (18) years of age in order to commence the application process, attend the training course, sit for the certification examination and receive certification as CAET or Lead CAET. Motion was made by Dr. Davis to approve the the amended rule as submitted, to be effective upon completion of promulgation of rule amendments, seconded by Dr. Bernard, and passed unanimously by voice vote.

b. Amended Rules Chapter 4, Continuing Veterinary Education.
Amended Rule 405. Exceptions and Exemptions.

Mr. Tomino presented proposed Amended Rules on retirement which consisted of a waiver of continuing education and fees for qualified licensees. Rule 405.C.2 is added to address long term disability retirement of a licensee wherein the licensee is required to submit a notarized affidavit of retirement for purposes of a waiver of continuing education if he reaches 65 years of age or submits an affidavit of incapacity of permanent and total disability without probability of return to practice. Provisions for reinstatement and costs incurred were outlined, including retirement of less than five years, and reinstatement provisions for more than five years. Motion was made by Dr. Bernard to take the amended rules under consideration to be discussed at the next scheduled Board meeting, seconded by Dr. Walther, and passed unanimously by voice vote.

c. New Rule 714. Student Extern.

Mr. Tomino presented proposed new rules regarding student externs which included defining the student extern, supervision requirements, assignment of duties and level of responsibilities, as well as prior notification of externship to the Board before commencement of the externship. Additionally, the externship shall not be considered a component of, nor applied to preceptor program requirements. Motion was made by Dr. Bernard, seconded by Dr. Davis, to adopt the new rules of student externship as presented, to be effective upon completion of promulgation of rules, and passed unanimously by voice vote.

(Agenda Item VII.B.1 was scheduled for 11:00 a.m. Upon arrival of all parties, the Board moved to agenda item VII.B.1.)

B. Policy and Procedure – There were no new policies and procedures presented.

C. Practice Act-Related Matters/Declaratory Statement Requests

1. New Issues – Mr. Tomino discussed a query regarding whether the wife of a veterinarian can hold office (directorship) in the veterinary medicine corporation. The Board instructed Mr. Tomino to reply citing Section 1160 and 1155 of the Professional Veterinary Medicine Corporation Act which state that only voting shareholders can be appointed to the directorship of a veterinary corporation in Louisiana, and only licensed veterinarians can be shareholders as per wording of the law.
2. Reviews – There were no reviews presented.

VII. MISCELLANEOUS MATTERS

A. DVM Applicant Issues and DVM Renewal Issues

1. Elizabeth Cochran, DVM - request to waive retaking out-of-date exam and waiver of preceptorship requirement. Motion was made by Dr. Bernard to request further consideration following acquisition of additional documentation by a physician to support her medical condition, seconded by Dr. Walther. Motion passed unanimously by voice vote. Ms. Parrish was instructed to draft a letter to Dr. Cochran to this effect.
2. Vicky Grumman, DVM - 2nd request for licensure consideration. Request was previously denied for lack of the equivalent of 5 years continuous, active full-time practice experience under Rule 303.B.4. Review of correspondence and documentation was performed with discussion. Motion was made by Dr. Walther, and seconded by Dr. Bernard, to deny approval of licensure for lack of fulfillment of Rule 303.B.4. Motion was passed unanimously by voice vote. Mr. Tomino was asked to draft a letter to Dr. Grumman delineating the reasons for denial of the request.

DVM Issues

3. Ronald Buzhardt, DVM - request to refund late fee. Error was due to clerical staff of licensee. Motion was made by Dr. Walther and seconded by Dr. Bernard to deny refund of late fees. The motion passed unanimously by voice vote.
4. Michael Richie, DVM - request to waive late renewal fee due to his medical condition. Motion was made by Dr. Walther and seconded by Dr. Davis to grant waiver of late renewal fee, and the motion passed unanimously by voice vote.
5. Jackie Cole, DVM - request to refund late renewal fee due to mail delivery system at place of employment. Motion was made by Dr. Walther and seconded by Dr.

Bernard to deny refund of late renewal fee, and Motion was passed unanimously by voice vote.

6. Carl Shaia, DVM - request to waive license fee under Rule 503.A while in a foreign country for active military service. Initial motion was made to deny the waiver of renewal fees. Discussion with regards to waiving fees and CE requirements followed. Citing Rule 503.A and because of past Board decisions to waive the fee as requested, a substitute motion was made by Dr. Bernard and seconded by Dr. Walther to approve waiver of license fee. Substitute Motion was passed unanimously by voice vote. Ms. Parrish was instructed to include a review of this rule in the LBVM newsletter with regard to Rule 503.A.

B. CAET Issues

1. CAET Certification Training Course for LA Dept. of Wildlife and Fisheries

Guests Maxwell Lea, DVM and Larry Savage of the Louisiana Department of Wildlife and Fisheries were introduced to the Board members. Mr. Savage presented guidelines and material regarding the disposal of confiscated and illegal wildlife by the LDWF. Request was made to allow LDWF personnel to train and obtain certification as euthanasia technicians (CAETs). The Board advised Dr. Lea and Mr. Savage it would take the request under advisement and reply in writing of its decision. No motion was made. Request was made for Dr. Lofton and Ms. Parrish to draft a letter to LDWF stating that the Board had no objection to LDWF personnel completing CAET certification courses and licensure as long as they complied with current rules and regulations. Included with the correspondence would be the fee schedule and regulations.

(Upon conclusion of agenda item VII B.1, the Board returned to agenda item VI.B)

2. CE Approval Request - Compassion Fatigue and Burnout, Calcasieu Parish

Animal Control. The Board reviewed the information submitted by Calcasieu Parish Animal Control regarding the Compassion Fatigue and Burnout program, performed by Support Services for Animal Care Professionals (SSACP). Motion was made by Dr. Walther to approve the program for CAET continuing education (CE), seconded by Dr. Bernard, and passed unanimously by voice vote.

3. CE Approval Request - Safe Capture International, Inc. -

The Board reviewed the documentation provided by Safe Capture International, Inc. of the courses and content. Motion was made by Dr. Walther to approve the course for CE credit for CAET, Lead CAET and DVM, seconded by Dr. Bernard, and passed unanimously by voice vote.

7. LBVM Newsletter Articles

Ms. Parrish presented a draft of the December 2002 newsletter. Recommendation was made to add biographical information on Ms. Parrish as the new Administrative Director. Request was made to also include a review of the active military exclusion and exemption provisions of Rule 405 and 503.A. Mr. Tomino was asked to submit an article pertaining to proper complaint processes through the Board rather than random calls to Board members, explaining that complaints made directly to a Board member may compromise adjudication of the case. Motion was made by Dr. Walther to approve the newsletter with the noted changes, seconded by Dr. Bernard, and passed unanimously by voice vote.

D. Customer Service Survey Report - October 2001-September 2002

Ms. Parrish presented a summary of the Customer Service Questionnaires received from October 2001 through September 30, 2002. Ms. Parrish was instructed to send the summary letter to the appropriate state agency apprising them of the results of the questionnaires and that the Board will look into any workable changes that may be needed.

VIII. OTHER BUSINESS

A. New Licenses Issued

Wall certificates were presented for signature for the following new licenses/certificates issued since October 10, 2002 Board meeting.

#	Licensee	Issued
<u>DVM Licenses</u>		
2422	Elizabeth Elliott Hammond	10/18/02
2423	Narender Cheemerla	10/30/02
2424	Kenneth Neil Opengart	11/19/02
2425	Donya Dupree Olcott	11/19/02
2426	Jeremy V. Smedley	11/20/02
<u>RVT Certificates</u>		
8103	Ashley M. Edens	11/14/02
<u>CAET Certificates</u>		
9287	Traci Woodard	10/28/02
9288	Darren Mack	11/14/02
9289	David Bergmark	11/18/02

IX. EXECUTIVE SESSION

Motion was made Dr. Walther to enter executive session for discussion of miscellaneous matters properly brought before the Board, seconded by Dr. Bernard, and passed unanimously by voice vote. The executive session was closed to the public. Motion was made by Dr. Bernard to return to regular session, seconded by Dr. Walther, and passed unanimously by voice vote.

A. Merit Review, Tisha Tillman, Administrative Assistant – Ms. Parrish submitted a favorable evaluation of Ms. Tillman’s position with recommendation. Motion was made by Dr. Randall and seconded by Dr. Walther to grant a 7% merit pay raise and additionally \$500.00 for her extra duties and dedication exemplified during the annual renewal processes and transition of the new Director. Motion was passed unanimously by voice vote.

B. Ranges for Merit Increase Maximum for FY2004 – Ms. Parrish presented proposal for maximum merit increases for FY2004 with history of previous approved ranges. Motion was made by Dr. Walther to approve 7% as the maximum merit increase available for FY2004, seconded by Dr. Bernard, and approved unanimously by voice vote.

C. Stephanie Nix, DVM, Request for CE Waiver – Motion was made by Dr. Walther to approve deferrment of CE credits for FY03 license renewal for Dr. Nix as well as waiver of the late fee, with the stipulation that she accrue 32 CE credits for FY04 renewal, seconded by Dr. Bernard, and approved unanimously by voice vote.

X. ADJOURN

There being no further business before the Board, motion was made by Dr. Davis to adjourn, seconded by Dr. Bernard, and passed unanimously by voice vote. The meeting was adjourned at approximately 1:55 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD ON JANUARY 30, 2003.

Glenn Walther, DVM
Board Secretary-Treasurer