

LA Board of Veterinary Medicine – Board Meeting Agenda – April 4, 2024

I. CALL TO ORDER

Board President, Dr. Trisha Marullo, called the meeting to order at 8:39am.

II. ROLL CALL

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

Those present:

Trisha C. Marullo, DVM	Board President
Larry L. Findley, Sr, DVM	Board Vice President
Keri A. Cataldo-Rogers, DVM	Board Secretary-Treasurer
Jesse S. Brandon, DVM	Board Member
Christine D. McHughes, DVM	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel

The Board's Statement of Obligations (below) was read aloud by Dr. Cataldo-Rogers to all present for the meeting. Attendees were given the opportunity to introduce themselves (if desired) and to make public comments to the Board. No written comments were received prior to April 4, 2024.

Statement of Obligations, *Revised by Board Legal Counsel on October 6, 2020* – The Louisiana Board of Veterinary Medicine (being a state regulatory agency within the LA Department of Agriculture and Forestry) is a governmental entity whose mandate is to protect the public/animals by enforcing its jurisdiction of interpreting and implementing applicable laws, and the rules it promulgates, regarding the acceptable standard of veterinary care in LA. The Board has sole and sovereign authority in Louisiana over the practice of veterinary medicine as granted to it by the Legislature. The Board members are appointed by the Governor and confirmed by the Senate and take an Oath of Office. The Board members in discharge of their duties are also held to the ethical standards of state government officials. By statute, candidates for the Governor's consideration for appointment to the Board are made by the state professional association. While a Board member may hold general membership in a professional association, he is legally and ethically bound to his Oath of Office and will discharge his duties without any considerations or goals beyond his lawful obligations on the Board. A Board member does not represent the interests of the practitioners of veterinary medicine or a professional association while he serves on the Board, nor will he use his office to engage in any conduct which may constitute restraint of lawful trade.

III. APPROVAL OF MINUTES

A. Board Minutes for February 1, 2024

The Board reviewed minutes from February 1, 2024. With no discussion on the minutes, motion was made to accept the minutes as given by Dr. Findley, seconded by Dr. Brandon, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS & CONTRACTS

A. Financial Reports – January & February '24

Mr. Granier presented the financial reports for the months of January and February '24 for review by the Board. Mr. Granier informed the Board that all financial matters are in order. There were no questions regarding financial reports reviewed by the Board members. Motion was made by Dr. Findley to accept the financial reports as presented, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice vote.

B. Investments, CDs - FY 2024

Mr. Granier reviewed accrued interest amounts for current certificates of deposit (CDs) for FY2024. CDs will continue to roll over as they mature unless withdrawal is requested from the Board by Mr Granier. Motion made by Dr. Findley, seconded by Dr. Cataldo-Rogers, to accept the investment report as presented. With no further discussion, the motion passed unanimously by voice vote.

C. Contract Updates – ICVA NAVLE Contract - May 1, 2024 to April 30, 2027

Mr. Granier presented to the Board two contract options related to the approval of NAVLE candidates. Option #1 extends to April 30, 2027 the current contract which requires an application to apply to the Board for approval to sit for the NAVLE. Option #2 amends the current contract to remove the Board from the process of NAVLE approval. With option #2, NAVLE candidates apply directly through ICVA and not through the Board. Rather, ICVA will bear the sole responsibility of reviewing eligibility requirements and approving candidates to sit for the NAVLE. Following discussion, motion made by Dr. Brandon to accept option #2 and remove the requirement for Board approval to sit for the NAVLE, seconded by Dr. McHughes, and passed unanimously by voice vote.

V. STATUTES, RULES, POLICIES & PROCEDURES

A. Rulemaking Projects, Proposals, & Discussions

1. LAC 46LXXXV.103 - Meetings of Boards via Electronic Means

Mr. Granier updated the Board on the rulemaking process regarding section 103 of LAC 46:LXXXV. Following review and approval from the Senate and House Legislative Oversight Committees, the final rule will be published in the *Louisiana Register* April or May '24 edition. The final rule will be effective on the date of promulgation. No action was needed or taken on this item.

2. LAC 46LXXXV.400.403.405.409.411.413.800.811.1200.1227 - Chapter 4. Continuing Education and Rules 811 & 1227

Mr. Granier advised the Board that the Notice of Intent - which amends Chapter 4 as well as Chapters 8 and 12 of LAC 46:LXXXV relative to the definition of online continuing education and the maximum hours for online continuing education – was published in the *Louisiana Register's* March 20 the edition. Following publication, the Board received only one comment during the period of public comment. The comment addressed a clerical error in the writing of the Notice of Intent regarding the maximum number of allowable online continuing education hours for RVTs (Registered Veterinary Technicians). The public comment submission and response along with the correction will be submitted for review and approval in the Summary Report to the Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development as well as the Louisiana Department of Justice's Occupational Licensing Review Program. No motion made, and no further action was taken on this matter at this time.

3. LAC 46LXXXV.1007.1011.1025.1039.1051.1057.1063 - Rules of Professional Conduct

As required by the 2022 Louisiana Administrative Code Review, Mr. Granier presented to the Board proposed amendments as discussed by the Board related to rules §1007, §1011, §1025, §1039, §1051, §1057, and §1063 in Chapter 10 of the Louisiana Veterinary Practice Act. Final language changes were discussed, after which time a motion was made by Dr. Brandon to accept the final amendments, seconded by Dr. McHughes. With no further discussion, the motion passed unanimously by voice vote. Mr. Granier will begin the formal rulemaking process with this Notice of Intent.

4. LAC 46LXXXV.Chapter 10 - Rules of Professional Conduct – Repromulgation of Reviewed Rules

In accordance with the 2022 Louisiana Administrative Code Review, after a comprehensive review of Chapter 10 the Board will repromulgate all sections of Chapter 10 that were not amended in V.A.3 of the agenda above. Motion made by Dr. Cataldo-Rogers to approve the repromulgation of Chapter 10 sections not amended in V.A.3, seconded by Dr. Findley. With no further discussion, the motion passed unanimously by voice vote. The request for repromulgation will be submitted to the *Louisiana Register* later in the 2024 calendar year by Mr. Granier.

5. LAC 46LXXXV.Chapter 7 – Repromulgation of Veterinary Practice

Mr. Granier reminded the Board that the sections of Chapter 7 which were reviewed and for which no amendment(s) were necessary will be repromulgated in the *Louisiana Register* in accordance with the 2022 Louisiana Administrative Code Review.

6. LAC 46LXXXV. 700, 702, 704, 707, 712, & 714

At its October '23 meeting the Board discussed substantive amendments to the following sections of Chapter 7: section 700 relative to the definition of the Veterinary-Client-Patient-Relationship; and section 705 relative to the allowable drugs prescribed and dispensed to deer farmers. Mr. Granier and Mr. Vogt are drafting a Notice of Intent to present to the Board at its June '24 meeting for final review and vote before moving forward with the formal rulemaking process, which will include the two previously mentioned sections as well as additional sections in which language is being cleared up but with no substantive changes. No motion made and no further action was taken on this matter at this time.

B. Policies and Procedures

1. Central Listing of Public Disciplinary Action Reports on Website

At Mr. Granier's request, the Board discussed the option of having a centralized listing of all public disciplinary action reports on the Board's website, allowing for greater transparency with the public. Following discussion, motion made by Dr. Findley to approve the publication to the Board's website all public disciplinary action reports, seconded by Dr. McHughes, and passed unanimously by voice vote.

C. Declaratory Statements

1. None at this time

D. General Agenda

- 1. None at this time**

E. Consent Agenda Opinions – Answered

1. Is the AVCA Exam/Course Recognized by Board for Chiropractic Alternative Therapies

A board certified chiropractor (human medicine) asked the board if a particular course in animal chiropractic was board-approved so as to allow him to render chiropractic services to animals. He was advised of the board rule (712) that allows this alternative therapy to be administered by a layperson (person not licensed or certified by the board) if he possesses a license, registration or certification issued by another regulatory authority in Louisiana, without specific training approved by the board in advance of treatment. Since the person posing the query is licensed by the Louisiana Board of Chiropractic Examiners, he is qualified to provide this therapy provided he works under direct supervision of the veterinarian who has established the VCPR with the client. The veterinarian has additional responsibilities in order to delegate this treatment to a layperson, including obtaining informed consent from the client in writing, the maintenance of records and confidentiality and the assumption of responsibility for the therapy delegated.

2. Can Hardcopy Records be Destroyed After Five Years

A licensed veterinarian asked if paper records concerning patient appointments could be destroyed after 5 years and was advised that records may be retained in paper or computer-generated means and that the retention scheduled is 5 years from the date of the last examination of the patient. If the required period has passed, then irrespective of format the records need not be retained. Specifically paper records can be destroyed after the 5 years has passed and within the five years if converted to electronic form, provided they are reproducible and contain the mandatory forms (i.e. anaesthesia, euthanasia, informed consent, etc.)

3. Can a Vet Practice Under Maiden Name if Name is Changed on Driver's License

The above question was posed and answered as follows: in Louisiana, a name on a birth certificate is the "legal name" which must be used until there is a legal change made under the civil laws. Louisiana does not recognize the common law right to assume the use of another name. The board's rules do not prohibit using a portion of the legal name of its licensees (e.g. where the legal name due to marriage has been changed but it is used in conjunction with the maiden name) as long as there are no circumstances which would confuse the public as to the true identity of the licensee.

4. Is A New Graduate Who Has Not Passed NAVLE Able to Work for LA State Racing Commission

The Louisiana Veterinary Practice Act excludes board jurisdiction and the requirement for licensure to engage in the practice of veterinary medicine any employee of the federal, state or local government performing his official job duties. There must be a true "employee" status and not similar employment relationships (e.g. independent contractor) under the civil laws of Louisiana but as an employee of this commission licensure is not required and the failure

to pass the NAVLE does not preclude employment by the Louisiana Racing Commission for the job duties assigned and described by the person posing the query.

5. Can Medical Records Be Withheld Until Payment is Received

This oft-asked question was again answered in the negative. A client is entitled to the medical records of a patient notwithstanding a balance is owed to the practice. The collection of a debt is a civil matter not within the board's jurisdiction. A reasonable cost of reproducing the record or a synopsis of the record may be charged by the veterinarian, but that cost is not associated with the account balance and must truly reflect reproduction costs.

6. Can a Veterinarian Hold a Client's Medical Records if a Bill is Owed

The same question as item 5 was posed by a client and the client was advised this is not permissible.

7. Are There LBVM Statute Regarding Humane Euthanasia By a Client

A licensee asked the board if it was "legal" for a client to euthanize an animal owned by the client by gunshot. He was advised that under the board's regulations, the practice of veterinary medicine and the board's jurisdiction does not apply to the owner of the animal (La. R.S. 37:1514 (6)) but that the board cannot advise as to the legality of such acts under other Louisiana laws (e.g. cruelty provisions).

F. Consent Agenda Opinions – Proposed

1. None at this time

G. Consent Agenda Opinions - Expedited / Emergency Opinions

1. None at this time

VI. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued

Mr. Granier reported all new licenses and certificates issued - 21 total listed below - from 01/20/24 to 03/13/24. *{Go to end of minutes document for listing of all new licenses and certificates issued.}* Motion made by Dr. Findley to accept and ratify all issued licenses as given, seconded by Dr. McHughes, and passed unanimously by voice vote.

B. Office Updates – Applications, Active Licensees, & Complaints

Mr. Granier reported to the Board statistics on applications, complaints, and continuing education review requests from January 20, 2024 to March 13, 2024. *{Go to end of minutes document for listing of all new licenses and certificates issued.}* No motion made and no further action was taken on this matter.

C. ICVA Changes to NAVLE Testing Windows & Application Process

Mr. Granier informed the Board that beginning with the '25-'26 testing cycle, ICVA will offer three NAVLE testing windows each year instead of two. No motion made and no further action was taken on this matter.

D. Newsletter Publishing Schedule

Mr. Granier informed the Board that the Annual Report to Licensees will now be

sent out annually in August in order to better align with the annual appointment of new Board members and to allow for the report of disciplinary action taken to align with the Board's fiscal year reports. The release of the Annual Report would also be best in August as it would follow the Board's Annual meeting held in June. Mr. Granier will continue to release pertinent articles and notifications to licensees on the Board's website and in monthly email communications. No motion made and no further action was taken on this matter.

VII. CONTINUING EDUCATION ISSUES

A. None at this time

Motion made by Dr. Findley 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. Cataldo-Rogers, and passed unanimously by voice vote.

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

VIII. ADMINISTRATIVE HEARINGS

A. Case #23-0609 – Trial

This trial, if needed, was postponed to the June '24 meeting. No motion made and no further action was taken on this matter at this time.

B. Case #24-0725 - Proposed Consent Order

A complaint was filed against a licensee after a client presented the patient for testing to determine when a C-Section would be needed to deliver the pups. It was alleged the "normal time" of gestation had not passed. During the examination the licensee determined that the client was in labor and sought authorization for, and obtained, permission for an emergency C-Section. The pups were not viable and the client alleged malpractice. Following the procedure, the patient was presented elsewhere for examination when exhibiting signs of going into labor. A fully developed but dead pup was discovered and the subsequent attending veterinarian noted the pup had died of deformities. The investigating board member determined that the C-Section was necessary and did not constitute behaviour below the standard of care but that the failure to discover all pups was malpractice. The licensee agreed to a Consent Order and fine of \$1000 and to reimburse the board the costs of investigation. The board approved the consent order with the investigating member being recused from deliberations.

C. Case #24-1018 - Proposed Consent Order

A licensee failed to remove a portion of the patient's uterus pursuant to a routine spay, requiring subsequent surgical intervention. The investigating board member found conduct below the standard of care. The licensee agreed to, and the board approved, a consent order imposing a \$500 fine and the recoupment of costs expended by the board in the investigation of the allegations of the complaint. The investigating board member was recused from deliberations.

D. Case #24-1130 - Proposed Consent Order

This agenda item was moved to the June '24 meeting. No motion made and no further action was taken on this matter at this time.

IX. LICENSING ISSUES

A. Request for Predetermination of Eligibility

A former licensee who surrendered his license upon conviction of federal offenses directly related to the practice of veterinary medicine asked the board for a predetermination on whether the convictions would be disqualifying should he reapply for licensure. The board, following discussion of the nature of the offenses, the time that has passed since then, the relationship of the nature of the offenses and the practice of veterinary medicine and other analyses as required by law determined, preliminarily, that the offenses were in fact disqualifying. The petitioner will be notified of the decision, rationale and rights of appeal. Prior to discussion, Dr. Findley recused himself. Motion made outside of executive session by Dr. Cataldo-Rogers, seconded by Dr. Brandon, to deny eligibility.

X. APPLICANT ISSUES

A. Keely Howard, RVT – Waiver Request of VTNE Retake

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Howard. Motion made outside of executive session by Dr. Findley, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

B. Emily Britton, DVM – Waiver Request of NAVLE Retake

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Britton. Motion made outside of executive session by Dr. Findley, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

C. Michala Lindley, DVM – Waiver Request of NAVLE Retake

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Lindley. Motion made outside of executive session by Dr. Findley, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

D. Jamie Smith, DVM – Waiver Request of NAVLE Retake

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Smith. Motion made outside of executive session by Dr. Findley, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

XI. EXECUTIVE SESSION

A. Update: Civil Litigation, LBVM vs. O. Nyzhnyk (Suit No. 2021-9164 A)

The Board was briefed on the status of its suit against an individual practicing equine dentistry without a license as a veterinarian and outside the employment of a veterinarian by general counsel.

B. Update: Civil Litigation, Pelican Institute vs. LBVM (Suit No. C-735730)

The Board was briefed on the status of a civil suit filed against it on behalf of three DVMs who are/were licensed out of state and who either applied for a waiver of the requirement to retake the NAVLE or did not apply for licensure due to the Rule language adopted by the Board.

C. Legal Strategy Discussion on Potential Litigations Against Non-Licensee Practice of Veterinary Medicine

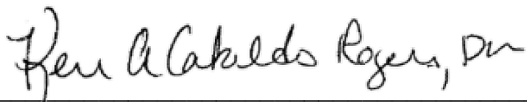
The board was briefed on the progress of several investigations of individuals alleging the practice of veterinary medicine without a license. Mr. Vogt and Mr. Granier were instructed by the Board to handle the initial complaints/allegations with the same protocols as complaints against licensees.

Upon conclusion of all discussions in executive session, motion made to return to regular session by Dr. Findley, seconded by Dr. Brandon, and approved unanimously by voice vote. All votes and action taken related to administrative hearings, applicant issues, licensee issues, and personnel reviews above were made out of executive session. Motion made by Dr. Findley to approve in globo all waivers for applicant and licensee issues, seconded by Dr. Cataldo-Rogers. The motion passed unanimously by voice vote.

XII. ADJOURN

There being no further business before the Board, motion made to adjourn by Dr. Findley, seconded by Dr. Cataldo-Rogers, and passed unanimously by voice vote. The meeting was adjourned at 12:53pm.

Minutes reviewed and approved by full board on June 6, 2024.



Keri Cataldo-Rogers, DVM, Board Secretary-Treasurer

NEW APPLICATIONS from 03/14/24 to 05/15/24			
Submitted Applications		Approved Applications	
Animal Euthanasia Technician	22	Animal Euthanasia Technician	33
Veterinarian	7	Veterinarian	7
Veterinarian - Faculty	20	Veterinarian - Faculty	14
Veterinary Technician	14	Veterinary Technician	5
Grand Total	63	Grand Total	59

Current Licensee Count (as of 05/15/24)	Total # of Active
CAETs	213
Active - Full	191
Active - Lead	22
DVMs	1778
Active	1764
Inactive - Disabled	1
Inactive - Retired	13
Military - Active Status	0
DVMs - Faculty	192
Faculty - Active	192
RVTs	357
Active	357
Grand Total	2,540

CONTINUING EDUCATION REVIEWS & APPROVALS

From 03/14/24 to 05/15/24

42 CE activity requests were approved for the '23-'24 CE period and the '24-'25 CE period.

COMPLAINTS			
<i>From 03/14/24 to 05/15/24</i>		<i>Still On-Going / Active</i>	
Complaints Received	4	Pending Cases (licensees)	21
Complaints Closed	6	Pending Cases (non-licensees)	6
Consent Orders Issued	2	Consent Orders	1
Consent Orders Closed	0	HPFLA Referrals	5
Other Negative Actions *	0	Other Negative Actions *	2
* Other negative actions include, formal reprimands, informal reprimands, cease and desist notices, etc.			

New Licenses Issued from 03/14/24 to 05/15/24

License No.	Name	Type	Issued On
9773	Petty, Jessica	CAET - Active - Full	05/01/2024
30101	Dilly, Breanna	CAET - Active - Full	04/02/2024
30102	Eberle, Gabriel	CAET - Active - Full	04/26/2024
30103	Chismark, Kortnee	CAET - Active - Full	04/26/2024
30104	Dumas, Kaitlyn	CAET - Active - Full	05/01/2024
30105	Diamond, Tina	CAET - Active - Full	05/01/2024
30106	Jimerson, Tazia	CAET - Active - Full	05/01/2024
30107	Brent, Jasmin	CAET - Active - Full	05/01/2024
30108	Murphy, Zackary	CAET - Active - Full	05/01/2024
30109	Rivette, Ashlee	CAET - Active - Full	05/01/2024
30110	Rudolph, Lyndsey	CAET - Active - Full	05/01/2024
30111	Nelson, Latasha	CAET - Active - Full	05/01/2024
30112	Chretien Jr., Byron	CAET - Active - Full	05/01/2024
30113	Voight, Daisy	CAET - Active - Full	05/01/2024
30114	Wales, Victoria	CAET - Active - Full	05/01/2024
30115	Garcia, Jesalyn	CAET - Active - Full	05/01/2024
30116	Howard, Calvin	CAET - Active - Full	05/01/2024
30117	Decuir, Avione	CAET - Active - Full	05/01/2024
30118	Mack, Jamarique	CAET - Active - Full	05/01/2024
30119	Landreneau, Olivia	CAET - Active - Full	05/01/2024
30120	Morgan, Leslie	CAET - Active - Full	05/01/2024
30121	Justiss, Lauren	CAET - Active - Full	05/01/2024
30122	Bigner, Kasie	CAET - Active - Full	05/01/2024
30123	Jackson, Wren	CAET - Active - Full	05/01/2024
30124	Aultman, Eli	CAET - Active - Full	05/01/2024
30125	Duran, Tammy	CAET - Active - Full	05/01/2024
30126	Bowes-Newsome, Nadeen	CAET - Active - Full	05/01/2024
30127	Lowery, Teddy	CAET - Active - Full	05/01/2024
30128	Richardson, Andrea	CAET - Active - Full	05/01/2024
30129	Judy, Deana	CAET - Active - Full	05/01/2024
30130	Moore, Kaylee	CAET - Active - Full	05/01/2024
30131	Gonzalez Betancourt, Alexis	CAET - Active - Full	05/01/2024
30132	Brand, Elena	CAET - Active - Full	05/01/2024
10262	Britton, Emily	DVM - Active	04/08/2024
10263	Comeaux, Wyatt	DVM - Active	04/10/2024
10264	Lindley, Michala	DVM - Active	04/15/2024
10265	Smith, Jamie	DVM - Active	04/22/2024
10266	Taguchi, Takashi	DVM - Active	05/01/2024
10267	Fortin, Danielle	DVM - Active	05/14/2024
10268	Anderson, Tyler	DVM - Active	05/14/2024
Faculty 1071	Gill, Nimar	DVM - Faculty - Active	04/09/2024
Faculty 1175	Coleman, Denver	DVM - Faculty - Active	03/28/2024
Faculty 1176	Marroquin, Shanna	DVM - Faculty - Active	04/05/2024

Faculty 1177	Park, Juneshine	DVM - Faculty - Active	04/15/2024
Faculty 1178	Walker, Hunter	DVM - Faculty - Active	04/15/2024
Faculty 1179	Saengsawang, Piyachat	DVM - Faculty - Active	04/16/2024
Faculty 1180	Hong, Jisoo	DVM - Faculty - Active	04/30/2024
Faculty 1181	Hale, Michael	DVM - Faculty - Active	04/30/2024
Faculty 1182	Adamchick Galindo, Valeria	DVM - Faculty - Active	04/30/2024
Faculty 1183	Mitropoulou, Athanasia	DVM - Faculty - Active	04/30/2024
Faculty 1184	Mangat, Anmol	DVM - Faculty - Active	04/30/2024
Faculty 1185	Guischard, Ruth	DVM - Faculty - Active	05/06/2024
Faculty 1186	Rodriguez Chible, Isidora	DVM - Faculty - Active	05/14/2024
Faculty 1187	Mendez Valenzuela, Carlos	DVM - Faculty - Active	05/14/2024
20114	Lange, Madison	RVT - Active	04/01/2024
20115	Howard, Keely	RVT - Active	04/08/2024
20116	Hleuka, Kayla	RVT - Active	04/16/2024
20117	Pope, Britney	RVT - Active	04/16/2024
20118	Myers, Savannah	RVT - Active	05/01/2024