LOUISIANA BOARD OF VETERINARY MEDICINE BOARD MEETING October 5, 2013

Minutes

I. CALL TO ORDER

Board President, Dr. William H. Green, called the meeting to order at 8:347a.m.

II. ROLL CALL -

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

Those present:

William H. Green Steven V. Slaton, DVM Patrick R. Bernard, DVM John S. Emerson, DVM Gary T. Levy, DVM

Michael Tomino, Jr. Wendy D. Parrish Board President Board Secretary-Treasurer Board Vice President Board Member Board Member

Board General Counsel Board Executive Director

Absent:

None.

Guests:

Bland O'Connor, LVMA (8:30-9:30am)

III. APPROVAL OF MINUTES

A. Board Meeting August 1, 2013

The Board reviewed the minutes from the August 1, 2013 Board meeting. Motion was made by Dr. Levy to accept the minutes as presented, seconded by Dr. Slaton, and passed unanimously by voice vote.

B. Special Board Meeting August 13, 2013

The Board reviewed the minutes from the August 13, 2013 Board meeting. Motion was made by Dr. Levy to accept the minutes as presented, seconded by Dr. Slaton, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. **Financial Reports** – July and August 2013

Dr. Bernard moved to defer approval of the financial reports for July and August 2013 until the December 2013 Board meeting due to the late delivery of the reports by the CPA, seconded by Dr. Levy. Motion passed unanimously by voice vote.

B. FY2013 Legislative Auditor's Report – Ms. Parrish presented the legislative auditor's report for FY2013 for review. All items over/under the budgeted amounts were discussed. As all items were in order and there was no recommendation from the contracted auditor, no action was taken on this matter.

October 5, 2013 Page 2

C. **FY 2015 Budget Maximum Employee Pay Raise Amount** – Ms. Parrish presented the financial history of maximum employee pay raise amounts for the last eleven fiscal years. Motion was made by Dr. Slaton, seconded by Dr. Levy to allow a maximum employee pay raise amount of 7% as scale for FY2015. Motion passed unanimously by voice vote.

D. Annual Risk Insurance Premium – Ms. Parrish presented the insurance premium statement for FY2014 and correspondence from Office of Risk Management regarding the 76% increase in premium amount. No action was taken on this item.

V. Administrative Proceedings

A. Case 131210 V – Arthur C. Seale, DVM (9:30am) – Proposed Consent Order – Dr. Green was introduced as presiding officer for the proceeding. Dr. Levy was recused as investigating Board member in the case. The respondent waived appearance at the hearing. Mr. Tomino presented the facts of the case, submitted exhibits for review, and a proposed Consent Order for consideration by the Board. Upon conclusion of the presentations and questions, motion was made by Dr. Bernard, seconded by Dr. Slaton, to enter into executive session for consideration of the proposed consent order presented in the case. Motion passed unanimously by voice vote. The executive session was closed to the public and only those Board members on the panel were present (Drs. Green, Slaton, Bernard and Emerson).

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

B. Case 12-0907 D - (10:30am) -

Motion was made by Dr. Bernard to go into executive session to discuss confidential matters regarding licensee not subject to public disclosure as per the law, seconded by Dr. Levy, and passed unanimously by voice vote.

Upon conclusion of executive session, motion was made to return to regular session by Dr. Levy, seconded by Dr. Bernard, and approved unanimously by voice vote.

Motion was made by Dr. Slaton, seconded by Dr. Bernard to grant the request regarding screenings in the Agreement based on the totality of the circumstances. Motion passed by majority with the following vote: Yeas – Drs. Green, Slaton, Bernard, Levy; Nay – Dr. Emerson.

VI. DVM ISSUES

A. William H. Buller, DVM – Request for Status Change and Waiver of

Renewal Fee – After review of the documents submitted by Dr. Buller, motion was made by Dr. Emerson, seconded by Dr. Bernard to approve status change to Inactive Retired upon submission of proper affidavit and to deny the waiver of renewal fees in that the reduced renewal fee for Inactive Retired is mandatory. Motion passed unanimously by voice vote.

- B. Joseph Strother, Jr., DVM Request for Status Change and Waiver of Renewal Fee – After review of the documents submitted by Dr. Strother, motion was made by Dr. Levy, seconded by Dr. Emerson to approve status change to Inactive Disabled, and to deny the waiver of renewal fees in that the reduced renewal fee for Inactive Disabled is mandatory. Motion passed unanimously by voice vote.
- C. Gary C. Simon, DVM Request for Waiver of CE After review of the documents submitted by Dr. Simon, motion was made by Dr. Emerson, seconded by Dr. Levy to allow Dr. Simon an extension of 90 days (until December 30, 2013) for accrual and submission of 20 CE credits and waiver of the Late Renewal Fee for the 2013-2014 renewal period. Motion passed unanimously by voice vote.
- **D.** Richard Lefebvre, Jr., DVM Request for Review of CE Submission After review of the documents submitted by Dr. Lefebvre, motion was made by Dr. Levy, seconded by Dr. Slaton to deny the CE credits in that program did not meet criteria for approved DVM CE in that the approval request was not submitted prior to the event, and that the CE was not an outlined structured program. Motion passed unanimously by voice vote.
- **E.** Fred M. Enright, DVM Request for Review of Status Change After review of the documents submitted by Dr. Enright regarding current animal research and tissue collection, motion was made by Dr. Slaton, seconded by Dr. Emerson to approve status change to Inactive Retired. Motion passed unanimously by voice vote.
- F. Robert Wolf, DVM Request for Status Change After review of the documents submitted by Dr. Wolf, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve status change to Inactive Retired. Motion passed unanimously by voice vote

VII. DVM APPLICANT ISSUES

- A. Horace O. Ferguson, DVM Request Waiver of Retake of National Examination and Preceptorship Requirement – 1983 graduate of University of Florida, licensed in Florida, New York, Maryland and Kentucky. Motion was made by Dr. Slaton, seconded by Dr. Levy, to request further employment documentation in addition to that previously submitted by the applicant, to be reviewed by Ms. Parrish according to Board instruction. Motion passed unanimously by voice vote.
 - B. Alan G. Ralph, DVM Request for Waiver of Retake of National Examination and Preceptorship Requirement – 2008 graduate of University of Georgia College of Veterinary Medicine, licensed in Texas, Georgia and Michigan. Following review of the documentation submitted by Dr. Ralph, motion was made by Dr. Emerson, seconded by Dr. Levy, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application, and to approve waiver of the preceptorship requirement as the documents provided meet the criteria of full-time clinical

veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

- C. Lynne A. Snow, DVM Request for Waiver of Retake of National Examination and Preceptorship Requirement – 2004 graduate of University of Illinois, licensed in Pennsylvania, California and Western Australia. Following review of the documentation submitted by Dr. Snow, motion was made by Dr. Emerson, seconded by Dr. Levy, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application, and to approve waiver of the preceptorship requirement as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- D. Brandy Watson, DVM Request for Waiver of Retake of National Examination and Preceptorship Requirement – 2006 graduate of LSU School of Veterinary Medicine, licensed in Maryland. Following review of the documentation submitted by Dr. Watson, motion was made by Dr. Emerson, seconded by Dr. Slaton, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application, and to approve waiver of the preceptorship requirement as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- E. Georgina L. Dobek, DVM Request for Waiver of Preceptorship Requirement – 2009 graduate of Texas A&M, licensed in Texas and Nevada. Following review of the documentation submitted by Dr. Dobek, motion was made by Dr. Bernard, seconded by Dr. Slaton, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- F. Michael J. Greenberg, DVM Request for Waiver of Preceptorship Requirement – 2009 graduate of Cornell University, licensed in Wisconsin and New York. Following review of the documentation submitted by Dr. Greenberg, motion was made by Dr. Bernard, seconded by Dr. Slaton, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- G. Krista D. Lewis, DVM Request for Waiver of Preceptorship Requirement 2012 graduate of LSU School of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Lewis, motion was made by Dr. Bernard, seconded by Dr. Levy, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for

the required period of time immediately prior to application. Motion passed unanimously by voice vote.

- H. Tiffany S. McAllister, DVM Request for Waiver of Preceptorship Requirement – 2009 graduate of Iowa State University, licensed in Georgia. Following review of the documentation submitted by Dr. McAllister, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- I. Meredith C. Mouney, DVM Request for Waiver of Preceptorship Requirement – 2009 graduate of LSU School of Veterinary Medicine, licensed in Georgia. Following review of the documentation submitted by Dr. Mouney, motion was made by Dr. Levy, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical

veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
J. Joycelyn A. Newell, DVM - Request for Waiver of Preceptorship

Requirement – 2012 graduate of Tuffs Cummings School of Veterinary Medicine, licensed in Alabama. Following review of the documentation submitted by Dr. Newell, motion was made by Dr. Levy, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided meet the criteria of fulltime clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

VIII. RVT/CAET/RED ISSUES

A. Hagen Johnson – Request for Waiver of Veterinary Technology Degree – Licensed as an LVT in Alaska, without a degree from an AVMA accredited school for veterinary technology. After review of the documentation from Mr. Johnson, motion was made by Dr. Levy, seconded by Dr. Slaton, to inform Mr. Johnson that LA Veterinary Practice Act does not grant the Board the discretion to waive the formal veterinary technology education requirement necessary for registration as an RVT. Mr. Tomino was instructed to draft a reply subject to Board review. Motion passed unanimously by voice vote.

IX. CONTINUING EDUCATION ISSUES

- A. National Narcotic Detector Dog Association Tracking Program (T A Borum, DVM) Following review of the documentation submitted by Dr. Borum, as well as confirmation of approved CE through Mississippi Board of Veterinary Medicine, motion was made by Dr. Emerson, seconded by Dr. Levy, to accept the 20 DVM CE credits for participation in the K-9 training program. Motion passed unanimously by voice vote.
- **B. CAET CE (C Cooper, DVM)** Following review of the course outline and content, Mr. Tomino was instructed to draft a reply, subject to Board review, to Dr. Cooper regarding the proper administration of chemical capture drugs by CAETs properly trained in a Board approved chemical capture course. Motion

was made by Dr. Bernard, seconded by Dr. Levy. Motion passed unanimously by voice vote.

- C. Equine Dental Providers of America (B Young, RED) Following review of the program outline submitted by Mr. Young, motion was made by Dr. Levy, seconded by Dr. Bernard, to allow up to 6 RED CE credits for participation in the program which would exclude any credits for training on the use of power tools. Motion passed unanimously by voice vote.
- **D.** Registry of Alternative Veterinary Medical Education (RAIVE) Following review of the RAIVE program and reviwer panel, motion was made by Dr. Emerson, seconded by Dr. Levy, to not recognize RAIVE as an approved CE provider. Motion passed unanimously by voice vote.

X. POLICY, PROCEDURE, AND RULES

A. General Update

1. FEIS and Notice of Intent – Publication anticipated in November 20, 2013, edition of *Louisiana Register* regarding Rules 301, 303, 307, 700, 702, 801, 803, 816, 1103, 1200, and 1201in accordance with the provisions of the Administrative Procedure Act, L.R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518A(9). The proposed rules are being amended and adopted to specify the time for an application to remain open for a Veterinarian, Registered Veterinary Technician (RVT), and Certified Animal Euthanasia Technician (CAET); clarify and define the definition of full-time private practice employment for waiver of the national veterinary medical licensing examination (NAVLE) for a gualified veterinarian; establish requirements for expedited licensure for an applicant with military gualifications and his gualified spouse in compliance with Act 276 of the 2012 Regular Legislative Session (L.R.S. 37:3650); clarify and establish general definitions regarding boarding versus non-boarding animal, and unlicensed veterinarian; identify the proper entity which now prepares and administers the National Veterinary Technician Examination (VTNE) for the board; establish a five time limit a qualified RVT applicant is eligible to take the national veterinary technician examination in Louisiana which is the standard in a growing number of states and as requested by the national examination agency used by all US states; clarify and establish RVT disciplinary sanctions and a Code of Ethics; clarifies that a preceptee in the preceptorship program is not to be represented as a licensed veterinarian; clarify that a veterinarian, RVT, and CAET may legally perform preeuthanasia chemical restraint and/or chemical euthanasia; and clarify and establish that a CAET is limited to perform pre-euthanasia chemical restraint and/or chemical euthanasia only at the facility site of his employment, which may include an animal shelter's mobile vehicle, and that there may be only one Lead CAET per animal control shelter or facility. The Board concluded that the proposed Rules' revisions regarding RVTs and lay staff and their permissible duties and tasks, as well as their respective limitations, will be suspended. The actual promulgation of any proposed rules regarding this subject matter in the future will, of course as always, follow the laws regarding rule-making procedure with notice for comment/public

hearing. Motion made by Dr. Bernard, seconded by Slaton to proceed with publication of the NOI, less and except those relating to RVT/lay staff at this time. Motion passed unanimously by voice vote.

B. Policy and Procedure.

- 1. None.
- C. Practice Act, and Rules/Related Matters/Declaratory Statements.

 Query Regarding USDA Accreditation and Rabies Vaccination -The Board concluded that USDA accreditation is not required for LA licensed veterinarian to administer rabies vaccination under Practice Act and Rules, noting that under LA law only a LA licensed veterinarian may lawfully administer a rabies vaccination. Motion made by Levy, seconded by Bernard. Motion passed unanimously by voice vote.

2. Query regarding Dispensing a Controlled Drug by an Associate Veterinarian as the Primary Care Provider under Rule 705A.2 - The Board first concluded that an employed associate veterinarian does come under the context of "primary care provider" as set forth in Rule 705A.2. Second, the need to personally examine the patient at the time of dispensing or within the prior year is a professional decision to be made by the "primary care provider" based on the totality of the circumstances regarding the patient's care. Motion made by Slaton, seconded by Levy. Motion passed unanimously by voice vote.

3. Query Regarding purchase of an On-Going, Full Time Veterinary practice (which will not now be open 24 hours a day) and whether the word "hospital" can continue to be used in the name of the practice - The Board concluded that as long as the licensed veterinarian owner is in compliance with the requirements of the Practice Act and Rules, more particular Rules 700 and 711A regarding hospitals, she may use word "hospital" in the facility's name. Motion made by Slaton, seconded by Emerson. Motion passed unanimously by voice vote.

4. **Query Regarding CAET/Chemical Capture Issues** - First, the Board approved chemical capture using Ketamine (approved chemical capture drug) in a cocktail with Acepromazine (Rule 1209 approved pre-euthanasia restraint drug) to syringe pole a feral cat in its cage. Such limited use of Ketamine by a CAET only with Board approved chemical capture training is within the legally permissible scope of chemical capture. Furthermore, the CAET must follow proper documentation standards, and direct veterinarian supervision is not required. Second, a CAET is legally allowed to verify death with an intracardiac injection after she verifies the following signs in the animal: no respiration, no heartbeat (audible or palpable), no palpebral reflex, and no corneal reflex. The inquiring veterinarian will again be referred to Rule 1209 regarding the restrictions on the otherwise use of intracardiac injection. Motion made by Bernard, seconded by Levy. Motion passed unanimously by voice vote.

5. Query Regarding Ultrasonography, RVT/Educational Program, and Prohibition to Use of "LVT" Title by a Non-RVT - It

is noted that the Board is working on potential rules revisions regarding RVTs and lay staff and their permissible duties and tasks, as well as their respective limitations. The actual promulgation of such proposed rules will follow the laws regarding rule-making with notice for comment/public hearing. However, regarding the task at hand, the content of this decision regarding ultrasonography and the lay person will remain in effect, unless and until changed by future rule promulgation. Accordingly, the Board first concluded that, given the lay person's specific training in ultrasonography as described and even without current RVT registration, he may generate ultrasonographic images, however, he may not read or otherwise interpret such images as such would constitute the illegal practice of veterinary medicine for which a LA license to practice veterinary medicine as a veterinarian is required. In addition, he may not legally perform fine needle aspiration of organs as this procedure also constitutes the practice of veterinary medicine for which a LA license to practice veterinary medicine as a veterinarian is required. Proper supervision by the LA licensed veterinarian of the lay person is legally required at all times. Second, the LA Veterinary Practice Act does not grant the Board the discretion to waive the formal veterinary technology education requirement necessary for registration as an RVT. While Alaska's laws apparently do not have the same credential requirement as established here in Louisiana, and the lay person passed the VTNE under its jurisdiction, there is no reciprocity or registration recognized in this matter. Each state is a sovereign jurisdiction with generally similar, but not identical, laws and registration requirements. Accordingly, the Board cannot grant the lay person registration as an RVT at this time. Third, until the lay person becomes an RVT in Louisiana, he cannot lawfully represent himself as an RVT or use any similar nomenclature, which includes the use of "LVT" after his name. "LVT" status may be proper under Alaska law and within its territorial boundaries, but such use constitutes a misrepresentation to the public here and is prohibited in Louisiana. Fourth, and most importantly, the supervising veterinarian of the lay person will also be advised that she is responsible for the representations made by her lay staff in the scope of their permissible duties at or for the veterinary facility. Motion made by Bernard, seconded by Slaton. Motion passed unanimously by voice vote.

IX. 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

3133	Hooks	Robert Blake
3134	Armstrong	Peter M.
3135	Dhuet	Ryan Keith

3136	Moore	Sarah Katherine
3137	Bercier	Sara Ann
3138	Carlson	Emily Strecker
3139	Kliebert	Erin Elizabeth
3140	Clement	Rachel Elizabeth
3141	Flores	Rafael Guillermo
3142	Oray	Lauren T.
3143	Kappler-	Jessica Marie
	Hamilton	
3144	Serio	Jacqueline Diane
3145	Kidder	Aimee Colette
3146	Wheeler	Julie Anne
3147	Binder	Lauren Ann
3148	Culpepper	Savanna Marie
3149	Bennett	Jennifer Sefton
3150	Brandon	Jesse Scott
3151	Thomas	Stephanie J.
3152	Kelly	Amanda Christine
3153	Geltz	Meredith Alice
3154	Pearce	Tony Joe
3155	Lehmkuhl	Linda Borsetti
3156	Sandstrom	Brandi Kidder
3157	Brassette	Meredith Elise Ford
3158	Candies	Kaitlynn Michelle
3159	Meier	James Phillip
3160	Gregorio	Calen Scot
3161	Welsh	Heather Elise
3162	Kiel	Emily Ann
3163	Williams	Jarod Earl
3164	Brewer	Bethany Dawn
3165	Burger	Ashley Renee

<u>RVT</u>

8256	Scott	Lea Daysha
8257	Campo	Anjele Nicole
8258	Dwyer	Jessica Anne
8259	Gilbert	Gabrielle Ashley
8260	Hyde	Jessica Lauren
8261	Liuzza	Suzanne
8262	Polman	Whitney Claire
8263	Swilley	Samantha Jo
8264	Lemoine	Meghan Nicole
8265	Cosper	Theresa Lenez
8266	Zeisloft	Stephanie Byrnes
8267	Bennett	Britney Sue
8268	Rivera	Bianca
8269	Forest	Jonesha LaShon
8270	Hayward	Shana Michelle

CAET

Fox Jr.	Benny Joe
Cowen	Natalie Renee
Allen	Summer Renae
Archer	Stephanie Robin
Hart	Jonathan Caleb
Hockman	Alison Grace
Jenkins	Jan Lloydette
Liuzza	Cloey Michelle
Luna	Charlotte Schaefer
McHenry	Penny Marie
Pugh	Patricia Jean
Rogers	Jake Dylan
Vicks III	Bertrand Claudewell
Durcinka	Eric Clinton
Murphy	Kelly McKee
Gordon	Alyse Kathryn
	Allen Archer Hart Hockman Jenkins Liuzza Luna McHenry Pugh Rogers Vicks III Durcinka Murphy

B. Collaborative Practice (Kristy Lyn) – Following review of the query and educational documentation of Ms. Lyn, motion was made by Dr. Levy, seconded by Dr. Slaton, to approve the educational program on acupuncture at Won Institute of Graduate Studies based on compliance with Rule 712.A. Motion passed by majority as follows: Yeas – Drs. Slaton, Bernard, Emerson, Levy; Nay – Dr. Green.

C. **Proposed 2014 Board Meeting Dates** – Ms. Parrish presented proposed Board meeting dates for 2014. Motion was made by Dr. Levy, seconded by Dr. Bernard to accept the proposed dates as presented to be printed in the Board's 2013 newsletter and published in the *Louisiana Register*, which dates are February 6, April 3, June 5, August 7, October 2, December 4, 2014. Motion passed unanimously by voice vote.

D. **AAVSB 2013 Annual ConferenceReview** – Dr. Levy and Ms. Parrish commented on the AAVSB program attended in Kansas City, MO on September 19-22, 2013. No action was taken on this item.

E. **CAET Program November 14, 2013 Training** – Ms. Parrish provided an update on the next training program, scheduled for Thursday, November 14, 2013. Dr. Emerson volunteered to train at the site, Calcasieu Parish Animal Control in Lake Charles. No action was taken on this item.

X. EXECUTIVE SESSION

Motion was made by Dr. Bernard to go into executive session to discuss issues and receive legal advice regarding potential contested matters and personnel matters, including staff annual review, 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. Bernard, seconded by Dr. Levy, and approved unanimously by voice vote.

No action was taken.

October 5, 2013 Page 11

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Bernard, seconded by Dr. Levy, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 3:33p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on December 5, 2013.

Patrick Bernard, DVM, Board Secretary-Treasurer