

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
June 8, 2017**

Minutes

I. CALL TO ORDER

Board President, Dr. John Emerson, called the meeting to order at 8:30 a.m.

New Board member Dr. Keri Cataldo, was welcomed by the Board.

II. ROLL CALL –

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

Those present:

John S. Emerson, DVM	Board President
Fenton Lipscomb, DVM	Board Vice President
William H. Green, DVM	Board Secretary-Treasurer
James R. Corley, DVM	Board Member
Keri Cataldo, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

None.

Guests:

LVMA - Patrick Thistlethwaite, DVM, and Stephanie Karaty

The Board Mission Statement was read by Dr. Green.

III. APPROVAL OF MINUTES

A. Board Meeting April 6, 2017

The Board reviewed the minutes from the April 6, 2017 Board meeting. Dr. Motion was made by Dr. Lipscomb to accept the minutes as presented with the corrections as discussed, seconded by Dr. Green, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Ms. Parrish and Dr. Green presented the financial reports for the month of January through April 2017 for review. Due to lateness of the report submission by the CPA, the board will review the reports during the August 2017 meeting.

B. Budget Forecast FY2017; Certificate of Deposit Investment Authority to Purchase – Ms. Parrish presented a budget forecast for FY2017 for review and discussion. Further clarification of the forecast will be reviewed during the August

2017 Board meeting once the monthly financial reports have been reconciled. Ms. Parrish stated that FY2017 Board budget should be close to target.

Ms. Parrish reviewed rates and accrued interest amounts for certificates of deposit (CDs) for FY2017. Motion was made by Dr. Lipscomb, seconded by Dr. Green, to authorize Ms. Parrish, Executive Director, in association with the Board Secretary-Treasurer elect, Dr. Corley, to make internal fund transfers for the purchase of CDs during FY2018. Motion passed unanimously by voice vote.

- C. Compliance Questionnaire for Audit Engagement** – The Board reviewed the compliance questionnaire for the engagement of the auditor for the FY2017 audit to be performed after June 30, 2017. The compliance questionnaire answers general questions relative to the Board’s actions during the fiscal year. Motion was made by Dr. Lipscomb, seconded by Dr. Green to approve the compliance questionnaire as presented. Motion passed unanimously by voice vote.

V. ADMINISTRATIVE PROCEEDINGS

A. Case 17-0708 V (9:00am) – Proposed Consent Order -

Dr. Emerson was introduced as presiding officer for the proceeding. Dr. Lipscomb 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 Consent Order for consideration by the Board. Upon conclusion of the presentation and questions, motion was made by Dr. Corley, seconded by Dr. Green to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.

B. Case 16-0401 V – (9:00am) – Proposed Consent Order -

Dr. Lipscomb was introduced as presiding officer for the proceeding. Dr. Emerson 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 Consent Order for consideration by the Board. Upon conclusion of the presentation and questions, motion was made by Dr. Green, seconded by Dr. Cataldo to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.

C. Case 16-0620 V – (9:00am) – Proposed Consent Order -

Dr. Emerson was introduced as presiding officer for the proceeding. Dr. Green 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 Consent Order for consideration by the Board. Upon conclusion of the presentation and questions, motion was made by Dr. Lipscomb, seconded by Dr. Corley to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote

VI. DVM ISSUES

Motion was made by Dr. Lipscomb to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law in V. DVM ISSUES, seconded by Dr. Green, and passed unanimously by voice vote.

Upon conclusion of executive session to review and consider all items in VI. DVM ISSUES, motion was made to return to regular session by Dr. Corley, seconded by Dr. Green, and approved unanimously by voice vote, to specifically address each item in the respective sections as follows:

A. Curt M. Degeyter DVM – Request Waiver of CE Credits (Military) –

Following review of the documentation submitted Dr. Degeyter, motion was made by Dr. Lipscomb, seconded by Dr. Corley, to **approve** waiver of CE credits for Renewal Year 2017-2018. Motion passed unanimously by voice vote.

VII. DVM APPLICANT ISSUES

Motion was made by Dr. Lipscomb to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law in VII. DVM APPLICANT ISSUES, seconded by Dr. Green, and passed unanimously by voice vote.

Upon conclusion of executive session to review and consider all items in VII. DVM APPLICANT ISSUES, motion was made to return to regular session by Dr. Corley, seconded by Dr. Green, and approved unanimously by voice vote, to specifically address each item in the respective sections as follows:

- A. Anne Christine Remmers, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2000 graduate of Iowa State University, licensed in Iowa and New Jersey. Following review of the documentation submitted Dr. Remmers, motion was made by Dr. Green, seconded by Dr. Lipscomb, to **approve** waiver of retake of the national examination and 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.
- B. Amy Brennan McBride, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2012 graduate of Ross University, licensed in Colorado and Florida. Following review of the additional documentation submitted by Dr. McBride, motion was made by Dr. Lipscomb, second by Dr. Corley, to **approve** waiver of retake of the national examination and 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.
- C. Travis Mitchell Holland, DVM – Request Waiver of Preceptorship Requirement** – 2015 graduate of LSU School of Veterinary Medicine, licensed in Kentucky. Following review of the documentation submitted Dr. Holland, motion was made by Dr. Green, seconded by Dr. Lipscomb, 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. Both motions passed unanimously by voice vote.

D. Alexander Thomas Juneau, DVM – Request Waiver of Preceptorship

Requirement – 2014 graduate of LSU School of Veterinary Medicine, licensed in Nevada. Following review of the documentation submitted Dr. Juneau, motion was made by Dr. Corley, seconded by Dr. Lipscomb, 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. Both motions passed unanimously by voice vote.

E. Alexandra Zosia Portanova, DVM – Request Waiver of Preceptorship

Requirement – 2016 graduate of Oklahoma State University, licensed in Colorado. Following review of the documentation submitted Dr. Portanova, motion was made by Dr. Green, seconded by Dr. Lipscomb, 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. Both motions passed unanimously by voice vote.

F. Dylan Perry Shannon, DVM – Request Waiver of Preceptorship

Requirement – 2016 graduate of LSU School of Veterinary Medicine, licensed in Michigan. Following review of the documentation submitted Dr. Shannon, motion was made by Dr. Corley, seconded by Dr. Cataldo, 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. Both motions passed unanimously by voice vote..

G. Will Clay Werner, DVM – Request for Waiver of Preceptorship Requirement

– 2014 graduate of Ross University, licensed in New York, Oklahoma, Florida and New Mexico. Following review of the documentation submitted by Dr. Werner, motion was made by Dr. Lipscomb, seconded by Dr. Corley, 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.

VIII. PRECEPTORSHIP ISSUES

A. Equine Track Associates, Inc. – The board reviewed the request and documentation for preceptorship site approval status, in particular Full vs. Limited Status. Motion was made by Dr. Lipscomb, seconded by Dr. Green, to approve the facility as a full preceptorship site based upon satisfactory supplemental information to be provided to the Board. Motion passed unanimously by voice vote. Ms. Parrish is to contact the facility regarding the additional information/documentation required.

IX. CONTINUING EDUCATION ISSUES

A. Compassion Fatigue (Julie Squires/ Rekindle, LLC) – The board reviewed the request and documentation for DVM, RVT and CAET CE credits for participation in the July 2017 presentation by Ms. Squires. Motion was made by Dr. Lipscomb, seconded by Dr. Green, to approve the program for 3 DVM, RVT and CAET CE credits. Motion passed by majority vote: Ayes – Drs. Lipscomb, Green, Corley, Cataldo; Nay – Dr. Emerson.

- B. Equi Aid Emergency First Aid for Horses (Mandy Taylor, RVT) –** The board reviewed the request and documentation for RVT CE credits for participation in the July 2017 presentation by RVT Taylor. Motion was made by Dr. Corley, seconded by Dr. Lipscomb, to approve the program for 3 RVT CE credits. Motion passed unanimously by voice vote.

X. POLICY, PROCEDURE, AND RULES

A. General Rule Update –

1. Update on probable failure to pass SB 75 (Senator Mills).
2. Update on no legislative effort in 2017 General Legislative Session on *NC Dental* and/or Task Force recommendations made to Senate Health & Welfare.
3. Update on FirstLab's name change to FirstSolutions with no effect on impairment/daily random drug screen program. Service generally used by the Board.

B. Policy and Procedure – None.

1. National movement regarding Telemedicine was briefly discussed. No action taken at this time other gathering information/research. Will monitor.

C. Practice Act, Rules/Related Matters/Declaratory Statements –

1. *N.C. Dental* decision was again discussed with regards to Board's function and mandate.
2. Query was submitted regarding a veterinarian's professional obligations to report suspected drug abuse by client requesting controlled dangerous substances and/or prescriptions for the patient. The Board responded that, to the best of its knowledge, there is no state law on this issue which allows or requires a veterinarian to notify legal authorities of the suspected drug abuse. This is one subject matter category that might be covered by the Prescription Monitoring Program (PMP) regulated by the LA Board of Pharmacy, however, at present veterinarians, in general, are exempt from regular inclusion in the mandatory reporting under the scenario presented. Pursuant to the Practice Act, Rules, and Code of Ethics, medical records are confidential, including the identity of the pet's owner, unless consent for the disclosure is provided by the client, or otherwise authorized by law. The only exception is to non-disclosure is if the animal is current on its rabies vaccination.

With the above stated, the LBVM has concluded that the Practice Act, Rules, and Code of Ethics do allow a veterinarian to end the veterinarian-client-patient relationship (VCPR), but only if the patient is not prejudiced by such termination at the time. Such is fact sensitive and reviewed on a case-by-case basis should a complaint be filed against the veterinarian. Of course, the down side is that the former client may just present the animal, and herself, to a veterinarian down the street, who has no forewarning of what is coming. If there is indeed a problem, then hopefully he will have the same question and concern the

inquiring veterinarian has at present. It does appear that, at this point, the inquiring veterinarian is attempting to steer away from prescribing/dispensing controlled drugs to this client/patient, and perhaps this will resolve the matter, of course, without any detrimental impact to the patient.

3. Query was submitted by a member of the public regarding the provision of a prescription to the client when requested. The Board responded that pursuant to legal authority, if the Veterinarian-Client-Patient relationship (VCPR) has been established and the client directly requests a prescription from the veterinarian, the veterinarian has an obligation to provide the prescription if in his medical judgment such is appropriate for the care of the animal. However, in absence of the veterinarian's professional opinion that such drug is inappropriate for the care of the animal (perhaps an exam and/or testing is needed prior to issuance of the prescription), for a veterinarian to refuse to write a prescription would arguably be a violation of the law.

The veterinarian's obligation is personal to the client after the establishment of the VCPR. It is not a personal obligation between the prescribing veterinarian and the pharmacy. As an alternative to the veterinarian faxing or submitting the prescription to the pharmacy, he may request the client to do so, however, such a request is more in the nature of a business decision.

In addition, the veterinarian may charge a reasonable fee for writing the prescription. The reasonableness of the amount depends on the facts of the matter, such as the length of the record's review, etc. and is a case by case determination.

4. Query was submitted by a veterinarian regarding the obligation of one veterinary facility providing a copy of the patient's file to a second veterinary facility. The Board responded by stating that Rule 701A addresses unprofessional conduct regarding a veterinarian's obligations on maintaining and producing medical records. Subsection 1 provides that each Louisiana licensed veterinarian shall maintain an individual record on each animal or herd. Such record shall be maintained for at least five (5) years. Rule 701B provides that the patient records are the responsibility and property of a veterinarian/veterinary facility, not a departing employed or contracted veterinarian of the facility. Rule 701C provides that copies or synopsis of patient records shall be provided to the client (or his authorized representative) upon request, and a reasonable charge for copying and providing patient records may be required by the veterinarian producing the records. The Principles of Veterinary Medical Ethics, Principle VII, basically corroborates what is required in Rule 701.

The production of the medical records is intended to benefit the patient, as well as for the veterinarian accused of wrongdoing in a complaint filed with the Board to be able to defend himself, and for the Board to determine what ultimately occurred in such a scenario from a regulatory standpoint. The time to produce the copy or synopsis must be reasonable which depends on many factors such as the size of the file, the condition of the patient, time of request, etc. Any

determination on the “reasonableness of the time produced” will be a fact sensitive one reviewed on a case-by-case basis due the nature of the subject matter. In short, the producing veterinarian may not create/maintain a dispute to the prejudice of the patient.

5. Query was submitted by local government animal shelter veterinarian regarding veterinary students and spay/neuter programs. This issue has been addressed by the Board in the past with Rule 714 promulgated. In summary, Rule 714, which can be found on the Board’s website at www.lsbvm.org, became effective in June 2008 per LSU-SVM’s request. Please be advised that the requirements set forth in Rule 714 must be strictly complied with in order to be legal. While the entire Rule is informative on the requirements, Section A of Rule 714 was quoted in the Board’s response with underscored wording for emphasis as follows:

A person who is a regular student in an accredited veterinary school who is performing duties or actions assigned by his instructors as part of his curriculum under the direct supervision of a faculty veterinarian who is licensed by the Board; however, the student’s role shall be limited to assisting the licensed faculty veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery in the shelters pre-approved by the Board on shelter animals only. For example, observation of procedures and services by the student and the performance of menial support tasks to assist the licensed faculty veterinarian are legally permissible. However, the licensed faculty veterinarian must be the primary veterinarian, or surgeon of record, in all situations. To allow the student to perform beyond the support capacity as defined in this rule would, in effect, permit the student to enter into the realm of veterinary practice without first having to meet the requirements necessary to have a license as established by the LA Veterinary Practice Act and the Board’s Rules.

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

3460	Sprinkle	Saybl Beauton
3461	Page	Arianna Mychal
3462	Colvin	Stephen Murph
3463	Price	Jessica B.
3464	Hotard	Elisabeth Claire Burch
3465	Guillot	Ashlyn Overholt
3466	Hicks	Jewel Elise
3467	Stafford	Michele Lydia-Ann
3468	Cooper	Aubrey Brent
3469	Exnicios	Christina Marie
3470	Terry	Jenna Ann

3471	Dimiceli	Kelsey Kathryn
3472	Smith	Jennifer Rose
3473	Theriot	Ty Steven
3474	Perez-Chaumont	Aimee Elizabeth
3475	Riley	Kacy Kristin
3476	Harvey	Joshua Nelson
3477	Vinterella	Jessica DeJean
3478	Foster	Alecia Meyer

Faculty DVM

FAC 087	Stohr	Anke
FAC 088	Talebi	Aniseh
FAC 089	Sheridan	Colleen K.
FAC 090	Berg	Kyra Jane Correa
FAC 091	Cox	Liliana
FAC 092	Aymen	Jessica
FAC 093	Buirkle	Corinne Lee
FAC 094	Oberhaus	Alicia Nicole

RVT

8389	Hannah Sue	Galloway
8390	Mark Joseph	Miciotto

CAET

9820	Savoy	De'Jon M.
9821	Tomlinson	Stormy Gail
9822	Lang	Corey D.
9823	Cobb	Ana B
9824	Clements	Tina Marie
9825	Besse	Shaun Paul- Michael
9826	Winters	Brittany Michelle

B. Election of Officers – Nominations were taken as follows: Fenton Lipscomb, DVM, Board President; William H. Green, DVM, Board Vice-President; James Corley, DVM, Board Secretary-Treasurer. Motion was made by Dr. Corley to close nominations, seconded by Dr. Cataldo and passed unanimously by voice vote.

Motion was made by Dr. Emerson to install, by acclamation, Dr. Fenton Lipscomb as Board President, Dr. William H. Green as Board Vice-President, and Dr. James Corley as Board Secretary-Treasurer for fiscal year 2018, seconded by Dr. Cataldo and passed unanimously by voice vote, effective August 1, 2017.

C. Authorization to Sign Checks (President, Secretary-Treasurer, Executive Director), Review of Board Member Positions – Motion was made by Dr. Green to

afford Dr. Lipscomb, Board President-elect, all the powers associated with the office of the President of the Board including the power to execute contracts and other documents and to conduct business on behalf of the Board effective August 1, 2017, seconded by Dr. Corley and passed unanimously by voice vote.

Authorization to sign checks drawn on the Board's account was given to Dr. Lipscomb, Board President-elect, Dr. Corley, Board Secretary-Treasurer-elect, and Ms. Parrish, Executive Director, effective August 1, 2017.

D. CAET Training Course – Ms. Parrish and Dr. Lipscomb reported on the recent CAET training program in Hammond, LA on May 25, 2017. The venue and date for the next program has not yet been set. Ms. Parrish advised that a new Board member will soon be needed to fill the instructor position in the near future.

XII. EXECUTIVE SESSION

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

A. Administrative Assistant Annual Review – Ms. Parrish requested input from the Board members regarding the review for the current Administrative Assistant, who has been with the board office for 17 months. Formal review will be performed by Ms. Parrish incorporating comments received, and any merit increase will be awarded to Ms. May effective July 1, 2017.

B. Executive Director Annual Review – Annual review was performed of the Executive Director. A copy of the evaluation was given Ms. Parrish. Merit increase of 5% was awarded to Ms. Parrish effective July 1, 2017.

There was no further action taken.

XIII. ADJOURN

There being no further business before the Board, motion was made by Dr. Green, seconded by Dr. Corley, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 2:01 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on August 6, 2017.

James Corley, DVM, Board Secretary-Treasurer