LOUISIANA VETERINARY PRACTICE ACT

Louisiana Revised Statutes
37:1511-1534

Governing the Practice of Veterinary Medicine

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LOUISIANA VETERINARY PRACTICE ACT [La. R.S. 37:1511-1558]

§ 1511. Legislative intent

This Chapter is an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this Chapter.

Acts 1966, No. 35. § 1, eff. July 1, 1967.

§ 1512. Short title

This Chapter shall be known as the Louisiana Veterinary Practice Law.

Acts 1966, No. 35, § 1, eff. July 1, 1967.

§ 1513. Definitions

When used in this Chapter these words and phrases shall be defined as follows:

(1) "Persons" means any individual, firm, partnerships, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(2) "Animal" means any animal other than man and includes fowl, birds, fish, and reptiles, wild or domestic, living or dead.

(3) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

(4) "Practice of veterinary medicine" means:

(a) to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

(b) to represent, directly or indirectly, publicly or privately an ability and willingness to do any act described in Paragraph (a).

(c) to use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in Paragraph (a), except where such person is a veterinarian.

(5) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.

(6) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

(7) "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association and approved by the board.

(8) "Board" means the Louisiana Board of Veterinary Medicine.

Acts 1966, No. 35, § 1, eff. July 1, 1967.

§ 1514. License requirement and exceptions

No person shall practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This Chapter shall not be construed to prohibit:

(1) An employee of the federal, state, or local government performing his official duties.

(2) A person who is a regular student in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period.

(3) A person advising with respect to or performing acts that the board by rule has prescribed as accepted livestock management practices The following are hereby declared to be accepted livestock management practices and shall not require a license:

(a) The collection of semen for quality evaluation of male equine or bovine species conducted for the purpose of processing or freezing of semen for use in artificial insemination.

(b) The nonsurgical impregnation of farm animals with frozen embryos.

(c) The practice of artificial insemination of farm animals.

(d) The teaching in schools and short courses of artificial insemination techniques and pregnancy diagnosis by qualified employees of the National Association of Animal Breeder's Certified Semen Service Program.

(4) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.

(5) Any merchant or manufacturer selling, at his regular place of business, medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases.

(6) The owner of an animal and the owner's full-time regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this Chapter.

(7) A member of the faculty of a veterinary school performing his regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school or in connection with a continuing education course or seminar.

(8) Any person selling or applying any pesticide, insecticide, or herbicide.

(9) Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.

(10) Registered equine dentists, as provided by Chapter 18-C of this Title, from performing duties authorized by the Louisiana Board of Veterinary Medicine.

Act 1966, No. 35, §1, eff. July 1, 1967. Amended by Acts 1984, No. 548, §1; 1999, No. 980, §1.

§ 1515. Board of Veterinary Medicine; terms; compensation; removal

A. There is created within the Department of Health and Hospitals a board to be known as the Louisiana Board of Veterinary Medicine which is subject to the provisions of R.S. 36:803. The board shall be composed of five members appointed by the governor, each appointed for a term of five years or until his successor is appointed, except that, as provided by rule, the terms of the initial and subsequent members shall be staggered terms of five years. Terms shall begin on August 1 and terminate on July

30 of the fifth year of the term. Should the signing of an appointment by the governor be delayed for any reason, the term itself shall not be changed but shall begin on August 1 and end on July 30. The outgoing member shall remain on the board until such time as the incoming member's appointment has been effected. Whenever a vacancy occurs under this Section, the state veterinary medical association shall nominate three or more qualified persons for each vacancy and forward the nominations to the governor at least thirty days before the date set for the appointment. The governor shall appoint one of the persons so nominated to fill the vacancy. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two consecutive five-year terms, except that a person appointed for or serving a term of less than five years may succeed himself.

B. A person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five years immediately preceding the time of his appointment. No person may serve on the board who is or was during the two years immediately preceding his appointment, a member of the faculty, trustee or advisory board of a veterinary school.

C. Each member of the board shall be paid seventy-five dollars per day for each day or substantial portion thereof while he is engaged in the work of the board, and may be reimbursed for actual and reasonable expenses approved by the board in connection therewith, the provisions of R.S. 39:231 notwithstanding.

D. Any member of the board may be removed by the governor after a hearing by the board to determine the cause for removal.

E. The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open to the public, except that the board may meet in closed session to prepare, approve, administer or grade examinations, or to deliberate the qualification of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1977, No. 684, § 22; Acts 1986, No. 467, § 1. Amended by Acts 1995, No. 431, § 1.

§ 1516. Election of officers; duties

A. At its annual meeting the board shall organize by electing a president, a secretary-treasurer, and such other officers as it may deem necessary, such officers of the board to serve for terms of one year each or until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of the board and shall preside over all meetings.

B. The duties of the secretary-treasurer shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for license, and keeping a register of all persons currently licensed by the board. All board records shall be open to public inspection during regular office hours.

At the end of each fiscal year the president and secretary-treasurer shall submit to the governor a report on the transactions of the board, including an account of monies received and disbursed.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1995, No. 431, § 1.

§ 1517. Revenues; deposit to Board of Veterinary Medicine Fund

In accordance with Article VII, Section 9 of the Constitution of Louisiana, all revenues received by the board shall be accepted by the executive director and deposited into an account maintained by the board at a financial institution of its choosing for the purposes of administering this Chapter. All expenses of the board shall be paid from this account by legal instrument signed by the president, secretary-treasurer, or executive director of the board, and no part of the state's general fund shall be expended for this purpose. This account shall be a continuing account and shall not be subject to reversion to the state general fund, except to the extent that the balance in the account at the close of any fiscal year exceeds the current budget of the board by two hundred per cent, in which case the excess shall be transferred to and become a part of the state general fund.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1995, No. 431, § 1.

§ 1518. Powers of board

A. The board shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

(2) Issue, renew, deny, suspend, or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of this Chapter and the rules and regulations adopted hereunder.

(3) Establish and publish annually a schedule of fees which shall be charged for examinations, for registration licenses, and for renewal of registration licenses for veterinarians, which fees shall be based on the anticipated financial requirements of the board for annual operating expenses and which shall not exceed the following amounts:

(a) Examination fee not to exceed $300.00

(b) Original registration license fee not to exceed $250.00

(c) Annual renewal of license fee not to exceed $250.00

(d) Late fee for delinquent license renewals not to exceed $150.00

(e) Faculty license fee not to exceed $250.00

(f) Application fee not to exceed $100.00

(4) Conduct investigations for the purpose of discovering violations of this Chapter or grounds for disciplining licensed veterinarians and issue subpoenas to require attendance, testimony, and production of documents in the process of enforcing the laws relative to the practice of veterinary medicine, and to secure evidence of violation thereof during the investigative stage.

(5) Hold hearings on all matters properly brought before the board. Any such hearing shall be called and conducted in compliance with the provision of the Administrative Procedure Act, R.S. 49:950 et seq. The board may designate any three of its members to serve as hearing officers.

(6) Employ full time or part time professional, clerical, or special personnel necessary to effectuate the provisions of this Chapter, and purchase or rent necessary office space, equipment and supplies.

(a) The board shall appoint an executive director who shall receive a salary fixed by the board along with reimbursement for such actual and reasonable expenses approved by the board in connection with the performance of official duties.

(b) The executive director shall be in charge of the daily operations of the board, shall be responsible for the supervision and direction of all other full-time, part-time, professional or special personnel hired by the board, and shall make, keep, and be in charge of all records, correspondence, and other functions of the board as directed by the president of the board.

(7) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(8) Institute proceedings in the courts for the enforcement of this Chapter or any regulations made pursuant thereto.

(9) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this Chapter, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine. Any such rules and regulations shall be adopted, amended, or repealed only in compliance with the provisions of the Administrative Procedure Act, R.S. 49:50 et seq.

(10) Adopt rules requiring an applicant for licensure to complete an intern program designed to exhibit the applicant's skills and knowledge in the field of veterinary medicine. The board may appoint the Louisiana Veterinary Medical Association as the board's agent to certify compliance with the veterinary intern program. If the board appoints that association for that purpose,

the association may charge a reasonable fee to nonmembers for the administration of the program. The fee shall not exceed the amount of the annual fee for membership in the association.

(11) Adopt rules requiring veterinarians who are licensed in this state to participate in a continuing education program, established and regulated by the board, as a condition of retaining their licenses. The board may appoint the Louisiana Veterinary Medical Association as the board's agent to certify participation in the continuing education program. Veterinarians may comply with the continuing education program criteria for retaining their licenses by certifying their participation in programs conducted outside the state of Louisiana. If the board appoints that association for that purpose, the association may charge a reasonable fee to nonmembers for the administration of the program. The fee shall not exceed the amount of the annual fee for membership in the association.

(12)(a) Adopt rules to establish a program for inquiries into and determinations concerning whether or not the professional ability of a veterinarian licensed to practice in this state has become impaired. When the board has reasonable cause to believe that the professional ability of a veterinarian licensed to practice in this state has become impaired by mental or physical illness, including, but not limited to, deterioration caused by age or by excessive use or abuse of drugs, including alcohol, the board shall appoint a committee of one veterinarian and two physicians to examine the physical and mental capacities of the veterinarian and to submit advisory reports and recommendations to the board. The board may appoint the Louisiana Veterinary Medical Association, or a committee established by that association, as the board's agent to administer this program.

(b) The program for inquiries into and determinations concerning whether or not the professional ability of a veterinarian licensed to practice in this state has become impaired shall be subject to the provisions herein.

(c) All information and all documents which relate to an inquiry under the program are confidential and shall be exempt from the Public Records Law, R.S. 44:1 et seq., except in the following instances:

(i) Information and documents may be introduced into evidence at an adjudicatory hearing held by the board. If information or documents are introduced into evidence at an adjudicatory hearing, they shall become public records.

(ii) Information and documents may be made available to any person who is participating in the program on behalf of the board.

(iii) Information and documents may be released upon the execution of a written waiver of confidentiality by the person who is the subject of the inquiry.

(iv) Information and documents may be made available for bona fide research or educational purposes provided that any information which would identify the person who is the subject of the inquiry is not released.

(v) Information and documents may be made available to appropriate persons to the extent necessary to meet a health care emergency.

B. There shall be no liability on the part of and no action for damages against:

(1) Any member of the board, or its agents or employees, or any member of any committee of veterinarians or physicians appointed or designated by the board, for any action undertaken or performed by such person within the scope of the duties, powers, and functions of the board or such committee as provided for in this Part when such person is acting without malice and in the reasonable belief that the action taken by him is warranted.

(2) Any person providing information to the board, its agents or employees, or to any committee of veterinarians or physicians appointed or designated by the board, without malice and in the reasonable belief that such information is accurate.

C. The powers enumerated in this Section are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

Acts 1966, No. 35, § 1, July 1, 1967. Amended by Acts 1978, No. 68, § 1; Acts 1985, No. 175, § 1, eff. July 6, 1985; Acts 1987, No. 922, § 1. Amended by Acts 1995, No. 431, § 1; 1999, No. 1369, §1.

§ 1519. Status of persons previously licensed

Any person holding a valid license to practice veterinary medicine in this state on July 1, 1967 shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the pertinent provisions of this Chapter, including annual renewal of the license.

Acts 1966, No. 35, § 1, July 1, 1967.

§ 1520. Application for license; qualifications

A. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The applicant shall be at least twenty-one years of age, a graduate of a veterinary school, and a person of good moral character. The application shall contain this information and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board, as provided herein.

B. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under R.S. 37:1522, the board may proceed to grant him a license. If an applicant is found not qualified to take the examination or for a license without examination, the executive director of the board shall notify the applicant immediately in writing of such finding and the reasons therefor. An applicant found unqualified may require a hearing on the question of his qualifications under the provisions of R.S. 37:1518(5). Any applicant who is found not qualified shall have his application fee refunded by the board less a reasonable fee to cover the cost of processing the application. The board may continue to determine and investigate the applicant's qualifications even if the applicant has been admitted to the next examination. In the event an applicant is found unqualified after being admitted to the next examination, the procedure provided above for notification, hearing, and refunding of fee shall apply.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1978, No. 68, § 1; Acts 1985, No. 315, §1; Acts 1986, No. 856, § 1. C. repealed by Acts 1987, No. 922, § 2. Amended by Acts 1995, No. 431, §1.

§ 1521. Examinations

A. The board shall hold at least one examination during each year and may hold such additional examinations as it deems necessary. The executive director shall give notice of the time and place and deadline for application for each examination at least one hundred and twenty days in advance of the date set for the examination. Any person desiring to take an examination shall make application by the deadline established and published by the board for each examination date.

B. The preparation, administration and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools as well as knowledge of this Chapter and any rules promulgated by the board or by other regulatory agencies as required by rules prescribed by the board. To pass the examination, the examinee must demonstrate scientific, practical, and regulatory knowledge sufficient to prove himself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may design or administer its own examination or it may adopt and use any and all examinations designed for the purpose of determining the fitness of a person to hold a license to practice veterinary medicine.

C. Within thirty days after each examination the executive director shall notify each examinee of the result of his examination. After compliance with the provisions of R.S. 37:1520, the board shall issue licenses to the persons successfully completing the examination. The executive director shall record the new licensees. Any person failing an examination shall be eligible to take any subsequent examination on payment of the application fee.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1985, No 316, § 1; Acts 1986, No. 856, § 1. Amended by Acts 1995, No. 431, § 1.

§ 1522. License without examination

The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of a veterinary school and who:

(1) Has been for the five years immediately prior to filing his application a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements, at the time the applicant was first licensed, which were substantially equivalent to the requirements of this Chapter; or

(2) Has successfully completed within the five years immediately prior to filing this application, all national examinations required of first-time applicants in rules prescribed by the board.

At its discretion, the board may orally or practically examine any person qualifying for licensing under this Section.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1995, No. 431, § 1.

§ 1523. Temporary permit

A. The board may issue without examination a temporary permit to practice veterinary medicine in this state as follows:

(1) To a qualified applicant for licensure, pending examination, provided such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued or as otherwise extended by the board. No temporary permit may be issued to any applicant who has previously failed the examination in this state or in any other state, territory, or district of the United States, or a foreign country.

(2) To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who has applied for licensure pursuant to the provisions of R.S. 37:1520, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued or as otherwise extended by the board.

B. A temporary permit may be summarily revoked by a majority vote of the board without a hearing.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1986, No. 468, § 1.

§ 1524. License renewal

All licenses shall expire annually on September 30th of each year and shall be renewed by making application for renewal of a license with the board and payment of the annual registration renewal fee established and published by the board. On or before July 1st of each year, the executive director shall mail a notice to each licensed veterinarian that his license will expire on September 30th and provide him with a form for re-registration. The executive director shall issue a new certificate of registration to all persons renewing their license under this Chapter.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Act 720, No. 370, § 1, eff. June 21, 1993. Amended by Acts 1995, No. 431, § 1.

§ 1525. Renewal of expired licenses

Any person who shall practice veterinary medicine after the expiration of his license and willfully or by neglect fail to renew such license shall be guilty of practicing in violation of this Chapter; however, any person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license and submit to the license examination.

The board may by rule waive the payment of the annual registration renewal fee of a licensed veterinarian during the period when he is on active duty with any branch of the armed services of the United States, not to exceed three years or the duration of a national emergency, whichever is longer.

Acts 1966, No. 35, § 1, eff. July 1, 1967.

§ 1526. Discipline of licensees

A. Upon written complaint sworn to by any person the board may, after a hearing held pursuant to R.S. 37:1518(5) and by a concurrence of three members, assess a fine not to exceed the sum of one thousand dollars, revoke or suspend for a specified time the license of, or otherwise discipline, any licensed veterinarian for any of the following reasons:

(1) The employment of fraud, misrepresentation, or deception in obtaining a license.

(2) Declaration of insanity or incompetency by a court of law.

(3) Chronic inebriety or habitual use of drugs.

(4) The use of any advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board.

(5) Conviction or cash compromise of a felony or other public offense involving moral turpitude.
(6) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

(7) Having professional association with or employing any person practicing veterinary medicine unlawfully.

(8) Fraud or dishonesty in the application or reporting of any test for disease in animals.

(9) Failure to keep veterinary premises and equipment in a clean and sanitary condition.

(10) Failure to report, as required by law, or making false report of, any contagious or infectious disease.

(11) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.

(12) Cruelty to animals.

(13) Revocation of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than nonpayment of registration fee.

(14) Unprofessional conduct as defined in regulations adopted by the board.

(15) Fraud or dishonesty in connection with the practice of veterinary medicine.

B. In addition to the disciplinary action or fines assessed by the board, the board may assess all costs incurred in connection with the proceedings, including but not limited to investigators', stenographers', attorneys' fees, and court costs.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1978, No. 68, § 1; Acts 1986, No. 466, § 1; Acts 1990, No. 472, § 1; Act 720, No. 370, § 1; 1999, No. 1369, §1.

§ 1530. Reinstatement

Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

Acts 1966, No. 35, § 1, eff. July 1, 1967.

§ 1531. Violations; penalty

A. Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for no more than ninety days, or both, and each act of such unlawful practice shall constitute a distinct and separate offense.

B.(1) In addition to any other civil remedy or criminal penalty provided for in this act, the board may, by majority vote, issue a subpoena to any person or persons who the board has probable cause to believe has engaged in the practice of veterinary medicine without a currently valid license or temporary permit.

(2) Subpoenas issued by the board shall comply with the notice requirements of the Administrative Procedure Act. The subpoena shall be served upon the unlicensed individual personally or by any type of mailing requiring a return receipt and shall include a statement of the manner in which the unlicensed person shall be required to respond to the board.

(3) The board may, by majority vote, levy a civil penalty of no more than one thousand dollars per offense upon any unlicensed person who, after a hearing or informal resolution in accordance with all provisions of the Administrative Procedure Act, is found to have practiced veterinary medicine without benefit of a currently valid license having been issued by this board pursuant to the provisions of this Chapter. In addition, the board may assess costs and attorney's fees may be recovered.

(4) The fact that any person engages in or performs or offers to engage in or perform, any of the practices, acts, or operations, set forth in this Chapter is prima facie evidence that such person is engaged in the practice of veterinary medicine.

(5) No person practicing veterinary medicine without a currently valid license or temporary permit shall have the right to receive any compensation for services so rendered. In addition to the penalties imposed under R.S. 37:1531(B)(3), any person who practices veterinary medicine without a license shall return any fees collected for practicing veterinary medicine and shall be liable for any damages resulting from negligence.

(6) All rights and privileges afforded by the Administrative Procedures Act are specifically reserved to any party aggrieved by a decision of the board.

Acts 1966, No. 35, § 1, eff. July 1, 1967. Amended by Acts 1995, No. 431, § 1.

§ 1532. Injunctive relief

The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate, this Chapter it shall enter an injunction restraining him from such unlawful acts. The successful maintenance of an action based on any one of the remedies set forth in this Section shall in no way prejudice the prosecution of an action based on any other of the remedies.

Acts 1966, No. 35, § 1, eff. July 1, 1967.

§ 1533. Veterinary faculty license

A. The board may issue a veterinary faculty license to any qualified applicant who is employed by a college or university in the state and who is involved in the instructional program of either undergraduate or graduate veterinary medical students, provided the applicant:

(1) Is compensated for the practice aspects of his service from state, federal, or institutional funds, or a combination thereof, and not from the patient-owner beneficiary of his practice services.

(2) Furnishes the board with proof that he is a graduate of a veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the American Veterinary Medical Association, and is the holder of a valid license to practice veterinary medicine in a state, territory or district of the United States having license requirements, at the time the applicant was first licensed, which were substantially equivalent to the requirements of this Chapter, and who wishes to be accredited in order to fulfill the functions and duties of clinical instruction.

(3) Submits payment of an original registration fee as set forth in R.S. 37:1518.A.(3)(b).

B. Any license issued under this Section shall be canceled for any of the reasons and under the same conditions set forth in R.S. 37:1526, or if the holder of the veterinary faculty license permanently moves out of this state or leaves the employment of the college or university.

C. Any license under this Section shall be subject to the same renewal fee as set forth in R.S. 37:1518(3)(c).

Added by Acts 1985, No. 217, § 1.

§ 1534. Licensure remedy

In the event the board denies a license to an applicant due to reasons other than age, citizenship, failure to pass the state licensing examination, or absence of a doctor of veterinary medicine degree from an accredited school of veterinary medicine, the board may prescribe a method by which the applicant is given an opportunity to successfully remedy the deficiency unless otherwise prohibited by law or in conflict with any other statutes or regulations.

Added by Acts 1985, No. 486, § 1

TITLE 37
PROFESSIONS AND OCCUPATIONS
CHAPTER 18-A

VETERINARY TECHNICIANS [La.R.S. 37:1541-1549]

§ 1541. Legislative intent

It is the purpose of this Chapter to encourage more effective utilization of the skills of licensed veterinarians by enabling them to delegate certain veterinary health care tasks to registered veterinary technicians where such delegation is consistent with the animal patient's health and welfare.

Added by Acts 1986, No. 887, § 1.

§ 1542. Definitions

As used in this Chapter, the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Board" means the Louisiana Board of Veterinary Medicine.

(2) "Certificate of approval" means a certificate issued by the Louisiana Board of Veterinary Medicine to a registered veterinary technician.

(3) "Direct supervision" means instruction and directions requiring the physical presence of a licensed veterinarian on the premises.

(4) "Registered veterinary technician" means a skilled person registered by the board as being qualified by academic and practical training to provide veterinary services under the direct supervision and direction of the licensed veterinarian who is responsible for the performance of that veterinary technician.

Added by Acts 1986, No. 887, § 1. Amended by Acts 1995, No. 431, § 1.

§ 1543. Application

A. In order to obtain a certificate of approval as a registered veterinary technician, the applicant shall comply with the following provisions:

(1) The applicant shall submit an application to the board at least thirty days prior to the announced date of the examination.

(2) The applicant shall submit evidence of the applicant's good moral character.

(3) The applicant shall submit evidence that he:
(a) Has obtained a high school diploma or its equivalent.

(b) Has successfully completed a program in veterinary technology which is accredited by the American Veterinary Medical Association, or

(c) Has successfully completed a board approved program in veterinary technology at an accredited institution of higher education and has two years actual experience working in a veterinary practice under the direct supervision of a licensed veterinarian.

(4) The application shall be sworn to and subscribed before a notary public.

(5) The applicant shall have passed any state and/or national examination for veterinary technology as named and required in rules prescribed by the board.

(6) The applicant shall pay the fees established by the board.

B. The board may adopt, amend, or repeal all rules necessary to carry into effect the provisions of this Chapter. Any such rules and regulations shall be adopted, amended, or repealed only in compliance with the provisions of the Administrative Procedure Act.

Added by Acts 1986, No. 887, § 1. A.(3) Repealed by Act 720, No. 370, § 2. Amended by Acts 1995, No. 431, § 1. A.(7) repealed by Acts 1995, No. 431, § 1.

§ 1544. Certificate of approval; denial; revocation; suspension

A. The board may deny, suspend or revoke the certificate of approval held by any registered veterinary technician when it finds that the provisions of this Chapter or any of the rules and regulations adopted by the board are not being complied with or upon the grounds that the registered veterinary technician is guilty of:

(1) Soliciting patients of any practitioner of the animal healing arts.

(2) Soliciting or receiving any form of compensation from any person other than his employer for performing as a registered veterinary technician.

(3) Willfully or negligently divulging professional knowledge or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian.

(4) Any offense that is punishable by incarceration in a state penitentiary or federal prison.

(5) The habitual or excessive use of intoxicants or drugs.

(6) Fraud or misrepresentation in applying for or procuring a certificate of approval to perform as a registered veterinary technician in this state, or in applying for or procuring an annual registration.

(7) Impersonating another person registered as a veterinary technician or allowing any person to use his certificate of approval.

(8) Aiding or abetting the practice of veterinary medicine by a person not licensed by the board.

(9) Gross negligence in the performance of duties, tasks, or functions assigned to him by a licensed veterinarian.

(10) Manifest incapacity or incompetence to perform as a veterinary technician.

(11) Conduct resulting in the suspension or revocation by another state of a registration, license, or certification to perform as a veterinary technician, based upon acts by the veterinary technician similar to acts constituting grounds for suspension or revocation in this state. A certified copy of the record of the suspension or revocation of the state imposing the penalty is conclusive evidence thereof.

(12) Conduct unbecoming in a person registered as a veterinary technician or detrimental to the best interests of the public.

B. In cases of failure to pay the required fees, denial shall be automatic. Any denial, suspension, or revocation shall be subject to review pursuant to the provisions of this Chapter.

Added by Acts 1986, No. 887, § 1.

§ 1545. Identification of registered veterinary technicians

A. During working hours or when actively performing his duties, a registered veterinary technician shall wear a unique mark of identification on his clothing approved by the board that identifies him as a registered veterinary technician.

B. A registered veterinary technician may use the title "Registered Veterinary Technician" or the abbreviation "RVT".

C. No individual, other than a registered veterinary technician may advertise or offer his services in a manner calculated to lead others to believe that he is a trained veterinary technician or a registered veterinary technician.

Added by Acts 1986, No. 887, § 1.

§ 1546. Certificates; validity, renewal, display

A. Each holder of a certificate of approval shall, by September 30 of each and every year, pay to the treasury of the board an annual renewal fee as established by the board. Holders of a certificate who fail to renew on or before that date may be assessed a late renewal fee as established by the board.

B. The holder of a certificate of approval to act as a registered veterinary technician must display his certificate in such a manner as to be visible and readable by persons in the office of the licensed veterinarian.

Added by Acts 1986, No. 887, § 1. Amended by Acts 1995, No. 431, § 1.

§ 1547. Prohibition

Notwithstanding any other provision of law, a registered veterinary technician may perform veterinary medical assistance under the direct supervision of a veterinarian licensed to practice in this state approved by the board, except that no registered veterinary technician shall perform animal diagnosis, the prescribing of treatment or medications, or any surgical procedures. A satellite office staffed solely by a registered veterinary technician is prohibited.

Added by Acts 1986, No. 887, § 1.

§ 1548. Misrepresentation and penalty

A. In addition to or in lieu of any remedy provided in this Chapter, the board may seek the imposition of a civil penalty through any district court of any violation for which the board may issue a notice to cease and desist under this Chapter. The civil penalty shall be no less than five hundred dollars and no more than five thousand dollars for each offense.

B. When the board finds any registered veterinary technician guilty of any of the grounds set forth in this Chapter, it may enter an order imposing one or more of the following penalties:

(1) Denial of an application.

(2) Revocation or suspension of a certificate of approval.

(3) Imposition of an administrative fine not to exceed one thousand dollars for each count or separate offense.

(4) Issuance of a reprimand.

(5) Placement of the registered veterinary technician on probation for a period of time and subject to such conditions as the board may specify.

(6) Restricting the authorized scope of practice.

C. The board by rule shall provide for appeals of denials of applications. The board shall impose other administrative penalties only on the basis of a ruling by the board pursuant to an adjudicatory hearing.

D. The board may, as a probationary condition or as a condition of the reinstatement of any licensee suspended or revoked hereunder, require the holder to pay all costs of the board proceedings, including investigators, stenographers, secretaries, and attorney's fees.

Added by Acts 1986, No. 887, § 1.

§ 1549. Powers of the board

A. The board shall have the power to:

(1) Adopt, amend, repeal, and establish all rules necessary for its government and all regulations necessary to carry into effect the provisions of this Chapter.

(2) Establish and publish annually a schedule of fees which shall be charged for examinations, certificate of approval applications, original certificates of approval, and renewal of certificates of approval. The fees shall be based on the anticipated financial requirements of the Board for annual operating expenses and shall not exceed the following amounts:

(a) Application fee not to exceed one hundred dollars.

(b) Examination fee, per examination, state or national(s) exclusive of vendor's cost, not to exceed one hundred dollars.

(c) Original certificate of approval fee not to exceed one hundred fifty dollars.

(d) Annual renewal of certificate of approval fee not to exceed one hundred fifty dollars.

(e) Late fee for delinquent certificate of approval renewals not to exceed one hundred dollars.

B. The board may issue a certificate of approval to any person who is certified as a veterinary technician in this state on the date this Chapter becomes effective in 1986.

C. Nothing contained in this Chapter is or shall be construed as a restriction or a limitation upon any powers which the board might otherwise have under any laws of this state. This Chapter shall be regarded as supplemental and additional to powers conferred by other laws.

Added by Acts 1986, August 30, 1986, No. 887, § 1. Amended by Acts 1999, No. 1369, §1

TITLE 37
PROFESSIONS AND OCCUPATIONS
CHAPTER 18-B

CERTIFIED ANIMAL EUTHANASIA TECHNICIANS [La.R.S. 37:1551-1558]

§ 1551. Legislative intent

It is the purpose of this Chapter to provide the most humane restraint, capture, and death possible for unwanted and discarded animals, including those animals which are diseased or otherwise dangerous, by providing for the training and certification of euthanasia technicians.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1999, No. 1369, §1.

§ 1552. Definitions

As used in this Chapter, the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Board" means the Louisiana Board of Veterinary Medicine.

(2) "Certificate of approval" means a certificate issued by the Louisiana Board of Veterinary Medicine to a certified animal euthanasia technician.

(3) "Certified animal euthanasia technician" or "CAET" means a person who is instructed in a board-approved program the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the Board, in proper security precautions, in proper record keeping, and related skills, and who has been issued a certificate of approval by the Board.

(4) “Lead CAET” means a CAET who is:

(a) Designated in documents submitted to the Board as the CAET at a designated site responsible for maintaining the security of those controlled substances in accordance with rules adopted by the Board for the sole purpose of restraining, capturing, and euthanizing animals, including records relating to controlled substances and drugs, in accordance with applicable state and federal laws; and

(b) Licensed and in good standing with the state controlled dangerous substances program and registered in good standing with the United States Drug Enforcement Administration; and

(c) Trained in a board-approved chemical capture training course.

(5) "Sodium pentobarbital" means a compound prepared or purchased solely as a euthanasia solution at a minimum strength of six grains per milliliter.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1999, No. 1369, §1.

§ 1553. Application

In order to obtain a certificate of approval as a certified animal euthanasia technician the applicant shall comply with the following provisions:

(1) The applicant shall submit an application to the board.

(2) The applicant shall submit evidence of the applicant's good moral character.

(3) The applicant shall submit evidence that he has no felony record involving controlled dangerous substances.

(4) The applicant shall submit evidence that he:

(a) Has obtained a high school diploma or its equivalent.

(b) Has successfully completed a board-approved program in animal euthanasia, which shall include instruction in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the Board, in proper security precautions, in proper record keeping, and related skills.

(5) The applicant shall pay the fee established by the board.

(6) The applicant shall submit any other information and proof that the Board may require by rule.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1995, No. 431, § 1; 1999, No. 1369, §1.

§ 1554. Discipline of CAETs

A. After a hearing held in compliance with the Administrative Procedure Act, the board may deny, suspend or revoke the certificate of approval held by any technician or impose any other penalty authorized by this Chapter when it finds that the provisions of this Chapter or any of the rules and regulations adopted by the board are not being complied with or upon the grounds that the certified animal euthanasia technician has:

(1) Failed to carry out his duties.

(2) Abused the use of sodium pentobarbital or any controlled dangerous substance under state or federal law.

(3) Sold or given sodium pentobarbital or any controlled dangerous substance under state or federal law for recreational use.

(4) Stolen sodium pentobarbital or any controlled dangerous substance under state or federal law.

(5) Become a user of sodium pentobarbital or any controlled dangerous substance under state or federal law.

(6) Employed fraud, misrepresentation, or deception in obtaining a certificate of approval.

(7) Been declared insane or incompetent by a court of law.

(8) Been shown to suffer from chronic inebriation or habitual use of drugs.

(9) Been convicted of or entered a plea of nolo contendere to a felony or other offense involving moral turpitude or controlled dangerous substances under state or federal law.

(10) Performed duties of humanely retraining, capturing, or euthanizing animals in an incompetent or grossly negligent manner.

(11) Performed acts of cruelty upon animals

(12) Violated rules of professional conduct as defined in regulations adopted by the Board.

(13) Employed fraud or dishonesty in connection with his practice as a certified animal euthanasia technician.

(14) Abetted anyone in the foregoing activities.

B. In cases of failure to pay the required fees, denial shall be automatic. Any denial, suspension, or revocation shall be subject to review pursuant to the provisions of this Chapter.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1995, No. 431, § 1; 1999, No. 1369, §1.

§ 1555. Certificates; validity, renewal

Each holder of a certificate of approval shall, on or before September 30 of each and every year, pay to the treasury of the board an annual renewal fee as established by the board. Holders of a certificate who fail to renew on or before that date may be assessed a late fee as established by the board.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1995, No. 431, § 1.

§ 1556. Duties

A. The duties of a CAET shall include, but are not limited to:

(1) Preparing animals for euthanasia.

(2) Carefully and accurately recording dosages and drug waste.

(3) Maintaining the security of all controlled substances and drugs, including records relating to controlled dangerous substances and drugs in accordance with applicable state and federal laws.

(4) Reporting to either the board or the Department of Health and Hospitals any infraction of this Chapter or rules and regulations adopted pursuant thereto or any misuse of drugs.

(5) Humanely restraining, capturing, and euthanizing animals.

(6) Disposing of the bodies in a manner in accordance with law.

(7) Maintaining one's certificate in an active status.

(8) Reporting to the board any change of address.

(9) Providing to any board member or board representative a reply to a request within seven working days.

B. The duties of a lead CAET shall include but are not limited to:

(1) All duties prescribed for a CAET.

(2) Ordering supplies and drugs.

(3) Responsibility at the designated site for the proper maintenance and security of all those controlled substances prescribed in accordance with rules adopted by the Board for the sole purpose of restraining, capturing, and euthanizing animals including records relating to controlled substances and drugs in accordance with applicable state and federal laws.

(4) Providing chemical capture drugs, as provided in rules adopted by the Board, only to persons who have completed a board-approved training course in the use of chemical capture drugs.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1995, No. 431, § 1; 1999, No. 1369, §1.

§1557. Penalties

A. When the board finds any certified animal euthanasia technician in violation of any of the grounds set forth in this Chapter, it may enter an order imposing one or more of the following penalties:

(1) Denial of an application.

(2) Revocation or suspension of certification.

(3) Imposition of an administrative fine not to exceed one thousand dollars for each count or separate offense.

(4) Issuance of a reprimand.

(5) Placement of the certified euthanasia technician on probation for a period of time and subject to such conditions as the board may specify.

(6) Restricting the authorized scope of practice.

B. The board by rule shall provide for appeals of denials of applications. The board shall impose other administrative penalties only on the basis of a ruling by the board pursuant to an adjudicatory hearing.

C. In addition to any other disciplinary action or fines assessed by the Board, the Board may require the certified animal euthanasia technician to pay all costs of the board proceedings, including investigators', stenographers', secretaries, attorney's fees, court costs..

Added by Acts 1987, No. 225, § 1. Amended by Acts 1999, No. 1369, §1.

§ 1558. Powers of the Board

The board shall have the power to:

(1) Adopt, amend, repeal, and establish all rules necessary for its government and all regulations necessary to carry into effect the provisions of this Chapter.

(2) Establish and publish annually a schedule of fees which shall be charged for the board-approved course, examinations, certificate of approval applications, original certificates of approval, renewal of certificates of approval, and delinquent certificate of approval renewals, which fees shall be based on the anticipated financial requirements of the Board for annual operating expenses and which shall not exceed the following amounts:

(a) Course fee not to exceed two hundred dollars.

(b) Application fee not to exceed one hundred dollars.

(c) Examination fee not to exceed one hundred dollars.

(d) Original certificate of approval fee not to exceed one hundred fifty dollars.

(e) Annual renewal of certificates of approval not to exceed one hundred dollars.

(f) Late fee for delinquent certificate of approval renewals not to exceed one hundred dollars.

(g) Temporary certificate of approval fee not to exceed one hundred dollars.

(3) Adopt rules requiring a certified animal euthanasia technician to participate in a continuing education program, established and regulated by the Board, as a condition of retaining his certificate.

Added by Acts 1987, No. 225, § 1. Amended by Acts 1999, No. 1369, §1.

TITLE 37
PROFESSIONS AND OCCUPATIONS
CHAPTER 18-C

REGISTERED EQUINE DENTISTS [La.R.S. 37:1561-1570]

§ 1561. Definitions

As used in this Chapter, the following words shall have the meaning ascribed to them unless the context clearly indicates otherwise:

(1) "Board" means the Louisiana Board of Veterinary Medicine.

(2) "Certificate of approval" means a certificate issued by the Louisiana Board of Veterinary Medicine to a registered equine dentist.

(3) "The practice of equine dentistry" means the rasping (floating) of molar, premolar, and canine teeth of equines, and the removal of deciduous incisor and premolar teeth (caps) of equines.

(4) "Registered equine dentist" means a person registered by the Board as being qualified to practice equine dentistry in Louisiana.

(5) "Racetrack" means any facility which conducts races as defined in R.S. 4:165 (A)(4)(d).

Added by Acts 1999, No. 980, § 1.

§ 1562. Application

In order to obtain a certificate of approval as a registered equine dentist, the applicant shall comply with the following provisions:

(1) Submit an application which shall be sworn to and subscribed before a notary public.

(2) Submit evidence that he is a current resident of this state on or before July 1, 1999, and is substantially involved in the care and maintenance of horses in the horse racing industry in Louisiana as defined in the Board's rules and regulations.

(3) Submit evidence of licensure is good standing issued by the Louisiana Racing Commission on or before July 1, 1995.

(4) Pay the fees established by the Board, which shall not exceed the following amounts:

(a) Original registration fee not to exceed two hundred fifty dollars.

(b) Annual renewal of registration fee not to exceed two hundred fifty dollars.

(c) Late fee for delinquent registration renewals not to exceed two hundred fifty dollars.

(d) Application fee not to exceed one hundred dollars.

Added by Acts 1999, No. 980, § 1.

§ 1563. Practice

A. Except as provided in this Chapter, no person shall practice equine dentistry in Louisiana unless issued a certificate of approval by the Board.

B. A registered equine dentist may practice equine dentistry at a racetrack in this state.

C.(1) A registered equine dentist who practices equine dentistry at a location in this state other than a racetrack shall notify the horse owner's veterinarian prior to the commencement of the practice of equine dentistry. In the event that the horse owner does not have a veterinarian, the equine dentist shall obtain a referral from a veterinarian licensed by the Board.

(2) Prior to the initiation of an extraction of first premolar teeth (wolf teeth), the registered equine dentist shall also notify and obtain the approval of the equine owner's veterinarian or referral veterinarian.

D. Notwithstanding any other provision of law, after complying with the provisions of R.S. 37:1562 and any rule or regulation promulgated by the Board regarding the application process, fees, and defining the duties of an equine dentist, any person who was licensed as an equine dentist before July 1, 1995, and who desires to practice equine dentistry shall be issued a certificate of approval by the Board and shall be registered as an equine dentist.

Added by Acts 1999, No. 980, § 1.

§1564. Exemptions

A. Licensed veterinarians or persons who hold temporary permits to practice veterinary medicine shall be exempt from the provisions of this Chapter.

B. With proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps).

Added by Acts 1999, No. 980, § 1.

§1565. Certificate of approval; denial; sanctions

A. After a hearing held in compliance with the Administrative Procedure Act, the Board may deny, suspend, or revoke the certificate of approval held by any registered equine dentist, or impose any other penalty authorized in this Chapter, upon a finding by a majority of the quorum of the Board that an equine dentist has failed to comply with any provision of this Chapter or any of the rules and regulations adopted by the Board based upon any one of the following grounds:

(1) Has willfully or negligently divulged or discussed with anyone a veterinarian's diagnosis or treatment without the express permission of the veterinarian.

(2) Has been convicted or entered a plea of nolo contendere to any offense involving moral turpitude.

(3) Has been proven to suffer from the habitual or excessive use of alcohol or any controlled dangerous substance.

(4) Has committed fraud or misrepresentation in applying for or procuring a certificate of approval to perform as a registered equine dentist in this state, or in applying for or procuring an annual registration.

(5) Has impersonated another person registered as an equine dentist or allowed any person to use his certificate of approval.

(6) Has aided or abetted the practice of veterinary medicine by a person not licensed by the Board.

(7) Has aided or abetted the practice of equine dentistry by a person not registered by the Board.

(8) Has performed duties of an equine dentist in an incompetent or grossly negligent manner.

(9) Has performed an act of cruelty upon an animal.

(10) Has been found guilty of unprofessional conduct. Unprofessional conduct shall include departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of equine dentistry. A showing of actual injury to a horse shall not be necessary.

(11) Has been declared insane or incompetent by a court of law.

(12) Has engaged in conduct resulting in the suspension, revocation, or any other sanction by another state of a registration, license, or certification to perform as an equine dentist. A certified copy of the record of the suspension, revocation, or any other sanction of the state imposing the penalty shall be conclusive evidence of such suspension, revocation, or sanction.

(13) Has employed fraud or dishonesty in connection with his practice as a registered equine dentist.

(14) Has been shown to have exhibited conduct unbecoming to a person registered as an equine dentist or detrimental to the best interest of the public.

B. Failure to pay the fees required in R.S. 37:1562 shall result in an automatic denial of a certificate of approval held by an equine dentist. Any denial, suspension, revocation, or other sanction shall be subject to review pursuant to the Administrative Procedure Act and the Board's rules.

Added by Acts 1999, No. 980, § 1.

§1566. Identification of registered equine dentist

A registered equine dentist shall use the title "Registered Equine Dentist".

Added by Acts 1999, No. 980, § 1.

§1567. Certificates; validity, renewal, possession

A. Each certificate of approval issued under this Chapter shall expire on the thirtieth day of September of each year and shall be renewed by making application for renewal of a certificate with the Board and payment of the annual registration renewal fee established by the Board. On or before the first day of July of each year, the executive director of the Board shall mail a notice to each registered equine dentist that his certificate of approval will expire on the thirtieth day of September of each year and provide him with a form to re-registration. The executive director shall issue a new certificate of approval to all persons renewing their certificate under this Chapter.

B. The Board shall adopt rules providing for a continuing education program for registered equine dentists. A registered equine dentist shall participate in the continuing education program as a condition of retaining his certificate of approval.

C. Any person who practices equine dentistry after the expiration of his certificate of approval and who willfully or by neglect fails to renew such license shall be guilty of practicing equine dentistry in violation of this Chapter. Any person may renew an expired certificate of approval within one year of its expiration by making written application for renewal, paying the current renewal fee plus all delinquent renewal fees, and meeting the continuing education program requirements.

D. Each holder of a certificate of approval to act as a registered equine dentist shall have such certificate in his possession when practicing equine dentistry.

Added by Acts 1999, No. 980, § 1.

§1568. Misrepresentation and penalty

A. In addition to or in lieu of any remedy provide din this Chapter, the Board may seek imposition of a civil penalty by any district court for any violation for which the Board may issue a notice to cease and desist under this Chapter. The civil penalty shall be no less than five hundred dollars and no more than five thousand dollars for each offense.

B. When the Board finds any registered equine dentist guilty of any violation of this Chapter, it may enter an order imposing one or more of the following penalties:

(1) Denial of an application.

(2) Revocation or suspension of a certificate of approval.

(3) Imposition of a fine not to exceed one thousand dollars for each count or separate offense.

(4) Issuance of a reprimand.

(5) Placement of the registered equine dentist on probation for a period of time and subject to conditions as the Board may specify.

(6) Restricting the authorized scope of practice.

C. The Board by rule shall provide for appeals of denial of application. The Board shall impose other administrative penalties only on the basis of a ruling by the Board pursuant to an adjudicatory hearing.

D. In addition to the disciplinary action or fines assessed by the Board, the Board may assess all costs of the board proceedings, including investigators, stenographers, administrative, and attorney fees and court costs.

Added by Acts 1999, No. 980, § 1.

§1569. Powers of the Board

The Board, in accordance with the Administrative Procedure Act, shall adopt, amend, repeal, and establish all rules and regulations and collect all fees necessary for its government and all regulations necessary to carry into effect the provisions of this Chapter, including but not limited to defining the duties of a registered equine dentist, determining eligibility requirements for registration, and establishing disciplinary grounds and penalties.

Added by Acts 1999, No. 980, § 1.

§1570. Waiver of liability

No veterinarian shall be liable for any act or omission of a registered equine dentist.

Added by Acts 1999, No. 980, § 1.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXXXV. Veterinarians

Chapter 1. Operations of the Board of Veterinary Medicine

§101. Information, Agency Office, Request for Rules or Action

A. Principal Office. The board shall maintain its principal office in Baton Rouge, Louisiana, where the records of the board shall be maintained for public inspection by any interested parties during regular office hours.

B. Requests for Copies of Public Records. Persons who wish to receive notices of meetings, copies of meeting minutes, copies of the Notice of Intent for a rule change, or any other public information from the board office must submit a written request. The board shall charge the fee set by the Division of Administration for providing copies and mailing documents so requested. Payment may be requested in advance of mailing or otherwise providing documents. Any person indebted to the board may be denied further services until such time as the indebtedness has been cleared. The board may provide copies free of charge to other governmental agencies or when the total charges are less than $1.

C. Requests to Review Public Records. Persons who wish to obtain information concerning board activities or to review any public documents on file at the offices of the board, may do so at the principal office of the board during regular business hours. Notices of board meetings, proposed rules, and all other information concerning the activities, functions and actions of the board which are public records shall be available for public inspection at the principal office of the board during regular business hours.

D. Submitting Information to the Board. Persons who wish to request adoption, amendment or repeal of rules, who seek to institute disciplinary proceedings, or who have other business of whatever kind or character before the board may do so at the principal office of the board during regular business hours.

E. Reports to Licensees. The board shall provide a regular report, which shall include, but not be limited to, notices of changes in policy, procedure, regulations, and/or statutes by the board or other governmental entities and dispositions of disciplinary cases. Other information deemed by the board to be pertinent in its mission of protecting the public health, safety, and welfare in the practice of veterinary medicine shall be printed and mailed to all licensees and other interested parties who have requested in writing to receive this report. The report shall be published not less than one time per fiscal year and may be published more frequently as the president of the board shall order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:1327 (October 1993), LR 23:966 (August 1997), LR 25:2226 (November 1999).

§103. Meetings

A. The annual meeting of the Board of Veterinary Medicine shall be held during the last quarter of the fiscal year in April, May or June of each year, at a time and place to be announced by posting public notice of the time and place of said meeting 24 hours in advance of such meeting at the principal office of the Board of Veterinary Medicine in Baton Rouge, Louisiana.

B. Additional meetings of the board may be called by the president or by any three members of the board and may be announced by posting notice of the date, time and place of such meeting at least 24 hours in advance thereof, at the principal office of the board located in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:65 (February 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:345 (March 1993), LR 20:1380 (December 1994), LR 23:966 (August 1997).

§105. Appeals and Review

A. Applicants for Licensure or Examination. Any applicant desiring to review his or her (hereinafter in this title, the masculine pronouns "he," "him," and "his" shall be deemed to include the feminine pronouns "she," "her," and "hers") national examination and/or the master answer sheet and/or the examination questions shall make arrangements with the national examination service vendor and/or any person, firm, corporation or entity charged by the Board of Veterinary Medicine with the preparation, grading and/or administration of the national examination(s). The Board of Veterinary Medicine shall not provide to applicants:

1. reviews of the questions contained on the national examination;

2. the answers to the questions contained on the national examination; or

3. any applicant's score on the national examination.

B. Persons Aggrieved by a Decision of the Board

1. Any person aggrieved by a decision of the board may, within 30 days of notification of the board's action or decision, petition the board for a review of the board's actions.

2. Such petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office.

3. Upon receipt of such petition, the board may then proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such action as it deems expedient, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter; but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony or evidence unless so required by statute or other rules or regulations of the board.

4. The party requesting the appeal shall pay all costs incurred by the board for review and appeal proceedings called in accordance with §105, and such costs shall include, but not be limited to, board member expenses, court reporter fees, investigative fees, attorney's fees, and administrative costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:345 (March 1993), LR 23:966 (August 1997), LR 23:1529 (November 1997), LR 25:2226 (November 1999).

§106. Disciplinary Proceedings

A. Any person against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the board pursuant to R.S. 37:1526 and/or 37:1531 and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act and §1401 et seq., of the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:345 (March 1993), amended LR 23:967 (August 1997), LR 24:940 (May 1998), LR 25:2226 (November 1999).

§108. Terms of Board Members

A. Terms of the members of the board shall be of five years duration beginning on August 1 of the year appointed by the governor and ending on July 30 of the fifth year. When a member is not appointed or seated by August 1, the term itself will begin on August 1 although the member may not be seated until the date of the governor's commission order. The outgoing member must remain seated on the board until such time as the governor's commission order is signed.

B. One board member will be appointed each year. The board office will notify the LVMA in writing in December of each year of the need to advertise for nominations to be made at the next regular full membership meeting of the LVMA in accordance with R.S. 37:1515.

C. In the event that a member of the board cannot fulfill the appointed term, the LVMA will be notified by the board office that an emergency appointment is needed. Nominations will be made by the LVMA as per R.S. 37:1515. Upon the selection and signing of the appointment commission by the governor, the member so appointed will serve until the July 30 date of the unexpired term. A person so appointed may be nominated for a full five-year appointment to follow the expiration of the emergency appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 and 37:1515.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:345 (March 1993).

Chapter 3. Licensure Procedures

§301. Applications for Licensure

A. The application for licensure to practice veterinary medicine in the state of Louisiana shall be in writing, signed by the applicant, contain the information set forth in R.S. 37:1520.A, and shall include a sworn affidavit that the applicant has not practiced veterinary medicine in this state without a license, temporary permit, or exception from licensure as provided by R.S. 37:1514 for the two-year period immediately prior to the date of application.

B. In addition to the above requirements, the board may also require that any applicant furnish the following information:

1. a current passport-type photograph of the applicant;

2. a copy of the applicant's diploma from a veterinary medical school or college accredited or approved by the American Veterinary Medical Association;

3. a certificate by the applicant that the applicant has not been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor other than minor traffic violations, and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;

4. a certificate by the applicant that the applicant has not been arrested or indicted for or been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor, other than minor traffic violations; and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;

5. a certificate that the applicant has never had his or her license to practice veterinary medicine revoked, suspended or denied in any state, territory, or district of the United States; and, in the event that the applicant is unable to so certify, the board may request or require full explanation

and/or documentation concerning such revocation, suspension, or denial;

6. the certified score on any previous national examinations or state examinations (whether Louisiana state examinations or state examinations from other states) previously taken by the applicant;

7. three letters of recommendation from licensed veterinarians or other professionals, none of whom may be members of the applicant's family or currently enrolled in the same veterinary school curriculum as the applicant. Said references are to be furnished for the purpose of determining the applicant's professional capabilities and ethical standards;

8. prior to licensure in Louisiana, a foreign veterinary school graduate must provide to the board proof of completion of the Educational Commission for Foreign Veterinary Graduates (ECFVG) program offered through the American Veterinary Medical Association (AVMA) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) program offered through the American Association of Veterinary State Boards (AAVSB).

C. The board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.

D. The board may reject any applications which do not contain full and complete answers and/or information as requested, and may reject any application, or take action against the license of any licensee, if any of the information furnished in the application is fabricated, false, misleading or incorrect.

E. The board shall reject the application of an applicant who has practiced veterinary medicine in this state without a license, temporary permit, or exception from licensure as provided by R.S. 37:1514, during the two-year period immediately prior to the date of application.

F. An application shall become stale if not completed by issuance of a license within two years from the initial date of submission to the board. Once stale, the entire application process, including the payment of applicable fees, shall begin anew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 10:464 (June 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:343 (March 1993); LR 23:964 (August 1997), LR 25:2231 (November 1999), LR 28:1982 (September 2002), LR 40:308 (February 2014).

§303. Examinations

A. Examinations Required for Licensure

1. The board requires that all applicants for licensure to practice veterinary medicine in the state of Louisiana shall pass the national examination in addition to any and all state examinations (herein defined as such written examination, oral interviews and/or practical demonstrations as the board may request or require).

2. The Board of Veterinary Medicine shall annually adopt national examination(s) as the board deems appropriate. Said examinations are hereafter referred to as the "national examination(s)."

3. All applications, correspondence, and examinations shall be in the English language.

4. A candidate for examination must be:

a. a graduate of a school or college of veterinary medicine accredited or approved by the American Veterinary Medical Association; or

b. currently enrolled in or certified by the AVMA's ECFVG program or the AAVSB's PAVE program; or

c. currently enrolled in the fourth year of veterinary school.

B. National Examinations

1. All applicants for licensure must take and successfully pass the national examinations as a condition for licensure in Louisiana.

2. The board hereby adopts the passing scores on the national examinations set by the NBEC and adopted or endorsed by the AAVSB.

3. Scores shall be valid for a period of five years from the date of the examination administration.

4. The requirement for taking the national examinations may be waived when an applicant:

a. holds a currently valid license in good standing in another state, district, or territory of the United States; and

b. has been employed as a licensed veterinarian in a full-time private practice or its equivalent as determined by a majority vote of the board for the five years immediately preceding his application. Full-time shall be defined as a minimum of 32 hours worked per week.

5. An applicant who cannot demonstrate eligibility for a waiver of the national examinations will be required to provide official copies of his scores to the board. Said scores shall be no more than five years old.

6. An applicant whose scores are greater than five years old and who cannot demonstrate eligibility for a waiver of the national examination pursuant to §303.B.4, shall be required to successfully pass the national examination in order to be eligible for a license.

7. An applicant for licensure may only sit for the national examinations a maximum of five times. Thereafter, the applicant will no longer be eligible for licensure in Louisiana and any application submitted will be rejected.

C. State Examination

1. A state board examination shall be required of all applicants for licensure in Louisiana. No person shall obtain any license to practice veterinary medicine without

successfully passing the Louisiana state board examination. No waivers of the state board examination shall be granted.

2. The state board examination shall consist of no fewer than 25 questions taken from the veterinary practice act statutes and rules promulgated by the board. This test may also contain items taken from statutes and/or regulations promulgated by the other state and federal agencies deemed by the board to be pertinent to the practice of veterinary medicine.

3. Prior to taking the examination, applicants will be provided with copies of all rules, regulations, and statutes from which items on the RPC examination may be taken.

4. The state board examination may be prepared, administered and graded by the members of the Board of Veterinary Medicine or may be prepared, administered and/or graded, in whole or in part, by any person, firm, corporation or other entity selected, requested or designated to do so by the Board of Veterinary Medicine.

5. The state board examination shall be administered monthly or as often as is practicable and necessary. To be eligible to sit for the state board, an applicant shall demonstrate that he is a graduate of an accredited school of veterinary medicine or eligible for graduation within not less than 60 days of the date that the examination is administered.

6. Scores shall be valid for a period of five years from the date of the examination administration.

D. Any applicant who fails to take and/or pass all required examinations in a continuous five-year period shall be required to retake all examinations whose scores are greater than five years old, unless the applicant can demonstrate eligibility for a waiver as described in this Section.

E. Veterinary Faculty License

1. Pursuant to section 1533 of the Veterinary Practice Act, a faculty license to practice veterinary medicine issued by the board to a veterinarian member of the faculty at LSU-SVM is required when the conduct extends to the direct (hands-on) practice of veterinary medicine on an animal owned by the public whether by referral from another veterinarian, or by direct patient access without referral, as part of his employment at the school. The licensed faculty veterinarian shall be ultimately responsible for the proper veterinary care of the animal and held administratively accountable by the board per its regulatory authority.

2. A faculty license shall not be used to practice veterinary medicine beyond the holder's employment at the school. A faculty license cannot be used to practice veterinary medicine at a private or another public facility where veterinary care is provided, or to practice veterinary medicine at an emergency veterinary care facility. However, an active license to practice veterinary medicine issued by the board to a qualified faculty veterinarian may be used by the holder for all aspects of his employment and practice at the school.

3. Further criteria for issuance of a faculty license is when the applicant:

a. provides proof of graduation from a school of veterinary medicine with a degree of doctor of veterinary medicine or its equivalent and:

i. has possessed an active license in good standing issued by another state, territory, or district in the United States at some time within the five years prior to the date of application for a faculty license; or

ii. has a current certificate or other documentation indicating successful completion of a residency or program in a specialty field of veterinary medicine accepted by the board at the time of application for a faculty license; or

iii. has a current certification, or is in the process of attaining certification, in a specialty area of veterinary medicine by the American Board of Veterinary Specialty Colleges, or its international equivalents accepted by the board;

b. prior to commencement of practice at the school, the submission of the board approved application for a faculty license and the payment of the initial application fee of $100 for issuance of the license to the board are applicable; and thereafter, for annual renewal, the submission of the renewal application with the payment of the annual renewal fee of $100 are required.

4. The faculty license shall be subject to cancellation for any of the reasons and under the same conditions and costs set forth in R.S. 37:1526 and the board's rules, or if the holder permanently moves out of Louisiana, or leaves the employment of LSU-SVM.

5. Pending issuance of a faculty license or an active license, an intern, who is a graduate of a board-approved school of veterinary medicine, may practice veterinary medicine at LSU-SVM, provided the practice is limited to such duties as intern, and is under the supervision of a veterinarian who holds a faculty license issued by the board (or a faculty veterinarian with an active license issued by the board). *Supervision*, as used in this rule, shall mean the supervising, faculty licensed veterinarian (or a faculty veterinarian with an active license issued by the board) is on the premises or available by telephone for prompt consultation and treatment. The supervising, faculty licensed veterinarian (or a faculty veterinarian with an active license issued by the board) shall be ultimately responsible for and held accountable by the board for the duties, actions, or work performed by the intern.

6. For purposes of this rule, an *intern* is an employee of LSU-SVM, who is a graduate from a school of veterinary medicine with a degree of doctor of veterinary medicine or its equivalent as accepted by the board, and is undergoing training at the school for a one year period, and rotates in various specialties during such period. For purposes of this rule, a *resident* is an employee of LSU-SVM, who is a graduate from a school of veterinary medicine with a degree of doctor of veterinary medicine or its equivalent as accepted by the board, and has satisfied the one-year internship

requirement, or was in private practice for at least one year, and is thereafter working towards a certification in a specialty area of veterinary medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 8:144 (March 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993), LR 19:1327 (October 1993), LR 23:964 (August 1997), LR 25:2232 (November 1999), LR 28:1982 (September 2002), LR 38:1592 (July 2012), LR 40:308 (February 2014), LR 41:2151 (October 2015).

§305. Renewals

A. Annual Renewal of License. Pursuant to R.S. 37:1524, all licenses expire annually on September 30 of each year and must be renewed by making application for renewal of license with the board and payment of the annual renewal fee. A complete application for renewal of license must be submitted to the board or the license shall be expired. For an application for renewal of license to be considered complete, the following conditions must be met:

1. application for renewal must be postmarked by September 30 of the year of application for renewal;

2. full payment of renewal fee must be submitted;

3. documentation of compliance with continuing education requirements in accordance with Chapter 4 of this Part must be submitted; and

4. if applicable, late continuing education fee must be submitted.

B. Renewal of Expired Licenses. A license which expires may be renewed within five years of the date of its expiration by submitting an application for renewal which meets the following conditions:

1. application for renewal must be submitted;

2. full payment of current renewal fee must be submitted;

3. full payment of delinquent annual renewal fees must be submitted;

4. full payment of late fees for delinquent license renewal must be submitted;

5. documentation of compliance with continuing education requirements, for the current year and delinquent years, in accordance with Chapter 4 of this Part must be submitted; and

6. if applicable, late continuing education fee must be submitted.

C. Notice

1. A person failing to renew his license shall receive one notification via certified mail, return receipt requested, which notification shall be mailed within 10 days after expiration of license. Such notice will advise that any person who shall practice veterinary medicine after the expiration of his license and willfully or by neglect fails to renew such license shall be guilty of practicing in violation of R.S. 37:1514. Such notice shall also state that the board may publish the name of any person holding an expired license and that the board may distribute the name of any person holding an expired license to agencies which may include, but is not limited to, the Louisiana state controlled dangerous substances program, the United States Drug Enforcement Administration, the United States Food and Drug Administration, the United States Department of Agriculture, drug supply wholesalers, veterinary supply wholesalers, the Louisiana Board of Pharmacy, the Louisiana Board of Wholesale Drug Distributors, the Louisiana Veterinary Medical Association, and any other entity that requests or is entitled to such information.

2. Pursuant to R.S. 37:1525, after five years have elapsed since the date of expiration, a license may not be renewed. No later than 60 days prior to the end of the five-year period, the board shall mail notice via certified mail, return receipt requested, to the person holding such expired license. Such notice shall state that if the license is not renewed prior to the end of the five-year period, the license shall be permanently removed from the board's rolls and that the holder shall be required to make application for a new license.

D. It is the duty of the licensee to maintain a current address with the office of the Board of Veterinary Medicine and to notify the board's office if an annual re-registration form is not received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993); amended LR 23:965 (August, 1997), LR 24:941 (May 1998), LR 26:322 (February 2000).

§307 Expedited License/Military Qualifications

A. Pursuant to, and in compliance with, Act 276 of the 2012 Regular Legislative Session (R.S. 37:3650), a qualified military-trained applicant licensed as a veterinarian in another state, or having been awarded a military occupational specialty which is equivalent to or exceeds the requirements for licensure, or a military spouse licensed as a veterinarian in another state, both of whom having also actively practiced such discipline for the 90 day period immediately prior to submission of the application to the board, may be issued an expedited license to practice veterinary medicine pending good faith completion of all requirements for licensure in Louisiana set forth in the board’s rules.

B. To ensure public health and safety, in the event the applicant has not actively practiced such discipline for the 90 day period immediately prior to submission of the application to the board, the applicant will be required to satisfy the preceptorship program requirement prior to the issuance of an expedited license.

C. In order for the expedited license to remain in effect, the applicant must successfully pass the next available

national examination after initial application, or qualify for waiver granted by the board for the national examination pursuant to established rule.

D. In order for the expedited license to remain in effect, the applicant must successfully pass the next available state board examination after initial application. The successful passage of the state board examination is required of all applicants for licensure.

E. The board shall expedite the processing of the license to an individual who timely and properly submits information necessary to comply with the application protocol, the board's rules, and the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:965 (August 1997), LR 40:308 (February 2014).

§309. Temporary Registration during a Declared Public Health Emergency

A. In a public health emergency lawfully declared as such by the governor of Louisiana, the requirement for a Louisiana license (veterinarian) or Louisiana registration (veterinary technician) may be suspended by the board through its emergency rule-making authority at that time to those out of state veterinarians and/or veterinary technicians, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, for a period of time not to exceed the duration and scope of R.S. 29:769(E), as more particularly set forth in this rule.

B. The Emergency Rule implemented by the board pursuant to the provisions of the Administrative Practice Act shall address the necessity for such an Emergency Rule and the specificity necessary to address the needs of the particular declared emergency at issue. Such information will be posted on the board's Internet website along with the appropriate forms for review and use by interested parties.

C. Accordingly, the following requirements for temporary registration may be imposed pursuant to the Emergency Rule issued and/or any other requirements which more properly address the needs of the particular declared emergency.

D. A veterinarian or veterinary technician not licensed, certified or registered in Louisiana, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, may gratuitously provide veterinary services if:

1. the veterinarian or veterinary technician has photo identification and a license to verify a current and unrestricted license, certification or registration in another jurisdiction of the United States, and properly registers with the board prior to providing veterinary services in Louisiana as follows;

2. the veterinarian or veterinary technician is engaged in a legitimate relief effort during the emergency period, and provides satisfactory documentation to the board of the location site(s) that he will be providing gratuitous veterinary services;

3. the veterinarian or veterinary technician shall comply with the Louisiana Veterinary Practice Act, board rules, and other applicable laws, as well as practice in good faith, and within the reasonable scope of his skills, training, and ability; and

4. the veterinarian or veterinary technician renders veterinary services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of veterinary services within the state of Louisiana.

E. The authority provided for in the Emergency Rule shall be applicable for a period of time not to exceed 60 days at the discretion of the board, with the potential extension of up to two additional periods not to exceed 60 days for each extension as determined appropriate and necessary by the board.

F. All interested veterinarians or veterinary technicians shall submit a copy of their respective current and unrestricted licenses, certifications or registrations issued in other jurisdictions of the United States and photograph identification, as well as other requested information, to the Louisiana Board of Veterinary Medicine Office for registration with this agency prior to gratuitously providing veterinary services in Louisiana.

G. Should a qualified veterinarian or veterinarian technician registered with the board thereafter fail to comply with any requirement or condition established by this rule, the board may terminate his registration upon notice and hearing.

H. In the event a veterinarian or veterinarian technician fails to register with the board, but practices veterinary medicine, whether gratuitously or otherwise, then such conduct will be considered the unlawful practice of veterinary medicine and prosecuted accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 32:1900 (October 2006).

Chapter 4. Continuing Veterinary Education

§400. Definitions

Active Status—a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Continuing Veterinary Education—approved, accredited experience obtained from participation in post graduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional

competencies for the health, welfare, and safety of the citizens and animals of Louisiana. A continuing veterinary education program accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board, shall be accepted as units or hours of continuing education; however, all other programs and/or their participants, including in-house programs, shall be required to obtain pre-approval from the board in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively.

Continuing Veterinary Education Units—units of measure approved by the Louisiana Board of Veterinary Medicine for the purpose of accreditation of various continuing education activities. One continuing education unit is equivalent to one hour of activity.

Inactive Status—a veterinarian who wishes to retain a Louisiana license, but who has not met all of the requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 33:648 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 37:1152 (April 2011), LR 38:1592 (July 2012).

§401. Purpose

A. The Louisiana Board of Veterinary Medicine, recognizing that a veterinarian's competency is a safeguard for public health and the safety and welfare of the citizens of the state of Louisiana, hereby adopts the following continuing veterinary education requirements as a prerequisite for the annual veterinary re-registration of a license to practice in Louisiana. All such educational programs shall be designed to keep the members of the profession abreast with current learning and scholarship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993).

§403. Continuing Veterinary Education Requirements

A. A minimum of 20 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of a license. Hours may be taken from:

1. A continuing veterinary education program accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board; however, any other programs and/or their participants, including in-house programs, shall be submitted to the board for pre-approval of the units or hours of continuing education in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively;

2. a maximum of 10 hours of credit may be obtained in approved videotaped, self-test programs with third party grading, and/or self-help instruction, including online instruction with third party grading;

3. the 20-hour requirement for annual renewal of a license may be taken in any combination of the following board-approved programs regarding subject matter content: clinical, alternative, regulatory, practice management, and/or research; however, the actual mediums of approved videotaped, self-test programs with third party grading, and/or self-help instruction, including online instruction with third party grading, are limited to the 10-hour maximum set forth in Paragraph A.2 of this Section.

4. Effective August 1, 2017, a veterinarian with prescriptive authority who holds a controlled dangerous substances (CDS) license with the LA Board of Pharmacy shall obtain 3 CE hours for veterinary licensure renewal which shall include drug diversion training, best practice of prescribing controlled dangerous substances, appropriate treatment for addiction, and any other matters that are deemed appropriate by the veterinary board. Successful completion of this requirement once shall satisfy the requirement in full. However, an exemption for the 3 CE hours is available for the veterinarian with prescriptive authority who holds a controlled dangerous substances (CDS) license if he timely submits an annual certification form as adopted by the veterinary board attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire applicable reporting period. The required 3 CE hours set forth herein may be a component part of the annual 20 hours of CE for licensure renewal, and may be part of the on-line allowance. No license shall be renewed for a veterinarian who fails to comply with this CE requirement or the exemption.

B. Proof of attendance, which shall include the name of the course/program, name of sponsor, date(s) of attendance, hours attended, and specific subjects attended, shall be attached to the annual re-registration form.

C. All hours shall be obtained in the 12 months preceding the renewal period of the license. Hours taken prior to the 12-month continuing education period will not be accepted. Hours taken after the beginning of the renewal period will require payment of the late fee, and may require the payment of a fine of up to $50, as set forth in §413.D. Hours submitted as the late continuing education, if accepted by the board in accordance with §413.D, cannot be applied to other renewal periods.

D. Employment at an accredited school or college of veterinary medicine will not be accepted in lieu of performance of the required hours of continuing education.

E. Presenters of approved continuing education programs may not submit hours for their presentation of, or preparation for, the program as continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as §405 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 23:1147 (September 1997), LR 28:1208 (June 2002), LR 33:649 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), LR 44:587 (March 2018).

§405. Exceptions and Exemptions

A. A licensee who fails to obtain the required approved minimum of 20 hours within the prescribed 12-month period will not meet the requirements for renewal of his license. Such a license shall expire on September 30 for any licensee who does not timely and properly comply with the annual continuing education requirement. Thereafter, a licensee may apply for renewal of his expired license, however, he shall be unable to lawfully practice veterinary medicine until such time as the requirements for renewal have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board shall be paid before the renewal is issued.

B. The board may grant extensions of time for extenuating circumstances. The licensee requesting the extension must petition the board at least 30 days prior to the expiration date of the license. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension. The board may also assess a late fee and/or fine as a result of granting the extension of time.

C. Exemptions from these requirements may be made for persons in the following categories:

1. disabled licensees for whom participation in a program represents undue hardship. A request for a disability exemption must be documented by submitting a physician's statement of total disability without probability of return to practice for the annual renewal period. The documentation must be submitted annually with the registration form;

2. a licensee who submits an affidavit of retirement for inactive status as provided by the board is entitled to a waiver of continuing education if he has reached the age of 65 years, or he submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period:

a. once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant demonstrates that he has successfully obtained all continuing education hours for the past years at issue, as well as the current year;

b. a request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement;

c. once an affidavit is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations; and

d. a request for reinstatement shall be made in writing for review and consideration by the board;

3. licensees on active military. An affidavit, or other sworn document from the licensee's commanding officer must accompany the annual re-registration form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 38:1592 (July 2012).

§407. Expired License Renewals

A. Persons who have not renewed their license and wish to do so pursuant to R.S. 37:1525, may be required to submit proof of continuing education for each year for which the license was not renewed. Where insufficient hours have been acquired, the board may require additional hours to be obtained as a condition of licensure and/or as a condition of renewal for the next fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1428 (November 1993).

§409. Approved Continuing Education Programs

A. It shall be the duty of the Louisiana Board of Veterinary Medicine to approve all continuing veterinary education programs for which credit shall be given to Louisiana licensed veterinarians as follows.

1. All units or hours from contact participation programs listed on the pre-approved list of the board shall be accepted, as well as all units or hours from contact participation from programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting documentation as required by the office. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. an in-house continuing education program may be approved by the board if such program's subject matter content complies with the board's rules, and the program is open by invitation/advertisement to interested veterinarians in general who are not associated with the in-house practice at issue at least ten calendar days prior to the commencement of the program. The general requirements regarding continuing education, including timely submission for pre-approval of the program by the board, continues to apply.

5. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested veterinarians in general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011).

§411. Fees

A. Each license holder must fulfill his annual education requirements at his own expense. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual license fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993).

§413. Non-Compliance

A. Complete compliance with these rules (Chapter 4) is a prerequisite for renewal of a veterinarian's license on and after July 1, 1989.

B. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

C. Failure to submit records of continuing veterinary education pursuant to §405.C or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

D. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. A grace period of no more than 90 days may be granted by petitioning the board for an extension. A late fee of $25 and a fine of up to $50 may be levied.

E. The promulgation of rule amendments by the board published in the *Louisiana State Register* on January 20, 2011 shall become effective for the period of time (July 1, 2010 - June 30, 2011) for the 2011-2012 annual license renewal and every annual license renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:320 (February 2010), LR 37:1152 (April 2011).

Chapter 5. Fees

§500. Definitions

Active Status—the fees charged to a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

Duplicate License Fee—a charge assessed for the replacement of a certificate.

Inactive Status—the fees charged to a veterinarian who wishes to retain a Louisiana license, but who has not met all of the requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana. Inactive status licenses may be upgraded to active status by written request and payment of the differences between the fees.

Original License Fee—the fee charged for the first issuance of a Louisiana license includes the cost of preparation of the licensee's certificate. The original license may be issued in any month but shall expire on the next renewal date as specified in R.S. 37:1524 except where the license is issued in May or June. Licenses issued in these months will be valid for the next immediate fiscal year.

Temporary License Fee—the fee charged for the issuance of a temporary license according to the Rules found in Chapter 3. The temporary license is valid for a maximum of 12 months. At the time of regular licensure, an original licensing fee shall be assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1429 (November 1993), amended LR 38:1592 (July 2012).

§501. Fees

A. The board hereby adopts and establishes the following fees.

Licenses	
Annual renewal-active license	$250
Annual renewal-inactive license	$125
Annual renewal-faculty license	$100
Duplicate license	$ 25
Original license fee	$250
Temporary license	$100
Exams	
Clinical Competency Test (CCT)	$190
National Board Exam (NAVLE)	$215
State board exam	$200
Exam and/or License Application	
Application fee	$100

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:65 (February 1982), amended by Department of Health and Hospitals, Board of Veterinary Medicine, LR 18:380 (April 1992), LR 19:1326 (October 1993), LR 23:963 (August 1997), LR 25:2408 (December 1999), LR 30:796 (April 2004), LR 40:2258 (November 2014).

§503. Exemption of Fee for Active Military Duty/Reduction of Fee for Qualified Retirement/Disability

A. The board shall exempt a veterinarian licensed in the state of Louisiana from the annual license renewal fee for active status if he is a member of the armed forces and is on active duty. The board shall apply the reduced annual renewal fee for inactive status if the veterinarian is totally disabled to practice veterinary medicine without probability of return to practice for the annual renewal period at issue as certified by a physician's statement, or if he is retired and has reached the age of 65 years.

B. In each of the above cases, the veterinarian who requests fee exemption or reduction for inactive status must register with the board annually and provide proof of his eligibility for fee exemption or reduction for inactive status in affidavit form approved by the board.

C. A licensee who submits an affidavit of retirement as provided by the board for this purpose is entitled to the reduced annual fee for inactive status if he has reached the age of 65 years, or submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period at issue. The documentation must be submitted annually with the registration form.

1. Once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant submits with his request the payment of all back active annual renewal fees, as well as current active annual renewal fees for application.

2. A request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement.

3. Once an affidavit is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations.

4. A request for reinstatement shall be made in writing for review and consideration by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 and 1520.A.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 10:208 (March 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:963 (August 1997), LR 29:1478 (August 2003), LR 38:1592 (July 2012).

§505. License Renewal Late Fee

A. Any license renewed after the published expiration date stated in R.S. 37:1424 shall be subject to an additional late charge of $150 as a late fee for each applicable expired year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 10:208 (March 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1429 (November 1993), LR 20:1114 (October 1994), LR 25:2408 (December 1999), LR 40:2258 (November 2014).

Chapter 7. Veterinary Practice

§700. Definitions

Alternative Livestock—animals that have not been domesticated, but are bred or kept on a farm for use or commercial profit.

Animal Control Officer—a bona fide employee of a governmental agency meeting the requirements of R.S. 37:1514(2).

Boarding Animal—an animal which is housed at a veterinary facility and is not actively undergoing diagnosis or treatment for illness, disease, or injury, and/or is not actively receiving veterinary care to promote good health. An animal which becomes ill, diseased, or sustains an injury while in a veterinary facility ceases to be a boarding animal under this definition.

Certified Animal Euthanasia Technicians—individuals who have met all of the requirements for certification as found in R.S. 37:1551-1558.

Clinic—a facility in which the practice conducted is essentially an out-patient type of practice.

Controlled Substances—any controlled substance as defined by the U.S. Drug Enforcement Administration.

Cosmetic Surgery—that branch of veterinary medicine that deals with surgical procedures designed to improve the animal's appearance.

Dental Operation—

1. the application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue; and

2. preventative dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains, or the smoothing, filing or polishing of tooth surfaces.

Direct Supervision—Unless otherwise specifically defined in a provision, the supervision of those tasks or procedures that do not require the presence of a licensed, supervising veterinarian in the room where performed, but which require the presence of a licensed, supervising veterinarian on the premises and his availability for prompt consultation and treatment.

Emergency Facility—a veterinary medical service whose primary function is the receiving, treatment and monitoring of emergency patients during specified hours of operations.

Hospital Facility—a facility in which the practice conducted includes the confinement as well as the treatment of animals.

Laypeople—individuals who are not registered and/or licensed in any of the categories defined in this Rule.

Legend Drug—any drug or medicinal agent which is not listed as a controlled substance by the U.S. DEA but which carries the legend "Federal (USA) law restricts this drug to use by or on the order of a licensed veterinarian."

Livestock—domestic animals to include only cattle, hogs, sheep, and goats, bred or kept on a farm for use or commercial profit.

Mobile Clinic—a vehicle with special medical or surgical facilities, including examination and treatment areas and/or surgical facilities, which provides veterinary care to small animals and/or large animals where the patient can be taken into the vehicle.

Mobile Practice Vehicle—a vehicle used by a veterinarian in a house call or farm call to provide veterinary care where the patient is not taken into the vehicle. The vehicle may be an extension of a hospital or clinic, and/or may have the capabilities of providing aftercare and/or emergency care services.

Non-Boarding Animal—an animal which is actively undergoing diagnosis or treatment for illness, disease, or injury, and/or is actively receiving veterinary care to promote good health. A non-boarding animal may, or may not, be housed at a veterinary facility.

Over-the-Counter (OTC) Product—any product that is sold to the public that is not regulated as a legend drug or as a controlled substance.

Preceptees—individuals who are unlicensed veterinarians or who are full time, fourth-year students of an accredited college of veterinary medicine and who are in a board-approved preceptorship program.

Prescribe, Prescribing or Prescription—an order for any drug, medicine, chemical or controlled substance provided by a veterinarian licensed by the board, stemming from the veterinarian-client-patient relationship, that is patient specific, which is either:

1. dispensed or administered by the *prescribing* veterinarian;

2. dispensed by a veterinarian licensed by the board other than the prescribing veterinarian; or

3. written, electronically communicated or given orally to a registered pharmacist to be filled, compounded or dispensed by the pharmacist in a registered pharmacy.

Registered Veterinary Technicians—individuals who have met all of the requirements for registration pursuant to R.S. 37:1541-1549.

Unlicensed Veterinarians—individuals who have completed an approved, accredited program of instruction and have received a degree as a Doctor of Veterinary Medicine, or if foreign educated have completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) program through the American Association of Veterinary State Boards (AAVSB), but who have not been issued a licensed by the board to practice veterinary medicine in the state of Louisiana.

Veterinarian-Client-Patient-Relationship—exists when:

1. the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment; and

2. the client (owner or duly authorized agent) has agreed to follow the instructions of the veterinarian; and

3. the veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that:

a. the veterinarian or associate veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s) and/or the animal's records, and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; or

b. the veterinarian has agreed to serve as a consultant to the licensed, primary care veterinarian with whom the client and patient have established a relationship which meets the criteria of Subparagraph a above; and

c. the primary veterinarian is readily available for follow-up in the event of adverse reactions of the failure of the regimen of therapy.

Wellness or Preventative Care Clinic—a service in which a veterinarian licensed by the board administers vaccine, performs examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than

a veterinary hospital, clinic, mobile clinic, or mobile practice vehicle. A program for the administration of rabies vaccination conducted at a location solely for the specific purpose of rabies prevention shall not be considered a wellness or preventative care clinic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:666 (June 1994), LR 20:1381 (December 1994), LR 24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009), LR 40:308 (February 2014).

§701. Record Keeping

A. It shall be considered unprofessional conduct within the meaning of R.S. 37:1526(14) for a licensed veterinarian to keep improper records. The purpose of these regulations is to produce a record such that a veterinary peer can, by using said records, gain a full understanding of the findings, diagnostic process, reasons for treatment protocol, and applicability of surgical procedures. Records shall be legible, and established and maintained as follows.

1. Each Louisiana licensed veterinarian shall maintain an individual written, or computer generated, record on each animal or herd to include identification of animal or herd, diagnosis of illness, disease or condition and treatment provided, progress notes and reassessment, and discharge summary, as follows.

a.i. Identification of the animal or herd shall include the breed, sex, description or permanent identification (if available), tattoos or other identifying marks, and the name and address of the owner.

ii. Diagnosis of illness, disease or condition shall document the animal or herd's history, signs, symptoms, complaints, objective tests such as radiographs and laboratory results, and the veterinarian's interpretation of examination findings, as well as intended goals and treatment including surgical procedures and/or drug therapy. Drug therapy shall include the names of legend drugs, controlled substances and/or over-the-counter (OTC) products as set forth below; the date and amount administered, prescribed or dispensed; and the method of administration.

iii. A progress note shall document the animal or herd's subjective status, changes in objective findings, and progression or regression of goals and treatment. A progress note shall be documented for each visit, for continuation of treatment, for the particular diagnosed illness, disease, or condition.

iv. Reassessment shall include all elements of a progress note, as well as a revision of the treatment plan as indicated. A new diagnosis of illness, disease or condition may be warranted. Reassessment shall only be performed by the veterinarian. Reassessment, including a new diagnosis of illness, disease, or condition when applicable, shall be documented at the time such is performed.

v. Discharge summary shall document the reasons for discontinuation of care, degree or goal of achievement, and a discharge plan, if required, which shall only be documented and signed by the attending veterinarian.

vi. The documentation standards set forth above do not mandate a particular format, however, a record must include these elements, as well as any other document required by law or the board's rules. Examples include General Anaesthesia Consent Forms, Euthanasia Consent Forms, documents involving prescribing, administering, or dispensing legend drugs or controlled substances, and billing invoices or statements of services or products provided. The veterinarian shall be ultimately responsible for the content and maintenance of the record.

b. records shall be maintained for at least five years, including records of large animal and/or herd type practice;

c. the record keeping requirements contained in §701 do not apply to Over-the-Counter (OTC) products except:

i. if an OTC product has been prescribed by the licensed veterinarian as part of a treatment regimen, then the sale and instructions must be recorded in the medical record in accordance with §701.A.1.a; or

ii. if a licensed veterinarian dispenses an OTC product and directs the client to use the product in any manner not on the product's label, then the product must be treated as a legend drug and its use must be properly recorded in the animal's medical record in accordance with §701.A.1.a.

2. Radiographs shall be kept in the following manner:

a. marker must have name of hospital and/or clinician;

b. marker must have identification of the animal, i.e., number and/or owner's name;

c. marker must have date radiograph was made;

d. radiograph must be properly identified with "L" for left and "R" for right;

e. radiograph must be kept for at least five years.

B. Maintenance, Ownership, and Release of Records

1. Patient records shall be maintained for a period of five years and are the responsibility and property of the veterinarian. The veterinarian shall maintain such records and shall not release the records to any person other than the client or a person authorized to receive the records for the client.

2. The veterinarian shall provide any and all records as requested by the board to the board. Failure to do so shall be considered unprofessional conduct.

3. The records of a veterinary facility are the sole property of that facility, and when a veterinarian leaves

salaried employment or contract services therein, the departing veterinarian shall not copy, remove, or make any subsequent use of those records. The copying, removal, or any subsequent use of those records by the departing veterinarian shall be considered a violation of the rules of professional conduct within the meaning of R.S. 37:1526.

C. Copies or synopsis of patient records shall be provided to the client or the client's authorized representative upon request of the client. A reasonable charge for copying and providing patient records may be required by the veterinarian. Refusal to provide such records upon written request by the client shall be considered a violation of the rules of professional conduct within the meaning of R.S. 37:1526. A synopsis record shall include at a minimum the following information:

1. name or identification of animal or herd;

2. name of owner;

3. all dates of treatment;

4. the complaint;

5. any abnormal findings;

6. diagnosis; and

7. therapy; including:

i. the amount administered; and

ii. the method of administration of:

(a). all drugs;

(b). chemicals; and

(c). medications; and

8. surgical procedures performed for each date of treatment.

D. A consultant veterinarian who dispenses a legend drug upon authorization of the primary care veterinarian must establish a patient record and/or dispensing log which shall contain at least the following information:

1. name of patient and/or other identification;

2. breed;

3. sex;

4. name of client/owner;

5. name of drug dispensed;

6. amount dispensed;

7. date dispensed;

8. name of the patient's primary care veterinarian; and

9. his/her diagnosis or therapy regime for which the drug being dispensed has been prescribed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1328 (October 1993), LR 20:1381 (December 1994), LR 23:969 (August 1997), LR 24:941 (May 1998), LR 25:872 (May 1999), LR 33:2424 (November 2007).

§702. Direct Supervision

A. Employees of a licensed veterinarian working under the definition of direct supervision must be employed according to the following provisions:

1. a veterinarian-client-patient relationship with the licensed, supervising veterinarian has been established; and

2. treatment is being performed on the order or prescription of the licensed, supervising veterinarian, except that no unlicensed person may perform surgery, diagnosis, prognosis, or the prescribing of drugs, medicines, or appliances; and

3. the licensed, supervising veterinarian has assumed the liability for any treatment performed.

B. Persons meeting the definition of a *preceptee* as defined in §700 may also perform the following services:

1. surgery, diagnosis and prognosis of animal diseases, and prescription of drugs, medicine, and appliances for domestic animals under the direct supervision of the licensed, supervising veterinarian acting as an approved preceptor;

2. the preceptee (intern) may perform these services only for the period of time allotted for the preceptorship (internship) program by the board.

C. A *Certified Animal Euthanasia Technician* (CAET) as defined in §700 may perform only those tasks or procedures defined in R.S. 37:1556.

D. A *Registered Veterinary Technician* (RVT) as defined in §700 shall perform all tasks or procedures under direct supervision of a licensed veterinarian, except:

1. an RVT may perform the duties listed in §702.F.1 without the direct supervision of a licensed veterinarian, but the RVT is required to follow the record keeping requirements found in §702.F.3; and

2. an RVT may administer medications and/or treatments to nonboarding (hospitalized or ill) animals without direct supervision by a licensed veterinarian under the following conditions:

a. the licensed veterinarian must chart the precise treatment plan to be used in the animal's medical record. This treatment plan may include oral, topical, and injectable treatments, including fluid therapy;

b. no diagnostic decisions or treatment changes may be made by an RVT;

c. the licensed veterinarian must personally check the animal and update the treatment plan at least once every 24 hours;

d. the licensed veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the work delegated to the RVT;

e. the licensed veterinarian has the responsibility to verify that any person who is assigned duties under §702 is legally licensed in Louisiana as an RVT. Failure to verify this information shall be considered unprofessional conduct within the meaning of R.S. 37:1526;

f. if the animal's medical condition changes, the licensed veterinarian must be available for consultation and reevaluation of the animal.

E. *Unlicensed veterinarians*, as defined in §700, shall not practice veterinary medicine until such time as they are licensed by the state of Louisiana. An unlicensed veterinarian may only function as a veterinary assistant under direct supervision. However, Chapter 11 governing the preceptorship program shall apply to a qualified preceptee as defined in §1103.

F. A lay person shall perform all tasks or procedures under direct supervision of a licensed veterinarian under the following conditions and with the exception described in §702.F.1.

1. A lay person may administer medications to boarding animals without direct supervision by a licensed veterinarian if the medication is directed to be used orally or topically and if the licensed veterinarian has recorded the exact treatments to be given in the animal's medical record.

2. When a lay person administers medications to nonboarding animals under the direct supervision of a licensed veterinarian, the licensed veterinarian must personally check the animal and update the treatment plan in the medical record at least once every 24 hours.

3. When a lay person administers medications, with or without direct supervision, the lay person shall keep a written record of all treatments which are performed, and that written record shall be incorporated into the animal's medical record.

4. The licensed veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the work delegated to a lay person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1329 (October 1993), LR 24:940 (May 1998), LR 40:309 (February 2014).

§703. Consultant

A. The term *consulting* as used in R.S. 37:1514(4) does not include any acts which constitute the practice of veterinary medicine as defined in R.S.37:1513(4).

B. The term *consultant* as used in the definition of a *veterinarian-client-patient relationship* found in §700 may only be applied to a Louisiana licensed veterinarian. To perform a consultation, the consultant veterinarian must speak directly with the patient's primary provider of veterinary care who must also be a licensed veterinarian in Louisiana or in the patient's primary or most recent state of residence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 20:1381 (December 1994).

§704. Consulting and Providing Legend and Certain Controlled Substances

A. Legend Drugs

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency seeks to administer legend drugs to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the Board of Veterinary Medicine and who obtains the legend drugs.

2. Said legend drugs must be stored and administered under the general supervision of the licensed veterinarian. General supervision means that the licensed veterinarian must provide the employee(s) of the animal control agency with written instructions and follow-up assistance on the proper storage, use and administration of the drug(s) being provided.

3. The licensed veterinarian may submit to the board, for review and/or approval, a written protocol of his supervision of the animal control agency's employees.

4. The licensed veterinarian shall also require the animal control agency's employees to maintain record keeping logs which shall include, but would not be limited to, the following:

a. date of each use of a legend drug;

b. species of animal;

c. estimated weight of animal;

d. dose administered;

e. name of animal control officer administering the drug.

5. Said records should be reviewed by the supervising veterinarian on at least a quarterly basis.

B. Telazol (Tiletamine HCl and Zolazepam HCl) and Ketamine (Ketamine HCl)

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local government agency to perform animal control services on behalf of the local governmental agency

seeks to administer the controlled substance Telazol (tiletamine HCl and zolazepam HCl) or Ketamine (ketamine HCl), to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency, unless it has a Lead CAET as defined in R.S. 37:1552(4), must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the Board of Veterinary Medicine and who is registered with the Drug Enforcement Administration (DEA) and licensed by the state controlled dangerous substances program at the shelter location where the drugs will be stored and administered who obtains, and who is responsible for, the Telazol (tiletamine HCl and zolazepam HCl) or Ketamine (ketamine HCl) used.

2. A storage and use plan for Telazol (tiletamine HCl and zolazepam HCl) and Ketamine (ketamine HCl) which meets or exceeds the requirements of all federal or state drug enforcement agencies (including storage of controlled substances in a securely locked, substantially constructed cabinet and the keeping of a perpetual inventory as required by LAC 48:I.Chapter 39) and the record keeping requirements of this Chapter shall be submitted to the Board of Veterinary Medicine for approval.

a. This usage plan shall include a requirement that each use of Telazol (tiletamine HCl and zolazepam HCl) and Ketamine (ketamine HCl) shall be documented for review by the licensed veterinarian responsible for the purchase and inventory of that drug.

b. This usage plan shall include a requirement that this documentation include, but not be limited to:

i. date of each use of the drug;

ii. species of animal;

iii. estimated weight of animal;

iv. dose administered;

v. name of animal control officer administering the drug;

vi. a constant (running) inventory of the drug present at the facility.

c. This usage plan shall include a requirement that a review of each use of Telazol (tiletamine HCl and zolazepam HCl) and Ketamine (ketamine HCl) shall be made by the responsible veterinarian and that said veterinarian shall initial the usage log entries to indicate this review. A review of the usage plan shall be made at least quarterly and the quantities of the drug used and on hand shall be tallied and authenticated. Any variance shall be noted in the log and steps should be taken and documented to correct the problem.

d. This usage plan shall include a requirement that any removal of Telazol (tiletamine HCl and zolazepam HCl) or Ketamine (ketamine HCl) from the securely locked, substantially constructed cabinet shall be in minimal amounts, shall be maintained in a locked container when not in use, and shall be documented in a manner to include, but not be limited to:

i. a signed log indicating the person removing the drug;

ii. the date on which the drug was removed;

iii. an accounting for all drug used and the amount returned;

iv. the date on which the remaining drug was returned and the signature of the person returning it.

C. A licensed veterinarian who chooses to assist an animal control shelter in the methods *prescribed* in §704 shall be solely responsible for which drugs he or she is willing to provide and in what quantities.

D. Section 704 does not pertain to any controlled substances listed in any DEA classification schedule or state of Louisiana classification schedule, except Telazol (tiletamine HCl and zolazepam HCl) and Ketamine (ketamine HCl). This Section specifically does not apply to sodium pentobarbital, which is regulated for animal control agency use in R.S. 37:1551-1558.

E. The definitions found in §700 shall apply to all terms used in §704.

F. Failure of a licensed veterinarian to comply with any and all provisions of §704 shall be considered a violation of the rules of professional conduct. Said veterinarian may be subject to disciplinary action as provided for in R.S. 37:1518 and 1526.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 20:666 (June 1994); amended LR 24:334 (February 1998), LR 25:519 (March 1999), LR 26:317 (February 2000).

§705. Prescribing and Dispensing Drugs

A. Prohibited Activities

1. No *legend drug*, as defined in §700, shall be administered, prescribed, dispensed, delivered to, or ordered for animals with which the veterinarian has not established a veterinarian-client-patient relationship as a primary care provider or as a consultant to the primary care provider. A consultant veterinarian who dispenses a legend drug must maintain records in accordance with §701.

2. No *controlled substance*, as defined in §700, shall be administered, prescribed, dispensed, delivered to, or ordered for animals with which the veterinarian has not established a veterinarian-client-patient relationship as a primary care provider by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof, and determined that such controlled substance is therapeutically indicated following said examination.

3. Any drug, medicine, chemical or controlled substance prescribed, dispensed, administered, delivered or ordered pursuant to this rule must be intended for the use of the patient and shall not be prescribed, dispensed,

administered, delivered or ordered for the use of the client or any other human.

B. All drugs, chemicals, medicines and/or biological agents shall be maintained, administered, dispensed and prescribed in compliance with state and federal laws.

C. All repackaged drugs dispensed by a licensed veterinarian shall be stored in approved safety closure containers, except that this provision shall not apply to drugs dispensed to any person who requests that the medication not be placed in such containers, or in such form or size that it cannot be dispensed reasonably in such containers.

D. Records shall be maintained in accordance with §701 of Chapter 7 of these rules.

E. A veterinarian who has a federal D.E.A. number and uses or dispenses controlled substances must comply with the federal regulations pertaining to the dispensing, storage and usage of controlled substances.

F. Any veterinarian who violates this rule or any portion thereof, shall be guilty of unprofessional conduct within the meaning of R.S. 37:1526(14).

G. Providing Prescriptions

1. A client is not obligated to purchase a prescription medication from the prescribing veterinarian. Therefore, when a veterinarian-client-patient relationship exists and a veterinarian has determined that a prescription medication will be used in a patient's treatment or preventive health plan, it shall be considered a violation of the rules of professional conduct, within the meaning of R.S. 37:1526(14), for a veterinarian to refuse to provide a written prescription to the client so long as the following conditions exist:

a. the veterinarian has determined that the patient's life is not endangered without the immediate administration of the prescription medication; and

b. in the veterinarian's medical opinion, the prescribed substance is medically safe for in-home administration by the client.

2. A veterinarian shall not be required under §705 to write a prescription for controlled substances or a prescription for any medication that, in the veterinarian's medical judgment, is not appropriate for the patient's medical care.

3. A veterinarian may refuse to write a prescription under §705 if it is not directly requested by a client with whom a veterinarian-patient-client relationship exists.

4. A written prescription can be construed to include any manner of authorization for filling a prescription, including verbal or electronic communication.

H. It shall be a violation of the rules of professional conduct under R.S. 37:1526(14) for a veterinarian in the course of his veterinary practice to use or dispense any products, including drugs, which are expired.

I. It shall be a violation of the rules of professional conduct under R.S. 37:1526(14) for a veterinarian to be in possession of drugs or other medical products which are over six months past their expiration date unless the materials are obviously removed from use and it can be documented that said drugs are in the process of being returned or otherwise disposed of.

J. Only a veterinarian licensed by the board may prescribe any drug, medicine, chemical or controlled substance for a patient after the establishment of the veterinarian/client/patient relationship, with the exception of the delegation of such authority pursuant to Subsection M below.

K. The veterinarian is responsible for and shall maintain accurate medical records when prescribing any drug, medicine, chemical or controlled substance which includes the following:

1. client's name;

2. patient's name;

3. date of prescription;

4. name of drug;

5. usage dosage including the route of administration;

6. quantity dispensed and number of refills;

7. name of veterinarian prescribing the drug, medicine, chemical or controlled substance;

8. telephone calls changing the prescription or dosages must be recorded in the medical record of the patient; and

9. refill information must be recorded on the prescription and in the medical record of the patient.

L. The initial prescription of a legend drug shall be communicated personally or by telephone to the pharmacy by the veterinarian. The initial prescription and any refills of a controlled drug shall be communicated personally or by telephone to the pharmacy by the veterinarian. A written prescription for a controlled drug shall be personally prepared by the prescribing veterinarian. A written prescription for a controlled drug shall be handwritten or typed, and shall contain the specific client/patient’s names (or identifying information if herd, etc.) and the drug(s) prescribed with usage directions, appropriate government registration numbers, dated, and signed by the prescribing veterinarian, affixed with his signature stamp, or electronic signature thereon if transmitted electronically to a pharmacy. However, the use of a signature stamp or electronic signature will have the presumption the prescribing veterinarian knows of, and has personally provided, the prescription for the use of the patient.

M. The veterinarian may delegate to an office employee the authority to communicate a refill of a legend drug to the pharmacy on behalf of the veterinarian pursuant to written protocol established prior to the delegation of such authority.

N. The written protocol required in Subsection M above shall be maintained on the premises as part of the prescribing veterinarian's facility procedure and shall include, but not be limited to, the following:

1. an authorization dated and signed by the veterinarian delegating specific authority to the office employee;

2. the authorization shall be for a stated limited period;

3. the authorization shall specify the exact nature and extent of the delegation of authority;

4. the medical record of the patient shall be documented to show the exercise of the delegated authority at the time the office employee communicates to the pharmacy the order to refill;

5. the office employee who has the delegated authority and the veterinarian shall sign the written protocol; and

6. the written protocol shall be made available to the pharmacy at issue on request.

O. A veterinarian licensed by the board may lawfully prescribe and/or dispense Rompun (legend drug), Telazol (controlled substance), and/or Ketamine (controlled substance), or a mix of these drugs, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry only under the following terms and conditions.

1. For the purpose of this Section, *deer*, *deer farmer*, and *deer farm operation* shall apply to cervids only which are further exclusively defined as *imported exotic deer and antelope*, *elk* and *farm raised white tail deer* as defined in R.S. 3:3101 et seq.

2. The veterinary-client-patient relationship must first be established, and thereafter maintained, as defined in §700 and §705.A.2.

3. The veterinarian shall be familiar with the deer farm operation at issue and have general knowledge of the species and numbers of animals on the premises.

4. The licensed deer farmer shall personally maintain a perpetual written inventory of the drugs referenced in this Section, including the following information:

a. name of drug and date purchased;

b. name and address of veterinarian the drug was purchased from and a written receipt;

c. amount purchased;

d. date of each use;

e. amount used for each administration;

f. reason for each administration;

g. the identity of each animal by electronic device, tattoo and/or tag upon capture; and

h. the date and amount of drug wasted, spilled or lost.

5. The licensed deer farmer shall comply with all state and federal laws regarding the storage of the drugs, and the perpetual written inventory, in a double locked container when not in use.

6. The licensed deer farmer who obtains the drugs from the veterinarian shall be the only person allowed to use or administer the drugs on his deer and for capture purposes only.

7. Prior to obtaining the referenced drugs, the licensed deer farmer must successfully complete a board approved chemical capture course. The veterinarian prescribing and/or dispensing the drugs must initially obtain and maintain in his records a copy of the deer farmer's current license issued by the Department of Agriculture and Forestry and a copy of the licensed deer farmer's current certificate verifying successful completion of the chemical capture course approved by the board. The licensed deer farmer must successfully complete a board approved chemical capture course every three consecutive calendar years.

8. The veterinarian may only lawfully prescribe and/or dispense the drugs referenced herein in minimal quantities based on the size of the herd at issue and the history of prior use, if applicable, of the drug or drugs requested by the licensed deer farmer.

9. Upon requesting a refill of, or an additional permissible amount of a drug, the licensed deer farmer shall provide to the prescribing and/or dispensing veterinarian a copy of the deer farmer's current license issued by the Department of Agriculture and Forestry, a copy of the current certificate verifying successful completion within the last three consecutive calendar years of the chemical capture course approved by the board, and a copy of the perpetual written inventory, as well as return all empty or sealed containers of the drugs in the case of a refill. The copy of the deer farmer's current license, the copy of the current certificate verifying successful completion within the last three consecutive calendar years of the board approved chemical capture course, the copy of the perpetual written inventory, and all empty or sealed containers shall be kept by the veterinarian for his record keeping purposes as required in §701.

10. Any prescribing and/or dispensing veterinarian who has reason to believe that a licensed deer farmer is not in compliance with the items and conditions of this Section, or is otherwise abusing the privileges established by this Section, shall notify, in writing, the board and the Department of Agriculture and Forestry immediately.

11. The prescribing and/or dispensing veterinarian shall comply with all state and federal laws and/or regulations regarding the prescribing and/or dispensing of Rompun (legend drug), Telazol (controlled substance), Ketamine (controlled substance), or a mix of these drugs, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry.

12. Any prescribing and/or dispensing veterinarian who violates, or otherwise fails to comply with this Section, or any part thereof, including all state and federal laws and/or regulations, shall be guilty of unprofessional conduct within the meaning of R.S. 37:1526(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1329 (October 1993) LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998), LR 25:1249 (July 1999), LR 25:1627 (September 1999), LR 27:51 (January 2001), LR 30:797 (April 2004), LR 37:1571 (June 2011).

§706. Labeling of Medications Dispensed

A. It is the responsibility of the veterinarian to label all medications and/or other veterinary products as dispensed. This label must include the following:

1. name, address and telephone number of clinic;

2. name of veterinarian dispensing medications;

3. patient name and client name;

4. name of medication and/or other veterinary product dispensed;

5. quantity and strength of product;

6. directions for administration;

7. date dispensed; and

8. precautionary statements as required by law, i.e., not for human consumption, poisonous, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), LR 19:1329 (October 1993).

§707. Accepted Livestock Management Practices

A. The following are hereby declared to be accepted *livestock* management practices as provided by R.S. 37:1514(3):

1. the practice of artificial insemination (A.I.) and the non-surgical impregnation (with frozen embryo) of livestock to include that performed for a customer service fee or that performed on individually-owned livestock;

2. the procedure involving the collection, processing, and freezing of semen from privately owned *livestock* carried out by NAAB-CSS approved artificial insemination business organizations;

3. the carrying out of schools and short courses, teaching A.I. Techniques to cattlemen, prospective A.I. technicians, and university agricultural students by qualified university faculty, cooperative extension service specialists, and qualified employees of NAAB-CSS approved A.I. organizations;

4. performing the operation of male castration, docking, or earmarking of livestock raised for human consumption;

5. performing the normal procedure of dehorning livestock, with the exception of surgical cosmetic dehorning, which is defined as the practice of veterinary medicine;

6. aiding in the nonsurgical birth process in livestock management;

7. treating livestock for disease prevention with a non-prescription medicine or vaccine;

8. branding and/or tattooing for identification of livestock;

9. reciprocal aid of neighbors in performing accepted livestock management practices without compensation;

10. shoeing horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 9:213 (April 1983), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:969 (August 1997), LR 24:1933 (October 1998).

§708. Anesthesia Services

A. Anesthetic and Drugs. Anesthesia equipment in accordance with the level of surgery performed should be available at all times. The minimum amount of support equipment required for the delivery of assisted ventilation should be:

1. resuscitation bags of appropriate volumes; and

2. an assortment of endotracheal tubes in working condition.

B. Examination and Monitoring

1. Every animal shall be given a physical examination within 12 hours prior to the administration of a general anesthetic.

2. Some method of respiratory monitoring is mandatory, such as observing chest movements, watching the rebreathing bag, or use of a respirometer. Some method of cardiac monitoring is recommended and may include use of a stethoscope or electrocardiographic monitor.

3. The animal under general anesthesia shall be under continual observation until at least the swallowing reflex has returned.

C. No patient should be released from veterinary supervision to the owner/client until it is ambulatory unless it is not ambulatory for reasons unrelated to anesthesia. The only exception to this rule would be the case where the client demands to take the animal home against the advice and judgment of the attending veterinarian. In this case, the veterinarian is recommended to have the client sign a release form stating that the owner/client has been advised to leave the animal, that the owner/client is aware of the risks

involved, and that the owner/client is taking the animal against the advice and judgment of the attending veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993).

§709. Surgical Services

A. Aseptic surgery shall be practiced in all cases in which aseptic surgery is demanded by the profession. Aseptic surgery shall be defined as procedures in which aseptic technique is practiced in patient preparation, instrumentation, and surgical attire.

B. Surgical attire and technique for aseptic surgery is defined as:

1. disinfection of surgeon's hands by scrubbing with a disinfecting surgical scrub solution;

2. sterilized surgical gown with long sleeves is recommended but not required. Clean clothing and sterilized gloves must be worn;

3. aseptic surgery requires sterilization of all appropriate equipment. An acceptable method of sterilization sufficient to kill spores must be used on all instruments, packs, and equipment intended for use in aseptic surgical procedures;

4. external use of heat sensitive tape type indicators on surgical gowns, packs, and resterilized gloves or the use of "steam clock" type indicators deep in surgical packs shall be required to monitor sterilization efficiency. The date the items were sterilized should be indicated;

5. ancillary personnel in the surgery room should wear clean clothing and footwear.

C. Hot and cold running water should be readily accessible to the surgery room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997).

§710. Dental Operations

A. Dental operations are included in the definition of the practice of veterinary medicine as found in R.S. 37:1513(4).

B. Nothing in these Rules shall prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

C. In branches of veterinary medicine other than equine dentistry and livestock dentistry, with proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform supragingival scaling and polishing of teeth, making and developing dental radiographs, taking impressions, production of dental models, and the charting of dental pathology. All other dental operations must be performed by a licensed veterinarian.

D. In the branch of veterinary medicine dealing with equine dentistry, with proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth, and the removal of deciduous incisor and premolar teeth (caps). All other dental operations, including but not limited to the extraction of teeth, amputation of large molar, incisor, or canine teeth, the extraction of first premolar teeth (wolf teeth) and repair of damaged or diseased teeth must be performed by a licensed veterinarian.

E. In the branch of veterinary medicine dealing with livestock dentistry, with proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform rasping (floating) of premolar and molar teeth, and the removal of deciduous incisor teeth (caps). All other dental operations, including but not limited to the extraction of teeth, amputation of incisors, premolars, and molar teeth, and repair of damaged or diseased teeth must be performed by a licensed veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 25:519 (March 1999).

§711. Definitions and Classification of Practice Facilities

A. In order to be classified as, advertised as, or use the word "hospital" as defined in §700 in the name of a veterinary facility, all of the following minimum standards and requirements shall be met.

1. Facility shall have a reception room and office, or a combination of the two.

2. An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client shall be maintained. This room shall have:

a. adequate materials and instrumentation to perform a thorough physical examination; and

b. adequate lighting to perform a thorough physical examination; and

c. immediate access to a sink with hot and cold running water; and

d. an examination table with impervious surface which can be easily cleaned and disinfected.

3. Facility shall have a surgery room which is separate and distinct from all other rooms. This room shall have:

a. lighting adequate to perform surgery;

b. a surgery table with an impervious surface which can be cleaned and easily disinfected;

c. appropriate anesthesia equipment;

d. oxygen readily available;

e. emergency drugs for cardiac and pulmonary resuscitation; and

f. walls and floors constructed with materials capable of being cleaned and disinfected.

4. Facility shall have a surgical scrub or preparation area containing pre-anesthetic medications and surgical scrub.

5. Facility shall have access to a diagnostic X-ray machine and development equipment area kept in compliance with state and federal regulations.

6. A clinical laboratory area shall be available containing diagnostic laboratory equipment, test kits and materials to perform necessary tests. This may be an in-house laboratory or an outside diagnostic laboratory facility which is capable of returning diagnostic results in 24 hours.

7. Facility shall have a kennel or housing area where animals can be retained for treatment and post-surgical observation. This area shall have at a minimum:

a. separate compartments for each animal which provide for comfortable and sanitary conditions; and

b. exercise areas which provide and allow effective separation of animals and their waste products and appropriate cleaning.

8. Facility shall have adequate indoor lighting for halls, wards, reception areas, examining rooms and surgical rooms.

B. Clinic

1. In order to be classified as, advertised as, or use the word "clinic" as defined in §700 in the name of the facility, all standards described under §711.A, shall apply.

2. A facility defined as a clinic is not required to meet the requirements for kennels as described in §711.A.7 except where surgery is being performed.

3. A clinic performing surgery shall provide adequate kennel facilities as per §711.A.7 until the patient is discharged.

C. A *mobile clinic* as defined in §700 shall have a permanent base of operations with a published address, telephone facilities for making appointments or responding to emergencies, and the following.

1. A veterinarian operating or working in a mobile clinic must have a written agreement with a local veterinary hospital or clinic to provide hospitalization, surgery, and radiology if these services are not available at the mobile clinic. *Local* means within a 30-mile radius.

2. A veterinarian operating or working in a mobile clinic must have a written agreement with a local veterinary hospital or clinic to provide emergency services and must display a notice to that effect in public view. The phone number and address for this emergency service provider must be provided to each patron of the mobile clinic. *Local* means within a 30-mile radius.

3. A veterinarian operating or working in a mobile clinic must remain on site until all patients are discharged to their owners and must maintain autonomy for all medical decisions made.

4. A physical examination and history must be taken for each patient at a mobile clinic and the medical records for such patients must meet the requirements for record keeping in §701. These records must be maintained by the veterinarian for five years and must remain accessible to the client for that period.

5. The veterinarian operating or working in a mobile clinic is responsible for consultation with clients and referral of patients when disease is detected or suspected. The veterinarian is also responsible for information and recommendations given to the client by the mobile clinic's staff.

6. The veterinarian operating or working in a mobile clinic must have his current Louisiana veterinary license on display to the clients.

7. Operation of the veterinary medical mobile clinic requires the following:

a. a clean, safe location;

b. the mobile clinic must meet local sanitation regulations;

c. lined waste receptacles;

d. fresh, running water for cleaning and first aid;

e. examination areas with good lighting and smooth, easily disinfected surfaces;

f. examination and surgery preparation areas;

g. surgical area must be sterile, and the surgery table must have an impervious surface which can be cleaned and easily disinfected;

h. drugs must be kept according to federal, state, and local laws. If controlled drugs are kept on the premises, they must be kept in a locking, secure cabinet for storage and an accurate controlled substance log must be maintained and available for inspection;

i. all equipment must be kept clean and in working order;

j. the mobile clinic must have the capability to deal with sudden emergencies and should have oxygen, resuscitation drugs and equipment, treatment for shock, and fluid administration materials readily available;

k. the mobile clinic must have all biomedical waste properly disposed of and must have documentation to prove that fact on the premises for inspection.

D. Emergency Facilities

1. An *emergency facility* as defined in §700 shall have the following:

a. doctors;

b. support staff;

c. instrumentation;

d. medications; and

e. diagnostic equipment sufficient to provide an appropriate level of emergency care during all hours of operation.

2. If an emergency facility offers surgery services and retains patients in the emergency facility, all facility standards pertaining to *hospital facilities* as defined in §711.A shall be furnished and maintained.

E. A wellness or preventative care clinic shall have a published physical address for the specific location, telephone facilities for responding to emergency situations, and the following.

1. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide laboratory services, hospitalization, surgery, and/or radiology, if these services are not available at the wellness or preventative care clinic.

2. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide emergency care services. A notice of available emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, shall be posted in a conspicuous place at the wellness or preventative care clinic, and a copy of the notice or information shall be given to each client prior to the administration of a vaccine, the performance of an examination and/or a diagnostic procedure to promote good health.

3. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

4. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical records for the patients as set forth in the board's rules on record keeping. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be the owner of the medical records of the patients.

5. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for consultation with clients and the prompt referral of patients when disease, illness or a medical condition is diagnosed.

6. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for the information and representations provided to the clients by the staff at the wellness or preventative care clinic.

7. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place at each location of a wellness or preventative care clinic.

8. Operation of a wellness or preventative care clinic shall also have the following on site at each location:

a. a clean, safe location;

b. meet local and state sanitation requirements;

c. lined waste receptacles;

d. fresh, running water for cleaning purposes and first aid;

e. an examination area with good lighting and smooth, easily disinfected surfaces;

f. all drugs, medicines, or chemicals shall be stored, inventoried, prescribed, administered, dispensed, and/or used in accordance with federal, state and local laws and rules;

g. all equipment shall be kept clean and in proper working order;

h. the ability to address sudden life-threatening emergencies which may arise, including the availability, on site, of oxygen, resuscitation drugs, treatment for shock, and fluid administration materials; and

i. the proper disposal of biomedical waste and the required facilities, on site, for such disposal, as well as documentation on site to verify the proper disposal of biomedical waste.

9. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

10. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide a copy of any signed written agreement, including renewal, extension or amendment, required by this rule to

the board prior to commencement of the terms of the agreement.

12. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule.

F. A mobile practice vehicle shall comply with the following requirements.

1. A mobile practice vehicle shall provide veterinary care where the patient is not taken into the vehicle.

2. A mobile practice vehicle may be an extension of an existing hospital and/or clinic defined in §700. The hospital or clinic associated with the mobile practice vehicle shall operate in compliance with Subsections 711.A and B.

3. The veterinarian operating or providing veterinary care in a mobile practice vehicle which does not have the capabilities of providing aftercare and/or emergency care services, and/or which is not an extension of an existing hospital or clinic, shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide aftercare and/or emergency care services. The written agreement to provide aftercare and/or emergency care services in this Rule shall not be required if the mobile practice vehicle is an extension of an existing hospital or clinic, and/or has the capabilities of providing aftercare and/or emergency care services.

4. A notice of available aftercare and/or emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, or hospital or existing clinic associated with the mobile practice vehicle if applicable, shall be posted in a conspicuous place in or on the mobile practice vehicle, and a copy of the notice or information shall be given to each client prior to the provision of veterinary care.

5. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

6. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical records for the patients as set forth in the board's rules on record keeping.

7. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall comply with the requirements for maintaining, administering, dispensing, and prescribing any drug, medicine, chemical, and/or biological agent as set forth in the board's rules.

8. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall be responsible for the information and representations provided to the clients by the staff of the mobile practice vehicle.

9. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place on or in the mobile practice vehicle.

10. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board’s rules, and other applicable laws.

11. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

12. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule, if such is not the hospital or clinic associated with the mobile practice vehicle and/or the mobile practice vehicle does not have the capabilities of providing aftercare and/or emergency care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), LR 24:2123 (November 1998), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009).

§712. Alternative Therapy and Collaborative Treatment

A. Alternative therapy and/or collaborative treatment may be performed by a layperson (a person not licensed, registered, or certified by the board) only with an order or prescription from a Louisiana licensed, supervising veterinarian who has first established the veterinarian-client-patient relationship, and can be performed only under such supervising veterinarian’s direct supervision and with the written informed consent of the owner of the animal (client) or his duly authorized agent. The layperson must possess a license, registration, or certification issued by another Louisiana regulatory authority, or he must possess verification of an educational level acceptable by the board, in the subject matter of the alternative therapy and/or collaborative treatment at issue.

B. Direct supervision as used in this Section means the supervising veterinarian must be on the premises where the alternative therapy and/or collaborative treatment are being performed and is directly responsible for the on-going evaluation and/or diagnosis. A lay person (a person not licensed, registered, or certified by the board) cannot perform surgery, on-going evaluation and/or diagnosis, prognosis, or prescribe treatment, medicines, or appliances as set forth in §702.A.2.

C. The supervising veterinarian will be held accountable for the proper diagnosis and treatment of the animal, including the work delegated to the layperson, as well as compliance with proper documentation in the patient's medical record as set forth in §701, including the written informed consent for the alternative therapy and/or collaborative treatment obtained from the client or his duly authorized agent. The supervising veterinarian will also be held accountable for the maintenance of the confidential relationship with the client and patient.

D. Alternative therapy as used in this Section includes, but is not limited to, ultrasonography, magnetic field therapy, holistic medicine, homeopathy, animal chiropractic treatment, animal acupuncture, animal physical therapy, animal massage therapy, and laser therapy.

E. Collaborative treatment as used in this Section includes, but is not limited to, ophthalmology, cardiology, neurology, radiology, and oncology.

F. Written informed consent as used in this Section means the supervising veterinarian has informed the client or his duly authorized agent, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment, and prognosis, and the client or his duly authorized agent has consented in writing to the recommended alternative therapy and/or collaborative treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:970 (August 1997), amended LR 38:357 (February 2012).

§713. Microchip Implantation

A. The implantation of a microchip device into an animal shall be performed only by a licensed veterinarian or under the direct supervision of a licensed veterinarian, except that no unlicensed person may perform surgery, diagnosis, prognosis, or prescribe drugs, medicines, or appliances as stated in §702.A.2. The following are exempt from this provision:

1. an animal control agency which is operated by a state or local governmental agency; or

2. a duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:1686 (December 1997).

§714. Student/Shelters and Faculty Veterinarian

A. 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 Louisiana Veterinary Practice Act and the Louisiana Board of Veterinary Medicine rules.

B. Direct supervision is defined as "continuous, visual, and on-site supervision" which shall only be performed by a faculty veterinarian licensed by, and accountable to, the Louisiana Board of Veterinary Medicine as per its regulatory authority. Accordingly, the licensed faculty veterinarian and the program shall comply with all requirements established by the Veterinary Practice Act and the board's rules regarding the practice of veterinary medicine including, but not limited to, such practice standards as a proper surgical facility, record keeping, aftercare, prescriptions, drug/device maintenance, etc. The faculty veterinarian as a licensed veterinarian shall be ultimately responsible, and accountable to the board, for the duties, actions, or work performed by the student; however, at no time shall the student's role extend beyond 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.

C. The tasks assigned to a student is at the discretion of the supervising faculty veterinarian licensed by the board who shall be ultimately responsible and held accountable by the board for the duties, actions, or work performed by the student, however, at no time shall the student's role extend beyond assisting the licensed faculty veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery. In addition, the tasks assigned to the student shall encompass the care, treatment, and/or surgery of one shelter animal at a time at a shelter pre-approved by the board. Again, the licensed faculty veterinarian must be the primary veterinarian, or surgeon of record, in each individual situation.

D. Prior to commencement of a student's participation in a program, the supervising faculty veterinarian licensed by the board must first notify the board of such on board approved forms.

E. A student shall not be permitted to perform supervision of any nature, as defined in §§ 700 and 702, of the tasks or procedures performed by other personnel of the shelter at issue.

F. The duties, actions or work performed by a student shall not be considered a component of, nor applied to, the requirements regarding the preceptorship program established by the board. The period of time necessary to

satisfactorily complete a preceptorship program shall not run concurrently with the period of time a student performs or works as such.

G. A student extern who is working during a school vacation for a licensed veterinarian shall be under continuous, visual, and on site supervision of a veterinarian licensed by the board. The supervising veterinarian shall be ultimately responsible and held accountable by the board for the duties, actions, or work performed by such person; however, at no time shall the student's role extend beyond observing the supervising veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery. The student extern shall not perform supervision of any nature, as defined in §§700 and 702, of the tasks or procedures performed by other personnel of the facility at issue. Furthermore, the duties, actions or work performed by the student extern shall not be considered a component of, nor applied to, the requirements regarding the preceptorship program, nor shall it run concurrently with, or be any part of the board's preceptorship program requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 29:1479 (August 2003), amended LR 34:1029 (June 2008).

Chapter 8. Registered Veterinary Technicians

§801. Applications for Certificate of Approval

A. The application for a certificate of approval for a registered veterinary technician in the state of Louisiana shall be in writing, signed by the applicant, contain the information set forth in R.S. 37:1543 and shall include a sworn affidavit that the applicant has not practiced veterinary medicine in this state without a license, temporary permit, or exception from certification as provided by R.S. 37:1543.

B. In addition to the above requirements, the board may also require that any applicant furnish all of the following information:

1. a current passport-type photograph of the applicant;

2. an official transcript of the applicant's high school records;

3. an official transcript of the applicant's veterinary technology school records;

4. a copy of the applicant's diploma from the veterinary technology school of graduation;

5. a certificate by the applicant that the applicant has not been arrested or indicted for or been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor, other than minor traffic violations; and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;

6. a certificate that the applicant has never had his or her certificate as a registered veterinary technician in veterinary medicine revoked, suspended or denied and, in the event that the applicant is unable to so certify, the board may request or require full explanation and/or documentation concerning such revocation, suspension, or denial;

7. a list of all certificates or licenses that the applicant currently holds and/or has held;

8. the certified score on any previous national examinations or state examinations (whether Louisiana state examinations or state examinations from other states) previously taken by the applicant;

9. a list of licensed veterinarians for reference and/or letters of recommendation from licensed veterinarians, furnished for the purpose of determining the applicant's professional capabilities and ethical standards;

10. a certificate that the applicant has received and read the Louisiana Veterinary Practice Law and the rules and regulations promulgated by the board.

C. The board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.

D. The board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application if any information furnished in the application is fabricated, false, misleading, or incorrect.

E. The board shall reject the application of an applicant who has practiced veterinary medicine or veterinary technology in this state without a license, temporary permit, exception, or certificate of approval as provided by R.S. 37:1543, during the two-year period immediately prior to the date of application.

F. An application shall become stale if not completed by issuance of a certificate within two years from the initial date of submission to the board. Once stale, the entire application process, including the payment of applicable fees, shall begin anew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 40:309 (February 2014).

§803. Examinations

A. The Louisiana Board of Veterinary Medicine hereby adopts the examination prepared by the American Association of Veterinary State Boards (AAVSB) (hereafter referred to as the "veterinary technician national examination" or VTNE), and hereby requires that all applicants for licensure to practice as registered veterinary technicians in the state of Louisiana shall pass this national examination in addition to any and all state examinations (herein defined as such written examinations, oral

interviews, and/or practical demonstrations as the board may request or require).

B. A passing score on the VTNE shall be deemed to be the pass point as determined by the examining agency contracted with by the board for the formulation, administration and/or grading of the VTNE.

C. A passing score on the state practical for veterinary technicians shall be deemed to be the correct answering of at least 70 percent of the questions on the state examination.

D. The administration of the VTNE shall be in accordance with rules, practices, policies or procedures prescribed by the AAVSB or by any person or persons with whom the AAVSB may have contracted to administer said exam. The VTNE may be administered by members of the Louisiana Board of Veterinary Medicine or any of the agents, employees, or designees of the board.

E. The state practical examination for veterinary technicians may be prepared, administered and graded by the members of the Louisiana Board of Veterinary Medicine or may be prepared, administered, and/or graded, in whole or in part, by any person, firm, corporation or other entity selected, requested or designated to do so by the Louisiana Board of Veterinary Medicine.

F. In order to receive a certificate to practice as a registered veterinary technician in the state of Louisiana, an applicant must pass both the VTNE and the state practical.

G. A passing score on either required examination will be given effect for a period of three years. Should an applicant pass one of the required examinations but fail to pass the other required examination for a period of three years, such applicant will thereafter be required to pass both examinations notwithstanding such applicant's previous passing of one of the required examinations.

H. An applicant for certification may only sit for the national examination a maximum of five times. Thereafter, the applicant will no longer be eligible for certification in Louisiana and any application will be rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994), LR 40:309 (February 2014).

§805. Certificates without Examination

A. The board shall not issue certificates of approval without examination under any circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990).

§807. Temporary Permits

A. The board shall not issue temporary permits for certificates of approval under any circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990).

§809. Fees

A. The board hereby adopts and establishes the following fees.

Examination Fee, Pre-Examination, State or National (This fee does not include vendor's cost.)	$40
Original Certificate Fee	$30
Annual Renewal of Certificate Fee	$30
Application Fee	$25

B. The examination fee shall be exclusive of vendor costs which must also be paid by the examinee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 26:84 (January 2000).

§811. Certificate Renewal, Late Charge, Continuing Education

A. All certificates of approval shall expire annually at midnight September 30. Certificates shall be renewed by completing a re-registration form, which shall be provided by the board, and by payment of the annual renewal fee established by the board. Each year, 90 days prior to the expiration date of the certificate of approval, the board shall mail a notice to each registered veterinary technician stating the date his certificate will expire and providing a form for re-registration.

B. The annual renewal registration must be countersigned by the employing licensed veterinarian.

C. Any application for renewal of a certificate of approval and/or any payment of the annual renewal of certificate fee which is postmarked after September 30 of each year shall be subject to all accrued fees and an additional late fee of $20 per fiscal year.

D. Continuing Education Requirements

1. A minimum of ten continuing education units is required each fiscal year (July 1 through June 30) as a prerequisite for renewal of certification. An RVT who fails to obtain a minimum of ten continuing education units within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2. Any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the clinical practice of a registered veterinary technician. Those continuing education

programs not timely submitted in accordance with Subsection F below will not be allowed for annual continuing education credit.

3. Proof of attendance, which shall include the name of the course, date(s) of attendance, hours attended, and specific subjects attended, shall be attached to the annual renewal form. Proof of attendance must include verification from the entity providing or sponsoring the educational program. However, the actual mediums of videotaped, self-test programs with third party grading, and/or self-help instruction, including online instruction with third party grading, are limited to five hours per fiscal period (July 1 through June 30). The requirement of timely pre-approval of the program by the board shall apply.

4. All hours shall be obtained for the applicable fiscal year (July 1 through June 30) preceding the renewal period of the certificate.

5. Each RVT must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board.

6. Employment at an accredited school or college will not be accepted in lieu of performance of the required hours of continuing education.

7. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education.

E. Failure to Meet Requirements

1. If an RVT fails to obtain a minimum of ten continuing education units within the prescribed fiscal period, his certificate shall automatically expire on September 30, and shall remain expired until such time as the continuing education requirements have been met and documented to the satisfaction of the board. If the RVT practices during the period of such expiration, then he is subject to disciplinary action by the board.

2. The board may grant extensions of time for extenuating circumstances. The RVT must petition the board at least 30 days prior to the expiration of the certificate. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

F. Approved Continuing Education Programs

1. Organizations sponsoring a continuing education program for RVTs which is required to obtain pre-approval must submit a request for approval of the program to the board no less than 14 days prior to the commencement of the program. Information to be submitted shall include:

a. the name of the proposed program;

b. course content; and

c. the number of continuing education units to be obtained by attendees.

2. RVTs may also submit a request for approval of a continuing education program which is required to obtain pre-approval, however, it must be submitted to the board no less than 14 days prior to the commencement of the program. Information to be submitted shall comply with the requirements of Paragraph F.1 of this Section.

3. Continuing education units which are submitted for renewal and were not pre-approved by the board may be reviewed by the board. If the units are not approved, the RVT will be required to take additional continuing education in an approved program prior to renewal of his certificate.

G. The promulgation of rule amendments by the board published in the *Louisiana State Register* on January 20, 2011 shall become effective for the period of time (July 1, 2010-June 30, 2011) for the 2011-2012 annual certificate renewal and every annual certificate renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 23:1686 (December 1997), LR 26:84 (January 2000), LR 36:320 (February 2010), LR 37:1153 (April 2011).

§813. Revoked Certificate

A. A registered veterinary technician whose certificate has been revoked under the provision of R.S. 37:1544.B may be reinstated by the board after proof that the failure to renew was not a willful or evasive act upon payment of the accrued fees and a penalty imposed by the board not exceeding twice the amount of delinquent fees.

B. Any certificate that was revoked for those causes enumerated in R.S. 37:1544.A.(1-12) shall be brought before the board.

C. The identifying number of a revoked certificate of approval shall not be issued to any person other than the original applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990).

§815. Appeals and Review

A. Any applicant for a certificate of approval desiring to review his or her national examination and/or the master answer sheet and/or the examination questions shall make arrangements with the Veterinary Technicians Testing Committee and/ or any person, firm, corporation or entity charged with the preparation, grading and/or administration of the Veterinary Technicians National Examination by the Veterinary Technicians Testing Committee for such review. The Louisiana Board of Veterinary Medicine shall not conduct reviews of the questions contained on the national examination, the answers to the questions contained on the national examination, or any applicant's score on the national examination.

B. Persons Aggrieved by a Decision of the Board

1. Any person aggrieved by a decision of the board, other than a holder of certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1544-1548, may, within 30 days of notification of the board's action or decision, petition the board for a review of the board's actions.

2. A petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office located in Baton Rouge, Louisiana.

3. Upon receipt of such petition, the board then may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony, or evidence unless so required by statute or other rules or regulations of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 25:2226 (November 1999).

§816. Disciplinary Proceedings

A. Any registered veterinary technician against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the board pursuant to R.S. 37:1544-1548 and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act and §1401 et seq., of the board's rules.

B. The board may deny a person's application for a certificate of approval, or revoke, suspend, place on probation, restrict, and/or reprimand a registered veterinary technician, and/or assess a fine not to exceed $1,000 for each separate offense, when it finds noncompliance with or a violation of the provisions of the Veterinary Practice Act and/or the board's rules. The sanction shall issue after compliance with notice and a hearing as required by law.

C. The Code(s) of Ethics of the AVMA and the NAVTA regarding veterinary technicians registered by the board are hereby adopted as standards of conduct by reference. In the event, the subject Code(s) of Ethics contradict the Veterinary Practice Act and/or the board's rules, the latter shall govern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2226 (November 1999), amended LR 40:309 (February 2014).

Chapter 9. Peer Assistance Program for Impaired Veterinarians

§901. Purpose

A. The purpose of the program is to identify and assist licensed veterinarians and paraprofessionals impaired by chemical dependency on drugs or alcohol or by mental illness and to establish a peer assistance program in conjunction with a state or national professional association and to report findings to the Louisiana Board of Veterinary Medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990).

§903. Terms Used in the Program

A. The following terms are used in the program of impaired veterinarians.

Impaired Veterinarian—a veterinarian licensed by the Louisiana Board of Veterinary Medicine whose ability to perform professional services is impaired by chemical dependency on drugs or alcohol or by mental illness.

Paraprofessional—a registered veterinary technician or a certified euthanasia technician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990).

§905. Reporting Instances of Impairment

A. If a person knows or suspects that an individual is impaired by chemical dependency on alcohol or drugs or by mental illness, the person may report the individual's name and any relevant information to an approved peer assistance program.

B. An approved peer assistance program shall report to the Louisiana Board of Veterinary Medicine in writing the name of a veterinarian or paraprofessional that the program knows or suspects to be impaired and any relevant information concerning that veterinarian or paraprofessional.

C. An approved peer assistance program that receives a report of referral under this Section may intervene to assist the impaired veterinarian or paraprofessional to obtain and complete successfully a course of treatment and rehabilitation.

D. If the Board of Veterinary Medicine receives an initial complaint relating to an impaired veterinarian or paraprofessional, the board:

1. may refer the veterinarian or paraprofessional to an approved peer assistance program; or

2. may require the veterinarian or paraprofessional to participate in or complete successfully a course of treatment or rehabilitation;

3. shall maintain separate records on all inquiries and referrals in connection with the peer assistance program in accordance with R.S. 37:1518.B of the Louisiana Veterinary Practice Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990).

§907. Enrollment in Program

A. An impaired veterinarian or paraprofessional who enrolls in an approved treatment program shall enter into an agreement with the board authorizing appropriate board action if the veterinarian or paraprofessional does not remain in the program. The professional's license shall be suspended or revoked; but enforcement of the suspension or revocation may be stayed for the length of time the professional remains in the program and makes satisfactory progress to completion, complies with the terms of the agreement, and adheres to any limitations on his or her practice imposed by the board to protect the public. Failure to enter into such an agreement shall disqualify the veterinarian or paraprofessional from the peer assistance program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990).

Chapter 10. Professional Conduct

§1001. Purpose and Scope

A. The rules of professional conduct shall govern the professional conduct of the members of the veterinary profession in the state of Louisiana. These rules of professional conduct shall be cumulative of all laws of the state of Louisiana relating to the professional conduct of veterinarians and to the practice of veterinary medicine in this state, and shall include the American Veterinary Medical Association's Principles of Veterinary Medical Ethics. In the event the Principles of Veterinary Medical Ethics contradict the Louisiana Veterinary Practice Act and/or the board's rules, the latter shall govern.

B. If any provision of these rules or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the rules which can be given effect without the invalid provisions or applications; and to this end, the provisions of these rules are declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990), amended LR 25:2227 (November 1999).

§1003. Conflicting Interest

A. It is unprofessional and a violation of these rules to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this rule, a member represents conflicting interests if, when employed by a buyer to inspect an animal for soundness, he accepts a fee from the seller. Acceptance of a fee from both the buyer and seller shall be deemed prima-facie evidence of fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990), amended LR 19:1325 (October 1993).

§1005. Encroachments upon Another's Practice

A. Any direct or indirect effort which in any way encroaches upon the practice of another veterinarian is a violation of these rules. It is the right of any veterinarian, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful veterinary services, generally after communication with the veterinarian of whom complaint is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 20:1380 (December 1994).

§1007. Corrupt or Dishonest Conduct

A. Veterinarians shall expose, without fear or favor, before the proper tribunal or the Louisiana Board of Veterinary Medicine corrupt or dishonest conduct in the profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990).

§1009. Professional Responsibility

A. A veterinarian upon his own responsibility must decide what employment he will accept in his professional capacity and what course of treatment will be followed once he has accepted employment. The responsibility for advising questionable or unusual treatments rests upon the veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990).

§1011. Service under the Law

A. No veterinarian shall render any service or advice involving disloyalty under the law. A veterinarian must also observe and advise his client to observe the statutory law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990).

§1013. Corruption, Deception, or Betrayal of the Public

A. A veterinarian shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust or directed toward the deception or betrayal of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990).

§1015. Personal Responsibility of Licensee

A. It is unlawful for a person to practice veterinary medicine, as defined in the Louisiana Veterinary Practice Act and the Board's Rules, who does not possess a current license issued by the Board, unless he falls within an exception defined in Section 1514 of the Practice Act and/or the Board's Rules. The reason for the license requirement is to insure that any person involved in the actual practice of veterinary medicine, including the control of decision-making authority regarding veterinary patient care, is amenable to professional regulation and discipline by the Board in order to protect the public and animals. The license is personal and individual to the veterinarian holder to lawfully practice veterinary medicine. The owner, member, officer, or director of a business entity, such as a partnership, corporation, or limited liability company, with a function that includes the provision of veterinary medicine does not have to possess a license issued by the Board; however, the actual practitioner of veterinary medicine involved in patient care must be licensed by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 25:1628 (September 1999), LR 31:928 (April 2005), amended by the Department of Health, Board of Veterinary Medicine, LR 44:587 (March 2018).

§1017. Professional Services

A. The professional services of a veterinarian shall not be controlled or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian's responsibilities and qualifications are individual. He shall avoid all relations which direct the performance of his duty by or in the interest of such intermediary. A veterinarian's relation to his client is personal, and his responsibility shall be direct to the client or his authorized agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990).

§1019. Employment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), repealed by the Department of Health, Board of Veterinary Medicine, LR 44:588 (March 2018).

§1021. Display of License

A. Each veterinarian shall have posted or displayed at his office in full view of his clients, his original Louisiana license to practice veterinary medicine and his current year's license renewal certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990).

§1023. Degree of Treatment

A. Veterinarians shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 19:1326 (October 1993).

§1025. Display of Degree

A. A licensed veterinarian shall not use or display any college degree, certificate, or title granted by any institution not approved by the American Veterinary Medical Association (AVMA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 19:1326 (October 1993).

§1029. Promoting Unlicensed Person Unethical Activity

A. A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990).

§1031. Direct Supervision of Laypeople, Preceptees, Unlicensed Veterinarians, and Technicians

A. Licensed veterinarians employing and/or supervising persons in any or all of these categories shall make themselves familiar with and strictly adhere to the definitions and limitations as defined in Chapter 7 of these rules. Failure to observe the restrictions, definitions, and/or limitations of this rule shall be considered a breach of the rules of professional conduct and may result in the suspension or revocation of the license of the supervising veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 19:1326 (October 1993).

§1033. Certificate of Health

A. A licensed veterinarian in this state shall not issue a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animal that said animal meets the requirements for the issuance of such certificate. Only a licensed veterinarian can sign the certificate of health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 19:1326 (October 1993).

§1035. Assurances to Clients

A. It is professionally dishonest for a licensed veterinarian to guarantee a cure. A veterinarian must avoid bold and confident assurances to clients, especially where the employment may depend upon such assurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990).

§1037. Humane Treatment and Care

A. A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990).

§1039. Conduct of One's Practice

A. A licensed veterinarian shall conduct his practice on the highest plane of honesty, integrity, and fair dealing with his clients in time and services rendered and in the amount charged for his services, facilities, appliances, and drugs.

B. Prior to the commencement of general anesthesia in a non-emergency situation, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall be placed in the patient's medical record. The anesthesia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent authorizes the performance of professionally accepted anesthetic procedures necessary for his animal's treatment;

3. the owner or duly authorized agent authorizes the performance of such procedures as are necessary and desirable in the exercise of the veterinarian's professional judgment;

4. the owner or duly authorized agent authorizes the use of appropriate anesthetics;

5. the owner or duly authorized agent has been advised as to the nature of the procedures and the risks involved in performing anesthesia to the animal and that results cannot be guaranteed;

6. the owner or duly authorized agent has read and understands this authorization and consent; and

7. the owner or duly authorized agent signs and dates the form.

C. Subsequent to general anesthesia in an emergency situation, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall comply with the requirements set forth in §1039.B above. A documented, good faith effort by the licensed veterinarian to obtain a signed anesthesia consent form shall be made within five days after the emergency anesthesia.

D. For purposes of §1039.B and C, a situation is an emergency when it is necessary to save an animal's life or relieve suffering by the provision of essential services.

E. Prior to the commencement of an euthanasia procedure, a licensed veterinarian shall meet personally with the owner or duly authorized agent of the owner and have him execute a euthanasia consent form which shall be placed in the patient's medical record. The euthanasia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent gives full and complete authority to euthanize and dispose of the animal in whatever manner the veterinarian deems appropriate;

3. that to the best of the owner or duly authorized agent's knowledge that animal has not bitten any person or animal during the last 15 days prior to presentation and has not been exposed to rabies;

4. that the owner or duly authorized agent understands euthanasia as personally explained by the veterinarian and gives permission to end the animal's life; and

5. the owner or duly authorized agent signs and dates the form.

F. The licensed veterinarian may address the issues of civil liability, payment arrangements and/or other issues of concern in the anesthesia consent form and/or euthanasia consent form, however, the inclusion of such issues are at the discretion of the licensed veterinarian and are not required by the board to be addressed in the forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 27:1238 (August 2001).

§1041. Confidential Relationship

A. A licensed veterinarian shall not violate the confidential relationship between himself and his client.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990).

§1045. Solicitors

A. Utilization of the services of solicitors is reprehensible in the veterinary profession. A licensed veterinarian shall not participate in arrangements which share the proceeds from professional services with individuals who may have been instrumental in his having been selected to perform the particular service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990).

§1047. Professional Advantage

A. Any veterinarian who uses present or past position or office of trust deliberately to create for himself any individual professional advantage or to coerce, or to deceive the public shall be in violation of the rules of professional conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990).

§1049. Sanitation Requirements

A. A licensed veterinarian is required to maintain his entire premises in such state of sanitation as to comply with the public health requirements of the city and/or parish in which located and/or the public health laws of the state of Louisiana.

B. Sanitary methods for the disposal of deceased animals shall be provided and maintained in compliance with all local and state health regulations.

C. Contaminated waste such as syringes, needles, surgical blades, and any contaminated materials shall be disposed of in accordance with local, state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 19:1326 (October 1993).

§1051. Removal of Accreditation

A. A licensed veterinarian whose accreditation has been or is subject to being revoked or removed by state or federal authority may be subject to disciplinary action by the Louisiana Board of Veterinary Medicine upon proof of the acts or omissions constituting the grounds for removal or revocation of his accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990).

§1053. Business Names

A. Business names used by veterinary facilities and licensed veterinarians should provide the general public and other practitioners with a clear understanding of the kind and extent of veterinary services being offered. The following provisions shall govern the selection and use of business names in the veterinary profession.

1. The business name of a *hospital* or *clinic* as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary," in connection with the words, "hospital" or "clinic;" or

b. if a business name of a *hospital* or *clinic* as defined and classified in §§700 and 711 of this Part does not comply with §1053.A.1.a, there shall be a legible sign at the business entrance clearly identifying the facility as either a veterinary or animal hospital or clinic. The designation chosen shall be based on the standards set forth in §711 of this Part.

2. The business name of a *mobile clinic* as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary" in connection with the words, "mobile clinic;" or

b. if the business name does not comply with §1053.A.2.a, a legible sign shall be placed at the business entrance of the mobile clinic identifying it as a veterinary or animal mobile clinic.

3. Any other business name used by a licensed veterinarian who does not operate a veterinary or animal *hospital*, *clinic*, or *mobile clinic* as defined and classified in §§700 and 711 of this Part must clearly indicate the kind and extent of veterinary medical services which are being offered to the public.

B. The name shall exclude the advertising of special services such as: boarding, grooming, clipping, or any special service, professional or nonprofessional.

C. In the event the clinic is incorporated without a change of name (with the exception of including the words, "incorporated" or "incorporation") or in the event the name is protected under the assumed name statutes of this state, then in either event the corporate name will be acceptable if used prior to the effective date of the Professional Incorporation Act or, in use of assumed names, if in compliance with the assumed name statutes prior to the effective date of this rule.

D. In instances where a clinic is limited exclusively in its practice to emergency service, the word "emergency" may be included in the name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 25:1249 (July 1999).

§1055. Controlled Substances

A. It is unprofessional conduct for a licensed veterinarian to fail to observe and/or comply with any and all provisions of Chapter 7 concerning the prescribing and dispensing of drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 19:1326 (October 1993).

§1057. Advertising

A. *Advertising*—newspaper, magazine, and periodical announcements and listings, radio and television; professional cards; professional announcement cards; office and other signs; letterheads; telephone and other directory listings; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

B. *Solicitation*—advertising intentionally directed to specific individuals.

C. A veterinarian shall not, on behalf of himself, his partner, his associate, or any other veterinarian:

1. seek to attract clients as a private practitioner by any form of solicitation through the exertion of undue influence; or

2. communicate with any nonclient who has given the veterinarian notice that he does not want to receive communications from the veterinarian; or

3. use or participate in the use of any form of advertising or solicitation which contains a false, deceptive, or misleading statement or claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990).

§1059. Particular Acts, Statements, or Situations Constituting "False, Deceptive, or Misleading Claim"

A.. "False, deceptive, or misleading statement or claim" includes, without limitation, a statement or claim which:

1. contains a prediction of future success or guarantees that satisfaction or a cure will result from the performance of professional services;

2. contains a testimonial about or endorsement of a veterinarian or a combination of a veterinarian's name or photograph and his identity as a veterinarian as part of a testimonial, endorsement, or sales promotion of a veterinary or nonveterinary product or service except that this prohibition does not apply to endorsements of valid, nonprofit charitable organizations whose purpose is to promote veterinary medicine and animal health;

3. refers to secret methods of treatment or special services which characterize the ways of a charlatan;

4. concerns illegal transactions;

5. is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;

6. contains statistical data or other information based on past performance or case reports;

7. contains a statement of opinion as to the quality of professional services or a representation regarding the quality of professional services which is not susceptible of verification to the public;

8. states or implies that a veterinarian is a certified or recognized specialist unless he is board certified in such specialty;

9. is intended or is likely to create an inflated or unjustified expectation;

10. contains a material misrepresentation of fact;

11. omits to state any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;

12. would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;

13. contains a representation or implication that is likely to cause an ordinary prudent layman to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive; or

14. relates to professional fees other than:

a. a statement of the fixed fee charged for a specific professional service, provided that the description of such services would not be misunderstood or be deceptive and that the statement indicates whether additional fees may be incurred for related professional services which may be required in individual cases; or

b. a statement of the range of fees for specifically described professional service, provided that there is reasonable disclosure of all relevant variables and considerations affecting the fees so that the statement would not be misunderstood or be deceptive, including, without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990).

§1061. Advertising Time Requirements

A. Any advertisement of price for routine veterinary services permitted under board rule shall be valid and binding on the advertising veterinarian for not less than six months following the date it is last offered, and the veterinarian offering same shall honor all client requests for such veterinary service made by veterinary clients within the six-month period following the last date such advertisement was presented to the public unless there is contained in the advertisement a specific time limitation on the availability of the service or product at the advertised price; further, all such services must be completed within a reasonable time from the first patient appointment or such patient's request for veterinary service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990).

§1063. Speciality List

A. A veterinarian holding a current certificate of special competence in a particular field of veterinary medicine issued by the board, recognized by the American Veterinary Medical Association, may state in reputable veterinary directories and veterinary lists, notices mailed to veterinarians, clients, former clients, personal friends and relatives, the yellow pages of telephone directories distributed in the geographical area or areas in which the veterinarian resides or maintains offices or has his primary practice, and on professional cards or letterhead that he is certified in a particular field.

B. A veterinarian may not use the term *specialist* for an area of practice for which there is not AVMA recognized certification, nor may a veterinarian state or imply that he is a certified or recognized specialist unless he is board certified in such specialty.

C. A diplomate of the American Board of Veterinary Practitioners can claim only a specialty for the class of animals in which he specializes, not for medical specialties unless he is board-certified in those medical specialties.

D. The term *specialty* or *specialists* is not permitted to be used in the name of a veterinary hospital unless all veterinary staff are board-certified specialists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 23:968 (August 1997), LR 24:335 (February 1998).

§1065. Other Governmental Agencies

A. It shall be considered unprofessional conduct for a veterinarian to violate any ordinance, regulation, rule, and/or law of any local, state or federal government or agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1326 (October 1993).

Chapter 11. Preceptorship Program

§1101. Purpose

A. The major purpose of the program is to acquaint the applicant prior to licensure with the scope and pace of a clinical practice and to teach the applicant aspects of management, finances, client relations, personnel supervision, and housekeeping as can only be found in an actual practice situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990).

§1103. Definitions

Fourth Year—the final year of study for a Doctor of Veterinary Medicine degree, or equivalent, at an accredited school of veterinary medicine.

Limited Approval—a specialty facility, such as but not limited to, referral clinics, research facilities, and humane societies, may be approved by the board for a preceptee to perform no more than one-half the required preceptorship program.

Preceptee—an applicant for the preceptorship program. The preceptee is not to be considered a substitute employee and shall not be represented as a licensed veterinarian.

Preceptor—a practitioner who is a licensed veterinarian, a member in good standing of his or her state association of the American Veterinary Medical Association and whose facility or practice has been approved by the board as a preceptorship host.

Preceptorship Program—a preceptorship program approved by the Louisiana Board of Veterinary Medicine.

1. The program shall consist of not less than eight calendar weeks in training in a program approved by the board.

2. For students graduating in calendar year 2001 and thereafter, the program must be performed after January of the fourth year of study.

Third Year—the year preceding the final year of study for a Doctor of Veterinary Medicine degree, or equivalent, at an accredited school of veterinary medicine.

Week in Training—a week in training shall consist of a minimum of 40 hours earned during a maximum of six calendar days. A calendar day shall not exceed twelve hours in duration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 19:208 (February 1993), LR 23:968

(August 1997), LR 24:1293 (July 1998), LR 27:543 (April 2001), LR 28:1208 (June 2002), LR 38:357 (February 2012), LR 40:309 (February 2014).

§1105. Applicants

A. Every applicant for a license to practice veterinary medicine in the state of Louisiana must successfully complete, during the fourth year in an accredited school of veterinary medicine or after graduation, a preceptorship program at a board-approved facility. Only one board-approved preceptorship program will be allowed to be performed by a preceptee.

B. Every applicant for a preceptorship program must:

1. choose a facility that has been pre-approved by the board or preceptorship committee. If the subject facility has not been pre-approved, the applicant or facility may request an assessment questionnaire;

2. complete an agreement form provided by the board in which the proposed start date and end date of the preceptorship is indicated. Said agreement form must be agreed upon and signed by both the applicant and *preceptor*. The completed agreement form must be submitted to the board two weeks prior to the start of the preceptorship.

C. An applicant may divide the preceptorship program into two sessions at two different approved facilities. However, a session must consist of no less than three consecutive weeks in training.

D. A preceptee may perform no more than one-half of the preceptorship program at a specialty facility, such as, but not limited to, referral clinics, research facilities, and humane societies, which have received limited approval by the board.

E. The board shall have the discretionary right to waive compliance with the preceptorship program when the applicant has been licensed in another state or is eligible for a license without examination, and provides written proof of employment as a licensed veterinarian in a full time, clinical practice for a minimum of 90 days for the period immediately prior to submission of the license application to the board.

F. The board shall have the discretionary right to require a preceptee, who has received an unfavorable evaluation, to repeat the preceptorship program requirement for licensure, in its entirety or partially, with another preceptor selected by the preceptee and pre-approved by the board. If the preceptee is thereafter unable to obtain a favorable evaluation, the board shall have the discretionary right to deny licensure. Any decision made by the board pursuant to this subsection shall be subject to appeal and review in accordance with LAC 46:LXXXV.105.B.

G. The failure to comply with the time and duration requirements for any week(s) in training shall result in the preceptee having to successfully repeat the non-compliant week(s) in training at the same approved preceptorship site, or a successive board approved site, conditioned on submitting a revised preceptorship agreement to the board at least two weeks prior to the commencement of the makeup week(s) in training at issue. An applicant for a license to practice veterinary medicine must successfully complete the preceptorship requirement, or be granted a waiver pursuant to §1105.E, prior to being issued a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 23:1686 (December 1997), LR 24:942 (May 1998), LR 27:543 (April 2001), LR 37:1571 (June 2011), LR 38:357 (February 2012).

§1107. Preceptorship Committee

A. The board may appoint a committee composed of not less than five nor more than eight veterinarians. Only two members of the veterinary board may be eligible to serve on the committee, one member from the faculty of Louisiana State University, School of Veterinary Medicine, and the other members from the Louisiana Veterinary Medical Association, with all members serving a five-year term. Whenever a vacancy occurs under this Section, the board shall nominate three or more qualified persons for each vacancy and vote on the nomination at the next regular meeting of the board.

B. A person shall be qualified to serve on the committee if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for five years immediately preceding the time of his nomination.

C. Any member of the committee may be removed by a majority vote of the board.

D. The committee shall meet at least 30 days prior to the administration of the state examination. Other meetings of the committee may be called by the president of the board by giving notice. Except as may otherwise be provided, a majority of the committee constitutes a quorum.

E. The committee shall administer the preceptorship program pursuant to these rules and policies provided by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:233 (March 1990).

§1109. Preceptor's Responsibilities

A. The preceptor shall have the following responsibilities:

1. to assume the responsibility of an instructor during the training period with the primary objective of training the preceptee under direct supervision as set forth in §§700 and 702.B;

2. to insure that the degree of responsibility delegated to the applicant shall in no way conflict with the veterinary practice act of his/her state or those where work might be done;

3. to conduct oneself in a professional and ethical manner;

4. to extend the same privileges to the preceptee as afforded other practice employees;

5. to never consider the preceptee as a substitute employee or to represent him/her as being a licensed veterinarian;

6. to provide a written job description on forms provided by the board with the practice assessment questionnaire. A copy of said job description will be distributed to the preceptee upon applying for preceptorship at the facility, so that the preceptee will have an understanding of his/her responsibilities;

7. to assure that the preceptee's assignments, as much as possible, cover all aspects of the practice including office management, bookkeeping, and economics unless the facility holds a limited approval by the board as a specialty facility;

8. to be subject to unscheduled on-site visits by a member of the preceptorship committee or the board during the preceptorship period;

9. to evaluate the preceptee's performance by completing and submitting the forms necessary for evaluation and licensure in the state of Louisiana;

10. to verify the preceptee's preceptorship log as requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:233 (March 1990), amended LR 27:543 (April 2001).

§1111. Preceptee's Responsibilities

A. The failure of the preceptee to comply with all requirements of preceptorship assignment, can result in an additional preceptorship assignment and/or delay in licensure.

B. The preceptee's responsibilities are the following:

1. to regard the host veterinary practitioner as an instructor;

2. to conduct oneself in an ethical and professional manner;

3. to be responsible for keeping all professional matters confidential as in the true veterinarian-client-patient relationship;

4. to maintain a neat and clean personal appearance and a professional, congenial attitude befitting a professional of veterinary medicine;

5. to be responsible for personal clothing and footwear unless other arrangements are made with the host preceptor;

6. to be responsible for the completion and timely submission to the board of all required preceptorship documents, such as the agreement form, attendance log, and evaluation sheets;

7. to comply with the requirement of *direct supervision* set forth in §§700 and 702.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:233 (March 1990), amended LR 27:544 (April 2001).

§1113. Practice Assessment Forms and Job Description Forms

A. All practitioners who express an interest in participating in the preceptorship program must complete the following.

1. Practice Assessment Form. This form is used to determine if the practice meets the standards required by the American Veterinary Medical Association; and

2. Job Description Form. This form is to insure that both parties understand in advance what is to be expected from the other.

B. Applicants may request that forms be provided to practitioners with whom they have talked about the requirements for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:233 (March 1990), amended LR 27:544 (April 2001).

§1115. Preceptorship Practice Requirements

A. A completed Practice Assessment Questionnaire and Job Description Form shall be submitted to the board, at least two weeks prior to the start of a preceptorship, to provide adequate time for board review and approval of the facility and for applicant-practitioner negotiations prior to time the preceptorship begins.

B. A firm commitment must not be made between the preceptee and the preceptor before the practice is approved by the board or preceptorship committee.

C. Approval of a preceptor shall include the following.

1. Practices providing small animal services must adhere to high standards of surgical service including a separate prep room, availability of gas anesthesia, and use of gowns, caps, and masks for orthopedic and other involved surgeries.

2. Standards for large animal surgery must be consistent with good modern surgical techniques and provide for the performance of aseptic operative procedures.

3. All practices must be equipped or have the availability to provide a full radiographic service without hazardous exposure and must comply with all state and federal radiological standards.

4. Clinical pathology diagnostic services must be utilized.

5. The caseload must be of such nature as to provide good exposure for the preceptee while allowing time for preceptor -preceptee interaction.

6. The preceptor must be willing to provide supervised, hands-on experience.

D. Specialty facilities, such as but not limited to, referral clinics, research facilities, and humane societies, may receive limited approval by the board to allow for no more than one-half of the required preceptorship program to be performed by a preceptee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:233 (March 1990), amended LR 27:544 (April 2001), LR 28:1208 (June 2002).

§1117. Financial Arrangements and Agreements

A. Financial arrangements are negotiated by the practitioner and the applicant. It should be borne in mind that the main objective of the preceptorship should be educational rather than remunerative. The primary and perhaps only concern should be to supply funds for living or other costs encountered by the preceptor.

B. A written agreement between the preceptee and preceptor setting forth the responsibilities of the student and the practitioner should be agreed to by both parties at the time the commitment is made. The agreement should include the starting and termination dates, duty hours, after duty hours, free time, salary and fringe benefits. This type of written agreement reduces possible misunderstandings and enhances the learning experience.

C. All written agreements are carried out between the preceptee and the preceptor. A firm commitment must not be made between the preceptee and the preceptor before the practice is approved by the committee or the board. Premature commitments to practices that were not approved will not be tolerated. When this occurs in the future, that particular practitioner will be denied for the applicant involved.

D. Splitting of the preceptorship between two practices will be permitted. In practices with satellite clinics, the preceptee is expected to be under the direct supervision of the preceptor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:234 (March 1990), amended LR 27:544 (April 2001).

§1119. Preceptorship Attendance Log

A. Each preceptee shall be required to keep a daily log on a form provided by the board of his/her attendance for the duration of the program. The attendance log form shall be reviewed and signed by the preceptor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:234 (March 1990), amended LR 23:968 (August 1997), LR 27:544 (April 2001).

§1121. Evaluations

A. At the conclusion of the preceptorship program, the preceptor and preceptee shall complete an evaluation form provided by the board. The completed evaluation forms must be submitted to the board within a 20-day time period to begin with the conclusion of the preceptorship program. No preceptorship program is complete until all required documentation is received by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:234 (March 1990), amended LR 23:968 (August 1997), LR 27:544 (April 2001).

§1123. Effective Date

A. These rules and regulations shall take effect upon publication in the March 20, 1990 issue of the *Louisiana Register* and as amended thereafter, and shall be complementary to all other rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:234 (March 1990), amended LR 27:545 (April 2001).

Chapter 12. Certified Animal Euthanasia Technicians

§1200. Definitions

A. All definitions used in this chapter shall have the meaning assigned to them in R.S. 37:1552. In addition, the following definitions shall be applied:

Board—the Louisiana Board of Veterinary Medicine.

Certified Animal Euthanasia Technician—a person who is instructed in a board approved program in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the board, in proper security precautions, in proper record keeping, and related skills, and who has been issued a certificate by the board. Only a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board may legally perform pre-euthanasia chemical restraint and/or chemical euthanasia. Pre-euthanasia chemical restraint and/or chemical euthanasia cannot be delegated to another person who is not a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board.

Full Certification—a certificate of approval granted to an applicant who has fulfilled all requirements of this Chapter. Such certificates shall expire annually. The certificate shall entitle the CAET to perform pre-euthanasia chemical restraint and/or chemical euthanasia only at the facility site of the certificate holder's employment, which

may include an animal control shelter's mobile vehicle, and only one certificate shall be issued to a certificate holder at any one time.

Lead Certified Animal Euthanasia Technician or Lead CAET—a CAET who also meets the requirements of R.S 37:1552(4). There shall be only one Lead CAET per animal control shelter or facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 38:357 (February 2012), LR 40:309 (February 2014).

§1201. Applications for Certificate of Approval

A. Pursuant to R.S. 37:1553, applicants shall submit the following items to the board:

1. a completed application form approved by the board, which shall be sworn to and subscribed before a Louisiana notary public;

2. a current passport-type photograph of the applicant;

3. an official copy of a birth certificate or a notarized copy of a current driver's license as proof of attaining the age of 18 years in order to commence the application process, attend the required training course, sit for the certification examination and receive certification as a CAET or Lead CAET;

4. an official transcript of the applicant's high school records or photocopy of the applicant's high school diploma or GED or an official transcript indicating attendance at an institution of higher learning;

5. certified scores on any previous examinations in animal euthanasia and/or proof of successful completion of a board-approved course in animal euthanasia within a three-year period;

6. certification by the applicant that he has never been convicted, pled guilty or pled nolo contendere to either a felony or misdemeanor, other than a minor traffic violation. In the event that the applicant is unable to so certify, the board shall require the applicant to explain in full and/or provide further documentation;

7. certification that the applicant has never had certification as a certified animal euthanasia technician revoked, suspended, or denied. In the event that the applicant is unable to so certify, the board shall require the applicant to explain in full and/or provide further documentation;

8. a list of all professional certificates or licenses that the applicant currently holds and/or has held;

9. two letters of reference on board-approved forms from licensed veterinarians or other professional persons associated with animal control administration who can attest to the applicant's professional character and ethical standards;

10. a release waiver form to authorize a background check regarding the applicant's history with dangerous and/or controlled substances to be performed by the Drug Enforcement Administration or other law enforcement agency at the board's request. A photostatic copy of the applicant's authorization is accepted with the same authorization as the original. The background check must be successfully passed, which means that the Drug Enforcement Administration or other law enforcement agency has indicated to the board that the applicant has no previous criminal convictions involving dangerous and/or controlled substances;

11. certification by the applicant that he has not violated or been subject to any of the grounds for denial of a certificate of approval as listed in R.S. 37:1554;

12. unless otherwise already in possession of the board, evidence that the applicant has successfully completed a board-approved program in animal euthanasia, which shall include instruction in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the board, in proper security precautions, in proper record keeping, and related skills identified by the board.

B. The board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application if any information furnished in the application is fabricated, false, misleading, or incorrect.

C. The board shall reject the application of an applicant who has practiced veterinary medicine, veterinary technology, or euthanasia technology with sodium pentobarbital in this state without a certificate of approval during the two year period immediately prior to application.

D. An application shall become stale if not completed by issuance of a certificate within two years from the initial date of submission to the board. Once stale, the entire application process, including the payment of applicable fees, shall begin anew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 29:1479 (August 2003), LR 38:357 (February 2012), LR 40:310 (February 2014).

§1203. Examinations

A. The board may formulate, administer and grade an examination (herein defined as such written examination, oral interviews, and/or practical demonstrations as the board may request or require) or may select an agency whose qualifications for performing any or all of theses functions are recognized by the board and charge said agency with the formulation, administration and/or grading of the examination.

B. All applicants for full certification must take and pass the examination(s) adopted by the board.

C. The administration of the examination(s) shall be in accordance with rules, practices, policies, or procedures prescribed by the board or by the designees of the board or by any person or person with whom the board may have contracted to administer said exam. The exam may be administered by members of the board or any of the agents, employees, or designees of the board.

D. The examination may be prepared, administered and graded by the members of the board or may be prepared, administered and/or graded, in whole or in part, by any person, firm, corporation or other entity selected, requested or designated to do so by the board.

E. The course shall consist of presentations in the areas of legal concerns (Veterinary Practice Act), record-keeping requirements (Veterinary Practice Act and DEA), human safety, and a general knowledge of sodium pentobarbital and proper euthanasia techniques.

F. The administration of the course shall be in accordance with rules, practices, policies, or procedures prescribed by the board or its designees. Instruction may be provided by the members of the board or any agent, employee, or designee of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993).

§1205. Passing Scores

A. A passing score on any written and/or oral portions of the examination shall be deemed to be the correct answering of 70 percent of the questions contained on that portion of the examination.

B. A passing grade on the practical portion of the examination will be determined by the successful completion of a series of hands-on demonstrations which indicate that the applicant has been properly trained in procedures which will enable him to safely and effectively perform humane euthanasia with sodium pentobarbital.

C. Applicants who fail to achieve a passing score on any portion of the examination, either written or practical, will not be eligible for a certificate of approval nor may they apply for a temporary certificate of approval.

D. Appeals concerning the examination must be made in writing to the board within 30 days of the administration of the examination. All such formal appeals will be reviewed at the next available meeting of the board. The board may call witnesses and/or hold public hearings as it deems necessary although it is not required to do so unless otherwise specified by statute. The decision of the board regarding such appeals is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1425 (November 1993), amended LR 26:318 (February 2000).

§1207. Certificates without Examination

A. The board shall not issue full certificates of approval without examination under any circumstances, except as provided in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1425 (November 1993), amended LR 26:318 (February 2000).

§1209. Pre-Euthanasia Restraint

A. Euthanasia by intracardiac injection on cats and dogs shall be prohibited unless the animal is unconscious or rendered completely unconscious and insensitive to pain through the injection of an anesthetic. Such prohibition is applicable to animal control shelters and their animals located on site as well as their animals which may be transported to a veterinary clinic for euthanasia. Temporary transfer of ownership of the animal to the veterinarian by the animal control shelter for euthanasia by cardiac injection is a violation of the law. The performance of euthanasia by intracardiac injection in violation of this section by a CAET and/or veterinarian is sanctionable.

B. A CAET (lead status or otherwise) shall not use any drug for purposes of sedation, or any form of anesthesia, since sedation is beyond the permissible scope of euthanasia practice for this certificate holder. However, Acepromazine, Rompun (xylazine), or Domitor (medetomidine) which are non-controlled drugs, may be legally used by CAETs for pre-euthanasia restraint of feral/fractious animals. If an animal control shelter's animal must be sedated/anesthetized pursuant to Subsection A above, then a LA licensed veterinarian must perform this service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 38:357 (February 2012).

§1211. Fees

A. The board hereby adopts and establishes the following fees for the CAET program.

Application Fee	$25
Course Fee	$80
Annual Renewal of Certificate	$50
Examination Fee	$50
Late Renewal Fee	$25
Original Fee-Full Certification	$50

B. Renewals received after the expiration date as provided in R.S. 37:1546, shall be charged a late renewal fee.

C. The board may direct that examination fees be assigned or remitted directly to the agency selected to prepare, administer, and score the examination in animal euthanasia. Said agency may not assess fees in addition to those set by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1425 (November 1993), amended LR 26:318 (February 2000), LR 38:358 (February 2012).

§1213. Renewal of Certificates

A. All certificates of approval shall expire annually at midnight September 30. Certificates shall be renewed by completing a re-registration form which shall be provided by the board and by payment of the annual renewal fee established by the board.

B. Each year, 90 days prior to the expiration date of the license, the board shall mail a notice to each certified animal euthanasia technician stating the date his certificate will expire and providing a form for re-registration.

C. The certificate of approval will be renewed for any person who complies with the requirements of this Chapter.

D. Re-registration forms for renewal of certificates of approval, complete with payment of fee and any other documents required by this Chapter, shall be postmarked no later than the expiration date of the license each year. Re-registration forms postmarked after midnight of the expiration date will be subject to a late renewal fee as established by the board. This fee is in addition to the regular fee for annual renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1426 (November 1993), amended LR 23:1685 (December 1997), LR 26:319 (February 2000).

§1215. Expired Certificate

A. A certified animal euthanasia technician whose certificate has expired may be reinstated within one year of its expiration by making written application for renewal, paying the current renewal fee plus all delinquent renewal fees and late fees, and meeting the continuing education requirements prescribed by the board.

B. A CAET who fails to renew a certificate of approval within one year of its expiration must reapply for a new certificate. A certificate of approval shall not be issued without the approval of a majority of the quorum of the board.

C. The identifying number of an expired certificate of approval shall not be issued to any person other than the original holder of that number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1426 (November 1993), amended LR 26:319 (February 2000).

§1217. Revoked Certificate

A. A person whose certificate of approval has been revoked pursuant to R.S. 37:1554 must reapply for a new certificate.

B. A person whose certificate of approval has been revoked pursuant to R.S. 37:1554 shall not be issued a new certificate unless approved by a majority of the quorum of the board.

C. The identifying number of a revoked certificate of approval shall not be issued to any person other than the original holder of that number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:319 (February 2000).

§1219. Appeals and Review

A. Any applicant for a certificate of approval desiring to review his examination and/or the master answer sheet and/or the examination questions shall make arrangements with the board, its agent, designee or any other person, firm, corporation, or entity charged with the preparation, grading and/or administration of the course for such review.

B. Persons Aggrieved by a Decision of the Board

1. Any certified animal euthanasia technician aggrieved by a decision of the board, other than a holder of a certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1551 et seq., may, within 30 days of notification of the board's action or decision, petition the board for a review of the board's actions.

2. A petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office.

3. Upon receipt of such petition, the board may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony, or evidence unless so required by statute or other rules or regulations of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1426 (November 1993), amended LR 25:2227 (November 1999), LR 26:319 (February 2000).

§1221. Disciplinary Proceedings

A. Any CAET against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the board pursuant to R.S. 37:1551 et seq., and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and

provisions of the Administrative Procedure Act and §1401 et seq., of the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2227 (November 1999), amended LR 26:319 (February 2000).

§1223. Maintenance and Security of Sodium Pentobarbital

A. Storage. All sodium pentobarbital shall be stored either in a securely locked cabinet which is of substantial construction or in a safe or in a locked metal cabinet. The cabinet, safe or locker shall be locked at all times. The CAET(s) shall have the responsibility for the safe-keeping of the keys and/or combination to the cabinet, safe, or locker.

B. Usage Log

1. A usage log shall be maintained to account for the use of each cubic centimeter (cc) or parts thereof of sodium pentobarbital. The log shall include:

a. the date of usage;

b. the lot number and bottle number used;

c. the amount (in cc's) of usage;

d. the tag number or other identification number for the animal;

e. the name of the person who drew the sodium pentobarbital;

f. any amount of drug wasted, spilled, or lost; and

g. the name of a witness to the waste, spillage, or loss of sodium pentobarbital.

2. The usage log shall be maintained on a standardized form provided by the board or its designated agent. Copies of the log so provided may be made by the shelter.

3. Usage logs shall be made available to any official of the Drug Enforcement Administration without prior notification.

C. Inventory

1. A perpetual inventory of all sodium pentobarbital shall be maintained. An initial inventory must be conducted when a CAET first obtains a DEA registration and/or Louisiana Controlled Dangerous Substances License. A physical inventory shall be conducted every three months.

2. The inventory shall indicate the amount of sodium pentobarbital ordered, the amount presently on hand, the amount used for euthanasia, the amount lost due to spillage or waste, the amount lost due to the drug's expiration, and the time of day the inventory was taken.

3. The inventory shall be made and signed by the certified animal euthanasia technician(s) or licensed veterinarian who is the registrant of the Drug Enforcement Administration.

4. Upon written request from either the Louisiana Board of Veterinary Medicine or the Department of Health and Hospitals, the certified animal euthanasia technician shall provide a copy of the inventory records.

5. Inventory logs shall be made available to any official of the Drug Enforcement Administration without prior notification.

6. The inventory log shall be maintained on a standardized form provided by the board or its designee. Copies of the form so provided may be made by the shelter.

D. Orders, Destruction, and Thefts

1. Placing Orders. All sodium pentobarbital must be purchased by way of a DEA 222 Order Form. Alterations and scratch-outs are not allowed on this form. If a mistake is made on the form, "void" must be written on the form and the form must be maintained in the file.

2. Receiving Orders. The date and amounts received must be logged in on the order form.

3. Returns of Sodium Pentobarbital to Suppliers. If sodium pentobarbital must be returned to a supplier or transferred to another person possessing a DEA registration and Louisiana Controlled Dangerous Substances License, the supplier or person to whom the drugs are transferred must complete a DEA 222 Order Form. Both the person returning or transferring the sodium pentobarbital and the recipient must maintain a copy of the DEA 222 Form.

4. Destruction of Sodium Pentobarbital. Sodium pentobarbital shall not be destroyed without the prior approval of the U.S. Drug Enforcement Administration. Any destruction approved must be witnessed by a law enforcement officer.

5. Any theft of sodium pentobarbital must be reported to the local police, U.S. Drug Enforcement Administration, and the Louisiana Controlled Dangerous Substances Program.

E. Record Retention. All controlled substances records, including, but not limited to, inventory documents, usage logs, order forms, reports of theft or destruction of controlled substances, must be maintained for a minimum of five years plus the current calendar year.

F. Leaving Employment. A CAET registered with the U.S. Drug Enforcement Administration who leaves employment at a registration site must return his DEA registration any unused DEA Order Form 222s to the DEA. A CAET licensed with the Louisiana Controlled Dangerous Substances Program who leaves employment at a licensed site must return his license to the Louisiana Controlled Dangerous Substances Program.

G. Changing Site Address. It is the responsibility of the CAET registered with the U.S. Drug Enforcement Administration or licensed by the Louisiana Controlled Dangerous Substances Program to inform in writing either or both of those agencies if the address of the site at which he is registered or licensed changes. The written notification

must include the name of the CAET, his registration or license number, the current address of the site, the pending new address of the site, the site name, and the signature of the CAET. Written notification must be submitted to the Drug Enforcement Administration and/or Louisiana Controlled Dangerous Substances Program prior to the relocation of the site.

H. Failure of a CAET to comply with any and all provisions of this Section shall be considered a violation of the rules of professional conduct within the meaning of R.S. 37:1554.A.(12).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1426 (November 1993), amended LR 26:319 (February 2000).

§1225. Responsibilities of a Lead CAET

A. Designation

1. Pursuant to R.S. 37:1552(4), a person seeking designation as a Lead CAET must submit the following to the board:

a. a completed application form approved by the board which shall be sworn to and notarized before a Louisiana notary public;

b. a copy of his current Louisiana state controlled dangerous substances license;

c. a copy of his current registration with the U.S. Drug Enforcement Administration;

d. documentation from the sponsor of a board-approved chemical capture training course that:

i. he has completed the chemical capture training course; or

ii. until December 31, 2000, if a designee applicant completed a chemical capture training course prior to August 1, 2000, he may submit documentation of such completion along with information concerning the content of the course to the board; the board may approve the course and accept it as sufficient to meet the requirements of R.S. 37:1552(4)(c).

B. Legal Drugs. Pursuant to R.S. 37:1556.B, those controlled substances a Lead CAET may legally order and maintain for the sole purpose of restraining, capturing and euthanizing animals shall be limited to the following:

1. sodium pentobarbital at a minimum strength of six grains per milliliter;

2. tiletamine hydrochloride and zolazepam hydrochloride; and

3. ketamine hydrochloride.

C. Providing Chemical Capture Drugs

1. A Lead CAET shall provide chemical capture drugs only to persons who have completed a board-approved training course in the use of chemical capture drugs.

2. Prior to transferring chemical capture drugs to a person who has completed a board-approved training course in the use of chemical capture drugs, a Lead CAET shall have and maintain on file documentation from the sponsor of the board-approved course that the person completed the course. Until December 31, 2000, if a person to whom the Lead CAET provides chemical capture drugs completed a chemical capture training course prior to August 1, 2000, the Lead CAET may submit documentation of such completion along with information concerning the content of the course to the board. The board may approve the course and accept it as sufficient to meet the requirements of R.S. 37:1556.B.(4).

3. Prior to ordering, maintaining, or providing any controlled substance under his own authority to another person, the lead CAET must be registered with the Drug Enforcement Administration (DEA) and licensed by the state controlled dangerous substances program at the shelter location where the drugs will be stored and administered.

4. The Lead CAET must maintain and store the controlled substances allowed for use under §1225.B in a manner which meets or exceeds the requirements of all federal or state drug enforcement agencies, including storage of controlled substances in a securely locked, substantially constructed cabinet and the keeping of a perpetual inventory as required by LAC 48:I.Chapter 39.

5. Use of controlled substances allowed under §1225.B shall be documented to include, but not limited to:

a. date of each use of the drug;

b. species of animal;

c. estimated weight of animal;

d. dose administered;

e. name of animal control officer to whom the drug was transferred and who administered the drug;

f. a perpetual (running) inventory of the drug present at the facility; and

g. both the Lead CAET and person to whom the drug is transferred shall sign a drug sign-out document each time the drug is transferred for use.

6. The Lead CAET shall review each use of the controlled substances allowed under §1225.B and the Lead CAET shall initial the usage log entries to indicate this review. A review of the usage logs shall be made at least quarterly and the quantities of drug used and on hand shall be tallied and authenticated. Any variance shall be noted in the log and steps should be taken and documented to correct the problem.

7. Any removal of the controlled substances allowed under §1225.B from the securely locked, substantially constructed cabinet shall be in minimal amounts, shall be maintained in a locked container when not in use, and shall be documented in a manner to include, but not be limited to:

a. a signed log indicating the person removing the drug;

b. the date on which the drug was removed;

c. an accounting for all drug used and the amount returned;

d. the date on which the remaining drug was returned and the signature of the person returning it.

8. This Section does not pertain to any drug(s) listed in any DEA classification schedule (also known as controlled drugs) or state of Louisiana classification schedule, except those allowed under §1225.B.

D. Failure of a Lead CAET to comply with any and all provisions of §1223 and §1225 shall be considered a violation of the rules of professional conduct within the meaning of R.S. 37:1554.A.(12).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:320 (February 2000).

§1227. Continuing Education

A. Basic Requirements

1. A minimum of six continuing education units is required each fiscal year (July 1 through June 30) as a prerequisite for renewal of certification. A CAET who fails to obtain a minimum of six continuing education units within the prescribed 12-month period will not meet the requirements for renewal of his certificate.

2. Any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education. All other continuing education programs must be approved by the board prior to attendance.

3. Proof of attendance, which shall include the name of the course, date(s) of attendance, hours attended, shall be attached to the annual renewal form. Proof of attendance must include verification from the entity providing or sponsoring the educational program. However, the actual mediums of video tapes, self-test programs with third party grading, and/or self-help instruction, including online instruction, with third party grading, are limited to three hours per fiscal year period (July 1 through June 30). The requirement of pre-approval of the program by the board continues to apply for those programs not accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs not sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

4. All hours shall be obtained in the 12 months preceding the renewal period of the certificate.

5. Each CAET must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board.

6. Effective August 1, 2017, a CAET with prescriptive authority who holds a controlled dangerous substances (CDS) license with the LA Board of Pharmacy shall obtain 3 CE hours for certification renewal which shall include drug diversion training, best practice of prescribing controlled dangerous substances, appropriate treatment for addiction, and any other matters that are deemed appropriate by the veterinary board. The required 3 CE hours set forth herein may be a component part of the annual 6 hours of CE for certification renewal. Successful completion of this requirement once shall satisfy the requirement in full. However, an exemption for the 3 CE hours is available for the CAET with prescriptive authority who holds a controlled dangerous substances (CDS) license if he timely submits an annual certification form as adopted by the veterinary board attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire applicable reporting period. The required 3 CE hours set forth herein may be a component part of the annual 6 hours of CE for certification renewal, and may be part of the on-line allowance. No certification shall be renewed for a CAET who fails to comply with this CE requirement or the exemption.

B. Failure to Meet Requirements

1. If a CAET fails to obtain a minimum six continuing education units within the prescribed 12-month period, his certificate shall be expired and his certificate shall remain expired until such time as the continuing education requirements have been met and documented to the satisfaction of the board.

2. The board may grant extensions of time for extenuating circumstances. The CAET must petition the board at least 30 days prior to the expiration of the certificate. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

C. Approved Continuing Education Programs

1. Organizations sponsoring a continuing education program for CAETs which is required to obtain pre-approval must submit a request for approval of the program to the board no less than 14 days prior to the commencement of the program. Information to be submitted shall include:

a. the name of the proposed program and sponsor organization;

b. course content;

c. the number of continuing education units to be obtained by attendees.

2. CAETs may also submit a request for approval of a continuing education program which is required to obtain pre-approval, however, it must be submitted to the board no less than 14 days prior to the commencement of the program. Information to be submitted shall comply with the requirements of Paragraph C.1 of this Section.

3. Continuing education units which are submitted for renewal and were not pre-approved by the board may be reviewed by the board. If units are not approved, the CAET will be required to take additional continuing education in an approved program prior to renewal of his certificate.

D. The promulgation of rule amendments by the board published in the *Louisiana State Register* on January 20, 2011 shall become effective for the period of time (July 1, 2010-June 30, 2011) for the 2011-2012 annual certificate renewal and every annual certificate renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:321 (February 2000), amended LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:588 (March 2018).

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Chapter 13. Zoo Personnel

§1300. Definitions

Chemical Restraint Drugs—legend or scheduled (controlled) drugs used in 0the capture and/or restraint of dangerous animals.

Dangerous Animal—a zoo animal which poses a threat or risk of harm to a human being, to itself, to another animal, to zoo property, or to private property.

Licensed Veterinarian or *Veterinarian*—a veterinarian licensed to practice veterinary medicine in the state of Louisiana as provided in R.S. 37:1513(6).

Storage and Use Plan—a written protocol stating the storage, inventory, and record keeping requirements for the use of chemical restraint drugs used in the capture of dangerous animals.

Trained Layperson—an employee of a zoo who has been trained by a licensed veterinarian according to the requirements of §1303 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1429 (November 1993).

§1301. Administration of Chemical Restraint Drugs

A. A trained layperson may administer chemical restraint drugs to a dangerous animal when said animal has escaped from its usual area of confinement in a zoo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1429 (November 1993).

§1303. Training Requirements for Zoo Personnel

A. Laypersons who are employed by a zoo and who will administer chemical restraint drugs must be trained by a veterinarian.

B. Trained by a veterinarian means:

1. that the veterinarian has provided the employee with:

a. a list of each species of animal which may require capture by the use of chemical restraint drugs;

b. the specific drug to be used on a particular species; and

c. the specific amount, listed in cc's, of said drug for each species with an appropriate dosage range to account for the varying weights for the particular animal which necessitates capture by chemical restraint drugs;

2. that the veterinarian has demonstrated to the employee the safe and proper use of capture equipment.

C. A certificate offering proof of training for each employee shall be filed with the board by the licensed veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1429 (November 1993).

§1305. Protocols and Plans

A. An escape and capture protocol to be used by the veterinarian in the training of zoo employees shall be submitted to the board for approval.

B. A storage and use plan for capture drugs which meets or exceeds the requirements of all federal drug enforcement agencies and the standards for record keeping found in Chapter 7 of these rules shall be submitted to the board for the board's approval.

1. Use plans shall include a requirement that each use of a controlled substance shall be documented for review by the licensed veterinarian responsible for the purchase and inventory of that drug.

2. Review of each use shall be indicated on the usage log by providing a place for the responsible veterinarian to enter his or her initials.

C. An inventory protocol for all capture drugs which meets or exceeds the requirements of all federal drug enforcement agencies and the standards for prescribing and dispensing drugs found in Chapter 7 of these rules shall be submitted to the board for the board's approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1430 (November 1993).

§1307. Penalties

A. Failure of a licensed veterinarian to comply with any or all provisions of this Chapter shall be considered a violation of the rules of professional conduct. Said veterinarian may be subject to disciplinary action as provided for in R.S. 37:1518 and 1526.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1430 (November 1993).

Chapter 14. Disciplinary Procedures

§1401. Causes for Administrative Action

A. The board, after due notice and hearing as set forth herein and the Administrative Procedure Act, R.S. 49:950 et seq., may deny, revoke or suspend any license, temporary permit, or certification issued or applied for or otherwise discipline a licensed veterinarian, registered veterinary technician or certified animal euthanasia technician on a finding that the person has violated the Louisiana Veterinary Practice Act, any of the rules and regulations promulgated by the board, the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association, or prior final decisions and/or consent orders involving the licensed veterinarian, registered veterinary technician or certified animal euthanasia technician or applicant. Sometimes hereinafter in this Chapter, where the context allows, a licensed veterinarian, registered veterinary technician or certified animal euthanasia technician or applicant may be referred to as "person."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2227 (November 1999).

§1403. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or repeal the provisions of the Administrative Procedure Act, and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person did certain acts or omissions and, if he did, whether those acts or omissions violated the Louisiana Veterinary Practice Act, the rules and regulations of the board, the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association, or prior Final Decisions and/or Consent Orders involving the veterinarian, registered veterinary technician or certified animal euthanasia technician or applicant and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2227 (November 1999).

§1405. Initiation of Complaints

A. Complaints may be initiated by any person or by the board on its own initiative.

B. All complaints shall be addressed confidential and shall be sent to the board office. The investigating board member, with benefit of counsel, shall decide to investigate the charges or deny the charges. If the charges are denied, a letter of denial is prepared and forwarded to the complainant and the person accused of wrongdoing. If the investigating board member decides to investigate, the person shall be notified that allegations have been made that he may have committed a breach of statute, rule and regulation, the American Veterinary Medical Association's Principles of Veterinary Medical Ethics, and/or prior final decisions or consent orders and that he must respond in writing to the board within a specified time period. The response is to be made to the board office address. The complaint letter of alleged violations shall not be given initially to the person. However, sufficiently specific allegations shall be conveyed to the person for his response. Once the person has answered the complaint, and other pertinent information, if available, is reviewed, a determination by the investigating board member, with benefit of counsel, will be made if a disciplinary proceeding is required.

C. Pursuant to its authority to regulate the industry, the board through its investigating board member, may issue subpoenas to secure evidence of alleged violations of the Louisiana Veterinary Practice Act, any of the rules and regulations promulgated by the board, the American Veterinary Medical Association's Principles of Veterinarian Medical Ethics, or prior final decisions and/or consent orders involving the licensed veterinarian, registered veterinary technician or certified animal euthanasia technician or applicant.

D. *Counsel* referenced in this Chapter shall mean the board's General Counsel who will be assisting in the investigation and prosecution of an administrative action. Said counsel shall not provide any legal advices or act as legal counsel to the board or its members, other than the investigating board member, regarding a pending administrative action during the investigation, prosecution and resolution of such disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2227 (November 1999).

§1407. Informal Disposition of Complaints

A. Some complaints may be settled informally by the board and the person accused of a violation without a formal hearing. The following types of informal dispositions may be utilized.

1. Disposition by Correspondence. For complaints less serious, the investigating board member may write to the person explaining the nature of the complaint received. The person's subsequent response may satisfactorily explain the situation, and the matter may be closed. If the situation is not satisfactorily explained, it shall be pursued through an informal conference or formal hearing.

2. Informal Conference

a. The investigating board member may hold a conference with the person in lieu of, or in addition to, correspondence in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

b. The person shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out at the conference may later be used in a formal hearing. Board members, other than the investigating board member, may not be involved in informal conferences.

3. Settlement. An agreement worked out between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the board. The nature of the offense alleged and the evidence before the board must be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2228 (November 1999).

§1409. Formal Hearing

A. The board has the authority, granted by R.S. 37:1511 et seq., to bring administrative proceedings against persons to whom it has issued a license, temporary permit or certification or any applicant requesting a license, temporary permit or certification. The person has the right to appear and be heard, either in person or by counsel; the right of notice; a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the board may proceed with the hearing without the presence of the person.

C. The process of administrative action shall include certain steps and may include other steps as follows.

1. The board receives a complaint alleging that a person has acted in violation of the Louisiana Veterinary Practice Act, the rules and regulations of the board, or the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association. Communications from the complaining party shall not be revealed to any person until and unless a formal complaint is filed except those documents being subpoenaed by a court.

2.a. The complaint is investigated by the investigating board member or board attorney to determine if there is sufficient evidence to warrant disciplinary proceedings. No board member, other than the investigating board member, may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding.

b. A decision to initiate a formal complaint or charge is made if one or more of the following conditions exist:

i. the complaint is sufficiently serious;

ii. the person fails to respond to the board's correspondence concerning the complaint;

iii. the person's response to the board's letter or investigation demand is not convincing that no action is necessary; or

iv. an informal approach is used, but fails to resolve all of the issues.

3. A sworn complaint is filed, charging the violation of one or more of the provisions of the Louisiana Veterinary Practice Act, the rules and regulations promulgated thereto, the American Veterinary Medical Association's Principles of Veterinary Medical Ethics, or prior final decisions and/or consent orders involving the person.

4. A time and place for a hearing is fixed by the chairman or an agent of the board.

5.a. At least 20 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by certified mail to the last known address of the person accused. If the mailing is not returned to the board, it is assumed to have been received. It is the person's obligation to keep the board informed of his whereabouts.

b. The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to 10 days prior to the date set for the hearing.

c. If the board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the person's request, the board shall supply a more definite and detailed statement to the person.

6. Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion

shall contain the reason for the request, which reason must have relevance to due process.

7.a. The chairman, or an authorized agent of the board, issues subpoenas for the board for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

i. a subpoena requiring a person to appear and give testimony; and

ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has custody.

b. A motion to limit or quash a subpoena may be filed with the board, but not less than 72 hours prior to the hearing.

8. a. The hearing is held, at which time the board's primary role is to hear evidence and argument, and to reach a decision. Any board member who, because of bias or interest, is unable to assure a fair hearing, shall be recused from the particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

b. The board is represented by its agent who conducted the investigation and presents evidence that disciplinary action should be taken against the person and/or by the board's attorney. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by requesting party);

ii. documentary evidence, i.e., written or printed materials including public, business, institutional records, books and reports;

iii. visual, physical and illustrative evidence;

iv. admissions, which are written or oral statements of a party made either before or during the hearing;

v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary; and/or

vi. other items or things allowed into evidence by the Louisiana Evidence Code or applicable statutory law or jurisprudence.

d. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

9. The chairman of the board presides and the customary order of proceedings at a hearing is as follows:

a. the board's representative makes an opening statement of what he intends to prove, and what action, he wants the board to take;

b. the person, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded;

c. the board's representative presents the case against the person;

d. the person, or his attorney, cross-examines;

e. the person presents evidence;

f. the board's representative cross-examines;

g. the board's representative rebuts the person's evidence;

h. both parties make closing statements. The board's representative makes the initial closing statement and the final statement.

10. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the record of the proceeding.

11.a. The record of the hearing shall include:

i. all papers filed and served in the proceeding;

ii. all documents and/or other materials accepted as evidence at the hearing;

iii. statements of matters officially noticed;

iv. notices required by the statutes or rules; including notice of the hearing;

v. affidavits of service or receipts for mailing or process or other evidence of service;

vi. stipulations, settlement agreements or consent orders, if any;

vii. records of matters agreed upon at a prehearing conference;

viii. reports filed by the hearing officer, if one is used;

ix. orders of the board and its final decision;

x. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

xi. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

b. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

12.a. The decision of the board shall be reached according to the following process:

i. determine the facts at issue on the basis of the evidence submitted at the hearing;

ii. determine whether the facts in the case support the charges brought against the person; and

iii. determine whether charges brought are in violation of the Louisiana Veterinary Practice Act, rules and regulations of the board, and/or the American Veterinary Medical Association's Principles of Veterinary Medical Ethics.

b. Deliberation

i. The board will deliberate in closed session.

ii. The board will vote on each charge as to whether the charge has been supported by the evidence. The standard will be "preponderance of the evidence."

iii. After considering each charge, the board will vote on a resolution to dismiss the charges, deny, revoke or suspend any license, temporary permit or certification issued or applied for or otherwise discipline a person or applicant. An affirmative vote of a majority of the quorum of the board shall be needed to deny, revoke, or suspend any license, temporary permit or certification issued or applied for in accordance with the provisions of this Chapter or otherwise discipline a person or applicant. The investigating board member shall not be involved in or present during deliberation, nor shall he be included in the quorum or allowed to vote on the outcome of the proceeding.

c. Sanctions against the person who is party to the proceeding are based upon findings of fact and conclusions of law determined as a result of the hearing, and will be issued by the board in accordance with applicable statutory authority. The party is notified by mail of the final decision of the board.

d. In addition to the disciplinary action or fines assessed by the board against a licensed veterinarian or temporary permittee, the board may assess all costs incurred in connection with the proceedings, including but not limited to investigators', stenographers', attorney's fees and court costs.

e. With regard to a registered veterinary technician, the board may, as a probationary condition or as a condition of the reinstatement of any certification suspended or revoked hereunder, require the holder to pay all costs of the board proceedings, including investigators', stenographers', secretaries', attorneys' fees and court costs.

f. With regard to a certified animal euthanasia technician, the board may require the holder to pay all costs of the board proceedings, including investigators', stenographers', secretaries', attorneys' fees, and court costs.

13. Every order of the board shall take effect immediately on its being rendered unless the board in such order fixes a stay of execution of a sanction for a period of time against an applicant or licensee, temporary permittee or holder of a certificate. Such order, without a stay of execution, shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The board shall notify all licensees, temporary permittees or holders of certificates of any action taken against him and may make public its orders and judgment in such manner and form as allowed by law.

14.a. The board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the board files a motion requesting that the decision be reconsidered by the board.

b. The board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the board's decision has been appealed.

c. A motion by a party for reconsideration or rehearing must be in proper form and filed within 10 days after notification of the board's decision. The motion shall set forth the grounds for the rehearing, which include one or more of the following:

i. the board's decision is clearly contrary to the law and evidence;

ii. there is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing;

iii. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or

iv. it would be in the public interest to further consider the issues and the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2228 (November 1999).

§1411. Consent Order

A. An order involving a type of disciplinary action may be made to the board by the investigating board member with the consent of the person. To be accepted, a consent order requires formal consent of a majority of the quorum of the board. Such quorum does not include the investigating board member. It is not the result of the board's deliberation; it is the board's acceptance of an agreement reached between the board and the person. A proposed consent order may be rejected by the board in which event a formal hearing will occur. The consent order, if accepted by the board, is issued by the board to carry out the parties' agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2230 (November 1999).

§1413. Withdrawal of a Complaint

A. If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the investigating board member judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2230 (November 1999).

§1415. Refusal to Respond or Cooperate with the Board

A. If the person does not respond to the original inquiry within a reasonable period of time as requested by the board, a follow-up letter shall be sent to the person by certified mail, return receipt requested.

B. If the person refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in action which could eventually lead to the denial, revocation or suspension of his license, temporary permit or certification, or application for licensure, temporary permit or certification, or otherwise issue appropriate disciplinary sanction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2230 (November 1999).

§1417. Judicial Review of Adjudication

A. Any person whose license, temporary permit or certification, or application for licensure, temporary permit or certification, has been denied, revoked or suspended or otherwise disciplined by the board shall have the right to have the proceedings of the board reviewed by the state district court for the parish of East Baton Rouge, provided that such petition for judicial review is made within 30 days after the notice of the decision of the board. If judicial review is granted, the board's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2231 (November 1999).

§1419. Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the Administrative Procedure Act, R.S. 49:950 et seq., this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2231 (November 1999).

§1421. Reinstatement of Suspended or Revoked License

A. Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2231 (November 1999).

§1423. Declaratory Statements

A. The board may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Louisiana Veterinary Practice Act, R.S. 37:1511 et seq., the rules and regulations promulgated by the board and/or the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association.

B. A request for declaratory statement is made in the form of a petition to the board. The petition should include at least:

1. the name and address of the petitioner;

2. specific reference to the statute, rule and regulation, or the American Veterinary Medical Association's Principles of Veterinary Medical Ethics to which the petitioner relates; and

3. a concise statement of the manner in which the petitioner is aggrieved by the statute, rules and regulations, or provision of the American Veterinary Medical Association's Principles of Veterinary Medical Ethics by its potential application to him in which he is uncertain of its effect.

C. The petition shall be considered by the board within a reasonable period of time taking into consideration the nature of the matter and the circumstances involved.

D. The declaratory statement of the board in response to the petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2231 (November 1999).

§1425. Injunction

A. The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit.

B. If the court finds that the person is violating, or is threatening to violate, this Chapter it shall enter an injunction restraining him from such unlawful acts.

C. The successful maintenance of an action based on any one of the remedies set forth in this rule shall in no way prejudice the prosecution of an action based on any other of the remedies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 25:2231 (November 1999).

Chapter 15. Registered Equine Dentists

§1500. Definitions

A. All definitions used in this Chapter shall have the meaning assigned to them in R.S. 37:1560. In addition, the following definitions shall be applied.

Approval [as used in R.S. 37:1562.C.(2)]—the veterinarian shall make an informed decision based upon his professional judgment after giving consideration to the notification provided by an equine dentist which shall include a visual inspection conducted by the veterinarian prior to the commencement of the procedure.

Continuing Education—board-approved educational experiences in equine dentistry, which may be in the form of institutes, seminars, lectures, conferences, workshops, and other modes of delivery so as to maintain and improve technical competency for the health, welfare, and safety of the citizens of Louisiana.

Continuing Education Unit (CEU)—one hour of activity or participation in a continuing educational program approved by the board.

Equine Owner's Veterinarian—veterinarian licensed by the board who has established a veterinary-client-patient relationship as a primary care provider or as a consultant to the primary care provider.

Notify or *Notification*—

a. with regard to the rasping (floating) of molar, premolar and canine teeth, and the removal of deciduous incisor and premolar teeth (caps), shall mean full written or verbal person to person communication with the veterinarian prior to the commencement of the procedure; or

b. with regard to extracting equine first premolar teeth (wolf teeth), shall mean full written or verbal person to person communication with the veterinarian prior to commencement of the procedure and after approval is given by the veterinarian; however, written confirmation of the notification prepared by the registered equine dentist shall be sent to and received by the veterinarian within seven days after the procedure, which written confirmation shall include:

i. owner's name, address, and phone number;

ii. identifying information concerning the horse, which shall include name, permanent identification marks, age, sex, and color;

iii. method of restraint used during the procedure;

iv. type of dental procedure performed, including methods used;

v. description of the outcome of the procedure;

vi. recommendations, if any, to the owner following extraction of any first premolar teeth.

Possession—actual possession whereby the registered equine dentist has his certificate readily available.

Practice of Equine Dentistry—the rasping (floating) of molar, premolar and canine teeth, and the removal of deciduous incisor and premolar teeth (caps); additionally, an equine dentist may extract equine first premolar teeth (wolf teeth) after complying with the requirements set forth in R.S. 37:1562.C.(2) and the board's rules.

Referral—a verbal request to perform equine dentistry made to a registered equine dentist by a veterinarian licensed by the board who has established a *veterinarian-client-patient relationship* as defined in §700 and who is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site.

Referral Veterinarian—a veterinarian licensed by the board authorized by the existence of a *veterinarian-client-patient relationship* as defined in §700 to make a referral to perform equine dentistry to a registered equine dentist and who is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site.

Substantially Involved in the Care and Maintenance of Horses in the Horse Racing Industry in Louisiana—previous practical experience within the horse racing industry that included equine dental procedures.

Unprofessional Conduct—in addition to the definition set forth in R.S. 37:1564.A.(10), shall include the following:

a. making or participating in any communication, advertisement or solicitation which is false, fraudulent, deceptive, misleading or unfair, or which contains a false, fraudulent, deceptive, misleading or unfair statement or claim;

b. initiation or continuation of services that are contraindicated or cannot reasonably result in beneficial outcome;

c. abuse or exploitation of the provider-patient relationship for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of service;

d. failure to comply with the practice requirements set forth in R.S. 37:1562;

e. failure to comply with the duties established in R.S. 37:1560 et seq., and/or the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:489 (March 2000).

§1501. Applications for Certificates of Approval

A. Pursuant to R.S. 37:1561 and 1562.D, applicants shall submit the following items to the board:

1. a completed application form approved by the board, which shall be sworn to and subscribed before a notary public;

2. evidence that the applicant is a current resident of this state on July 1, 1999, which evidence must be one of the following:

a. a utility bill statement in the name of the applicant and for a Louisiana address which includes service for July 1, 1999; or

b. any other document providing evidence of residency on July 1, 1999, which is approved by a majority of a quorum of the board;

3. evidence that the applicant is substantially involved in the care and maintenance of horses in the horse racing industry in Louisiana, which evidence shall be the following:

a. an affidavit from the applicant sworn to and subscribed before a notary public; and

b. two letters of reference on board-approved forms from veterinarians licensed by the board which shall attest to the applicant's character and ethical standards as they apply to his knowledge in the field of equine dentistry and his substantial involvement in the care and maintenance of horses in the horse racing industry in Louisiana; and

4. evidence that the applicant was licensed in good standing as an equine dentist by the Louisiana Racing Commission on or before July 1, 1995, which evidence must be a certified statement directly forwarded to the board office from an authorized official of the Louisiana Racing Commission attesting to the applicant's licensure in good standing on or before July 1, 1995;

5. payment of all applicable fees for registered equine dentist fees established by the board;

6. a current passport type photograph of the applicant;

7. certification by the applicant that he has not violated or been subject to any of the grounds for denial of a certificate of approval as listed in R.S. 37:1564;

8. a list of all professional certificates or licenses that the applicant currently holds and/or has held.

B. The board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application if any information furnished in the application is fabricated, false, misleading, or incorrect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:490 (March 2000).

§1503. Fees

A. The board hereby adopts and establishes the following fees for registered equine dentists.

Original Registration Fee	$ 200
Annual Renewal of Registration Fee	$ 125
Late Renewal Fee	$ 100
Application Fee	$ 100

B. Renewals received after the expiration date as provided in R.S. 37:1566, shall be charged a late renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1505. Renewal of Certificates

A. All certificates of approval shall expire annually at midnight September 30. Certificates shall be renewed by completing a re-registration form which shall be provided by the board, submitting any other documents required by this Chapter, and by payment of the annual renewal fee established by the board.

B. Each year, 90 days prior to the expiration date of the license, the board shall mail a notice to each registered equine dentist stating the date his certificate will expire and providing a form for re-registration.

C. The certificate of approval will be renewed for any person who complies with the requirements of this Chapter.

D. Re-registration forms for renewal of certificates of approval, complete with payment of fees and any other documents required by this Chapter, shall be postmarked no later than the expiration date of the certificate each year. Re-registration forms postmarked after midnight of the expiration date will be subject to a late renewal fee as established by the board. This fee is in addition to the regular fee for annual renewal.

E. Continuing education requirements prescribed by this Chapter must be satisfied before a certificate of approval is renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1507. Expired Certificate

A. A registered equine dentist whose certificate has expired may be reinstated within one year of its expiration

by making written application for renewal, paying the current renewal fee plus all delinquent renewal fees, and meeting the continuing education requirements prescribed by the board.

B. The identifying number of an expired certificate of approval shall not be issued to any person other than the original holder of that number.

C. A registered equine dentist who fails to renew a certificate of approval within one year of its expiration must reapply for a new certificate. A certificate of approval shall not be issued without the approval of a majority of the quorum of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1509. Revoked Certificate

A. A registered equine dentist whose certificate has been revoked pursuant to R.S. 37:1564 must reapply for a new certificate.

B. A person whose certificate of approval has been revoked pursuant to R.S. 37:1564 shall not be issued a new certificate unless approved by a majority of a quorum of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1511. Review or Appeal of Denial of Application

A. Any registered equine dentist aggrieved by a decision of the board, other than a holder of a certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1560 et seq., may, within 30 days of notification of the board's action or decision, petition the board for a review or appeal of the board's actions.

B. Such petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office.

C. Upon receipt of such petition, the board may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony, or evidence unless so required by statute or other rules or regulations of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1513. Disciplinary Proceedings

A. The board, after due notice and hearing as set forth in the Administrative Procedure Act, R.S. 49:950 et seq., and §1401, may deny, reprimand, restrict, fine, probate, suspend, revoke or pursuant to R.S. 37:1560 et seq., otherwise sanction a registered equine dentist or applicant for certification on a finding that the person has violated R.S. 37:1560 et seq., or any of the rules promulgated by the board, or prior final decisions and/or consent orders involving the registered equine dentist or applicant for certification.

B. Any registered equine dentist against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the board pursuant to R.S. 37:1560 et seq., and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act and §1401.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1515. Practice and Duties

A. No person shall practice equine dentistry in Louisiana unless issued a certificate of approval by the board or the person qualifies for limited exception to certification as set forth in Subsection F below.

B. Pursuant to R.S. 37:1562.C.(1), a registered equine dentist who practices equine dentistry at a location other than at a racetrack shall notify the horse owner's veterinarian prior to the commencement of the practice of equine dentistry.

C. Pursuant to R.S. 37:1562.C.(1), in the event that the horse owner does not have a veterinarian, the equine dentist shall obtain a referral from a veterinarian licensed by the board who has established a *veterinarian-client-patient relationship* as defined in §700. Such referral must be documented by the veterinarian to include:

1. the establishment of the *veterinarian-patient-client relationship* as defined in §700 prior to referral; and

2. that the referral veterinarian is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site;

3. the referral veterinarian must submit a copy of the written referral which must be received by the registered equine dentist within seven days from the referral;

4. such documentation shall be made part of the records maintained by the veterinarian and the registered equine dentist.

D. Pursuant to R.S. 37:1562.C.(2), prior to the initiation of an extraction of first premolar teeth (wolf teeth), the

registered equine dentist shall notify and obtain the approval of the equine owner's veterinarian or referral veterinarian.

E. Duties

1. Prohibition on Drugs. A registered equine dentist shall not prescribe, recommend, or administer any legend drug or controlled substance.

2. Record Keeping. A registered equine dentist shall establish and maintain legible records which can provide a veterinarian with a full understanding of the findings concerning and treatment provided to each horse. Each registered equine dentist shall maintain an individual record on each horse to include, but not limited to, the following:

a. owner's name, address, and phone number; identifying information concerning the horse, which shall include name, permanent identification marks, age, sex, and color; nature of dental complaint; method of restraint used during a procedure; type of dental procedure performed; description of the outcome of the procedure; and recommendations, if any, to the owner following the procedure;

b. original of written notifications submitted to veterinarians regarding treatment;

c. records shall be maintained for at least five years;

d. records are the responsibility and property of the registered equine dentist. The registered equine dentist shall maintain such records and shall not release the records to any person other than the client or a person authorized to receive the records for the client, except that the registered equine dentist shall provide any and all records as requested by the board to the board; and

e. copies of records shall be provided to the client or the client's authorized representative upon written request of the client. A reasonable charge for copying and providing records may be required by the registered equine dentist.

F. With proper training and under the direct supervision of a licensed veterinarian, a layperson or registered veterinary technician employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps) of a horse. However, a layperson or registered veterinary technician shall not extract teeth, amputate large molar, incisor, or canine teeth, extract first premolar (wolf teeth), or repair the damaged or diseased teeth of a horse.

1. The following words and terms, when used in this rule and §710.D, shall have the following meanings.

a. *Proper Training*—prior to providing the procedures stated in Subsection F above, a layperson or registered veterinary technician shall have successfully completed a training program approved by the board which shall consist of classroom instruction and practical courses appropriate to the rasping (floating) of molar, premolar, and canine teeth and removal of deciduous incisor and premolar teeth (caps) of a horse.

b. *Direct Supervision*—the supervising licensed veterinarian shall be readily accessible by beeper or cell phone, as well as physically present within a 30 mile radius of and 30 minutes or less travel time from the premises where the procedure is to be rendered by the layperson or registered veterinary technician.

c. *Employed by the Licensed Veterinarian*—the layperson or registered veterinary technician shall be employed by a licensed veterinarian which shall be demonstrated by the issuance of a W-2 tax statement or other appropriate document evidencing the employment relationship as approved by the board. A layperson or registered veterinary technician working as an independent contractor, partner or any other business arrangement with a licensed veterinarian, shall not be considered employed by the licensed veterinarian for purposes of the limited exception.

d. *Licensed Veterinarian*—a veterinarian licensed by the board.

2. The supervising veterinarian shall establish the veterinarian-client-patient relationship as defined in §700 prior to the rendering of a procedure by the layperson or registered veterinary technician which shall be documented as part of the veterinarian's medical records regarding the horse. The permissible procedures delegated to a layperson or registered veterinary technician is at the discretion of the supervising licensed veterinarian who is ultimately responsible for the acts or omissions of these persons.

3.a. A legible record shall also be maintained on each horse which shall include the owner's name, address and telephone number, and identifying information on the horse, which shall include:

i. the name, permanent identification marks, age, sex, and color;

ii. the layperson or registered veterinary technician's name, address and telephone number who provided the procedure;

iii. nature of dental complaint;

iv. method of restrain used during the procedure;

v. type of dental procedure and date performed;

vi. description of the outcome of the procedure; and

vii. recommendations, if any, to the owner following the procedure.

b. The supervising veterinarian shall ultimately be responsible to maintain the record set forth herein as part of the medical records of the horse.

4. The layperson or registered veterinary technician shall not prescribe, recommend, or administer any legend drug or controlled substance.

5. The layperson or registered veterinary technician shall not be identified or referred to as a registered equine dentist, and shall not bill, directly or indirectly, the client or

owner of the horse for services rendered. The employing veterinarian shall bill the client or owner of the horse for the services rendered by the layperson or registered veterinary technician.

6. A supervising licensed veterinarian who violates, or otherwise fails to comply with this rule, or any part thereof, including any applicable state and federal laws and/or regulations, shall be guilty of unprofessional conduct within the meaning of R.S. 37:1526(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000), LR 31:930 (April 2005).

§1517. Continuing Education

A. Basic Requirements

1. A minimum of six continuing education units is required each fiscal year (July 1 through June 30) as a prerequisite for renewal of certification. A registered equine dentist who fails to obtain a minimum of six continuing education units within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Notwithstanding the requirements of this Section, for the period August 20, 1999-June 30, 2000, a minimum of six continuing education units is required as a prerequisite for renewal of certification during the July 1, 2000-September 30, 2000 renewal period.

2. All continuing education programs must be approved by the board prior to attendance.

3. Proof of attendance, which shall include the name of the course, date(s) of attendance, hours attended, and specific subjects attended, shall be attached to the annual certificate renewal form. Proof of attendance must include verification from the entity providing or sponsoring the educational program.

4. All hours shall be obtained in the 12 months preceding the renewal period of the certificate.

5. Each registered equine dentist must fulfill his annual education requirements at his own expense.

B. Failure to Meet Requirements

1. If a registered equine dentist fails to obtain a minimum of six continuing education units within the prescribed 12-month period, his certificate shall be expired and his certificate shall remain expired until such time as the continuing education requirements have been met and documented to the satisfaction of the board.

2. The board may grant extensions of time for extenuating circumstances. The registered equine dentist must petition the board at least 30 days prior to the expiration of the certificate. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

3. Failure to comply with the requirements of this Section shall be considered unprofessional conduct.

C. Approved Continuing Education Programs

1. It is the responsibility of the registered equine dentist to submit a request for approval of a continuing education program no less than 60 days prior to the program. Information to be submitted shall include:

a. the name of the proposed program and sponsor organization;

b. course content;

c. the number of continuing education units to be obtained by attendees.

2. Continuing education units which are submitted for renewal and were not pre-approved by the board may be reviewed by the board. If the units are not approved, the registered equine dentist will be required to take additional continuing education in an approved program prior to the renewal of his certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000).

§1519. Unprofessional Conduct on Part of the Veterinarian

A. After due notice and hearing as set forth in the Administrative Procedure Act, R.S. 49:950 et seq., and the board's rules, more particularly §1401 et seq., a veterinarian who fails to comply with a rule promulgated by the board regarding the practice of equine dentistry shall be subject to disciplinary action and sanction by the board for unprofessional conduct pursuant to the Louisiana Veterinary Practice Act, R.S. 37:1526.A.(14) and the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1526(A)(14), 37:1518(A)(9) and 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:493 (March 2000).

ABANDONED ANIMALS (La-R.S. 3:2451-2454)

§ 2452. Abandoned Animals

A. An animal shall be considered abandoned when the owner thereof has not paid the charge for veterinarian services, including medical, or for boarding, within ten (10) days after rendition to the owner of the invoice for such services or boarding and no other agreement with the owner has been reached for the payment of such charge for services or boarding. The person to whom the charges are due may then give notice, as provided in R.S. 3:2453.

B. The owner of an abandoned animal shall be deemed to have relinquished all rights and claims to such animal by virtue of such abandonment, except as provided in R.S. 3:2454(B).

Added by Acts 1978, No. 692, § 1, amended in 1997.

§ 2453. Notice requirements; freedom from liability

A. The notice required in R.S. 3:2452(A) above shall be given to the owner of the animal or the owner's agent at his last known address by registered mail or by certified mail, return receipt requested, and shall contain a statement that if the animal is not claimed within ten days after receipt of the notice, the animal may be sold, donated, turned over to the nearest humane society or dog pound, or otherwise disposed of as the person having custody of the animal may deem proper.

B. In the event that the notice described in R.S. 3:2453(A), above can not be delivered for any reason, or in the event that such a notice is returned as "refused", "addressee unknown", "not at this address", or other similar designation, then the animal may be sold, donated, turned over to the nearest humane society or dog pound, or otherwise disposed of as the person having custody of the animal deem proper.

C. The receipt of notice by the owner or his agent, or the return as “refused”, “addressee unknown”, “not at this address”, or other similar designation, whichever is applicable, shall relieve the custodian of any liability for the sale, donation, euthanasia, or other disposal of the animal.

Added by Acts 1978, No. 692, § 1, amended in 1997.

§ 2454. Sale or disposal of animal; disposition of sale proceeds

A. If, in accordance with the notice, the animal is sold at public or private sale, the proceeds shall be applied to the amount, if any, due the custodian for goods or services furnished to the animal, including all reasonable charges of notice, advertisement, and sale. The balance, if any, shall be paid to the owner of the animal, and the custodian shall retain the right to proceed against the owner for any deficiency.

B. Prior to the time of sale of such animal or transfer thereof to the nearest humane society or dog pound, or other disposal thereof, any person claiming the right of property or possession of such animal may pay the amount necessary to satisfy the charges for services rendered to the animal, or an behalf of the animal, including all reasonable charges of notice, advertisement, and sale. Upon payment of this amount, the animal shall be delivered to the person making the demand, if he is entitled to possession. Otherwise the animal shall be retained according to the terms of the notice, and shall be sold, or otherwise disposed of.

Added by Acts 1978, No. 692, § 1.

Disclosure of Cost of Services (La. R.S. 37:1741)

§ 1741. Laboratory tests; disclosure of costs; violations.

No person licensed in the state to practice medicine, dentistry, podiatry, veterinary medicine, or chiropractic shall agree or contract with any clinical, bioanalytical, or hospital laboratory, wherever located, to pay such laboratory for individual tests or analyses, combinations of tests or analyses, or tests or analysis series for patients or animals, and thereafter include such costs in his bill or statement submitted to the patient or other person for payment, unless the practitioner discloses on the bill or statement the name and address of the laboratory and the net amount or

amounts paid or to be paid to the laboratory for the individual test or analysis, the combination of tests or analyses, or test or analysis series so included.

The respective state licensing boards having jurisdiction over the practitioners enumerated above, in addition to all other authority granted by this Title, may revoke, suspend, or deny renewal of the license of any practitioner who violates the provisions of this Section.

Added by Acts 1978, No. 370, §1

Good Samaritan Law (R.S. 37:1731(C))

1731. Gratuitous Service At Scene Of Emergency; Limitation On Liability

C. No veterinarian licensed under the provisions of Chapter 18 of this Title, who in good faith gratuitously renders emergency care or services or assistance at the scene of an emergency to an animal or animals in need thereof, shall be liable for any civil damages as a result of any act or omission by such person in rendering the care or services or assistance, or as a result of any act or failure to act to provide or arrange for further veterinary medical treatment or care for the animal involved in the said emergency.

Added by Acts 1989, No. 347, Section 1

Horses (R.S. 9:4661)

§4661. Feed, medicine, and veterinary services for horses.

Any person who furnishes feed or medicines for a horse or horses, or any licensed veterinarian who furnishes medical services for a horse or horses, to or upon the order of the owner, has a privilege for the unpaid portion of the price thereof upon the horse or horses of the owner, which received the feed, medicine, or medical services. This privilege is effective for a period of six months from the dates of the respective deliveries and may be enforced by the writ off sequestration. This privilege is superior to all claims, privileges, and mortgages, whether recorded or unrecorded, which theretofore may have been or thereafter may be created against such horse or horses, and to the claims of any and all purchasers thereof.

Acts 1932, No 216, §1. Amended by Acts 1985, No 843, §1; Acts 1987, No 829, §1, Acts 1988, No 838, §1

Persons in Armed Forces (R.S. 37:1681-1683)

§ 1681. Armed forces, professional persons in; remittance of annual fees.

The annual or renewal fee that would be due by a member of any profession to any state board, commission, department or agency for such member to continue to be entitled to practice his profession in this state is remitted in favor of such member while he is enlisted and serving in any of the armed forces of the United States. The remission of the annual or renewal fee shall not apply to any annual or renewal fee that was delinquent at the time of enlistment in the service, but shall include annual or renewal fees that fall due for two calendar years following the year in which the member receives his honorable discharge.

Acts 1942, No. 229, §1

§ 1682. Notice of enlistment; other information.

A member of any profession whose annual or renewal fees are remitted by the provisions of this Part shall promptly notify the state board, commission, department, or agency to which the fees would be due of the fact and date of his enlistment in any of the armed forces of the United States, and furnish additional information or evidence as may be reasonably necessary for the proper keeping of the records of the state board, commission, department or agency.

However, failure to give notice shall not make any annual or renewal fees remitted actually due or forfeit the right of such member to practice his profession in this state, but he shall submit at any time thereafter to the proper state board, commission, department or agency, satisfactory proof of the fact and duration of his enlistment. Upon receipt and verification of this proof, his annual or renewal fees shall be regarded as having been remitted as provided by this Part and he shall be reinstated in his right to practice his profession in this state if such right should have been taken away or suspended by any action of the state board, commission, department or agency.

Acts 1942, No. 229, §1

§ 1683. Continuance of practice after enlistment.

If a member of any profession, after he enlists in the armed forces of the United States, continues to practice his profession in this state for profit or gain in any way except in fulfillment of his duties in the armed forces, the remission of his annual or renewal fee provided for by this Part shall not apply in his favor unless he ceases to practice his profession.

Acts 1942, No. 229 §1

Professional Veterinary Medicine Corporations (R.S. 12:1151-1165)

§ 1151. Terms defined

As used in this Chapter:

A. Professional veterinary medicine corporation means a corporation organized pursuant to this Chapter for the practice of veterinary medicine.

B. All terms used both in this Chapter and in Chapter 1 of this Title shall have the same meaning when used in this Chapter, as when used in Chapter 1.

Added by 1982, No 218, §1.

§ 1152. Professional corporations

One or more natural persons, of full age and duly licensed to practice veterinary medicine in this state, may form a corporation under Chapter 1 of this Title for the purpose of practicing veterinary medicine. Such corporations shall be subject to all of the provisions of Chapter 1, as the same may from time to time be amended, except to the extent that such provisions are inconsistent with the provisions of this Chapter.

Added by 1982, No 218, §1.

§ 1153. The corporate name.

The corporate name may consist of the full name or names of one or more voting shareholders, former voting shareholders, or members of a predecessor veterinary medical partnership, or it may consist of any other name approved by the secretary of state. The name shall end with one of the phrases, which may be in parenthesis, "A Professional Veterinary Medicine Corporation," "A Professional Corporation," or "A Veterinary Medicine Corporation." The name may include "Limited" or "Ltd." The name need not contain "Incorporated" or "Inc."

Added by 1982, No 218, §1.

§ 1154. Corporate authority.

A professional veterinary medicine corporation shall engage in no business other than the practice of veterinary medicine, but may hold property for investment or in connection with its veterinary medical practice.

Added by 1982, No 218, §1.

§ 1155. Shares

A. There shall be only one class of shares of a professional veterinary medicine corporation, denominated common shares which shall be either with or without par value.

B. Either a shareholder who is a natural person duly licensed to practice veterinary medicine in this state, and who holds his shares in his own right, or another professional veterinary medicine corporation, shall be entitled to vote such shares, and to participate in the corporation's earnings. Any other shareholder shall have no voting rights for any purpose whatever, shall not participate in the corporation's earnings, and shall have no access to any records or communications pertaining to medical services rendered by, or any other affairs of, the corporations, except as provided in R. S. 12:913(B).

C. R.S. 1233 shall not apply to professional veterinary medicine corporations.

Added by 1982, No 218, §1.

§ 1156. Certificate of stock.

A. Each certificate of stock shall contain the corporation's full name, and the following

statement: "Except when held in his own right by a natural person duly licensed to practice veterinary medicine in the state of Louisiana, the shares represented by this certificate are not entitled to be voted or to participate in the earnings of the corporation, and the holder is not entitled to participate in the management of, or in the rendition of veterinary medicine services by, the corporation or to have access to any records or communications pertaining to medical services rendered by, or any other affairs of, the corporation."

B. Each certificate of stock shall contain a reference to any and all agreements among the corporation's voting shareholders, made pursuant to R.S. 12:1159

C. There shall be no provision for compulsory offer of shares for purchase by or sale to the corporation, and, except as provided in R.S. 12:22, no restriction upon the transfer of shares, unless in either event, such provision or restriction is stated or summarized on the certificate representing the shares.

Added by 1982, No 218, §1

§ 1157. Liability of incorporations, subscribers, shareholders, directors, officers and agents.

A. A subscriber to or holder of, shares of a professional veterinary medicine corporation shall be under no liability to the corporation with respect to such shares other than the obligation of complying with the terms of the subscription therefor, and said obligation shall continue whether or not his rights or shares have been assigned or transferred.

B. A shareholder shall not be personally liable for any debt of liability of the corporation.

C. Nothing in this Chapter shall be construed as in derogation of any rights which any person may by law have against an incorporator, subscriber, shareholder, director, officer or agent of the corporation, because of any fraud practiced upon him, or because of any breach of professional duty or other negligent or wrongful act, by such person or in derogation of any right which the corporation may have against any of such persons because of any fraud practiced upon it by him.

Added by 1982, No 218, §1.

§ 1158. Action of shareholders.

Any action by, or requiring the assent of, the shareholders of a professional veterinary medicine corporation may be taken on the affirmative vote of a majority, or such greater proportion as the articles of incorporation may specify, in interest of the voting shareholders present or represented at a meeting duly called and held on due notice, at which a quorum is present or represented.

Added by 1982, No 218, §1.

§ 1159. Shareholders' agreements

Any lawful provision regulating the affairs of a professional veterinary medicine corporation or the rights and liabilities of its shareholders, which is not required to be set forth in the articles of incorporation, may be set forth in an agreement among all of the voting shareholders, and such agreement shall be binding on the corporation and all persons who are at the time such agreement is made, or who thereafter become, shareholders of the corporation. Such agreement may be terminated at any time by a majority in interest of the voting shareholders.

Added by 1982, No 218, §1.

§ 1160. Directors

Only voting shareholders, or voting shareholders of another professional veterinary medicine corporation, may be directors. If there are fewer than three voting shareholders, there need be only as many directors as voting shareholders. The office of a director shall become vacant if he ceases to be a voting shareholder.

Added by 1982, No 218, §1.

§ 1161. Officers and Agents

A. Only voting shareholders, or voting shareholders of another professional veterinary medicine corporation, may be officers. If there is only one voting shareholder, all officers may be combined in his person. The office or offices held by an officer shall become vacant if he ceases to be a voting shareholder.

B. Only natural persons duly licensed to practice veterinary medicine in this state may render medical services on behalf of a professional veterinary medicine corporation.

Added by 1982, No 218, §1.

§ 1162. Merger and consolidation.

Professional veterinary medicine corporations may be merged into or consolidated only with other professional veterinary medicine corporations.

Added by 1982, No 218, §1.

§ 1163. Dissolution.

A. The fact that it has no voting shareholders shall be an additional ground for involuntary dissolution of a professional veterinary medicine corporation.

B. In the event of the death of a shareholder of a professional veterinary medicine corporation, said share-holder's succession representative, or those placed in possession of the shares of said shareholder if there be no administration of the succession, as the case may be, shall be entitled to vote the shares of said shareholder and to be elected a director and officer of the corporation, for the purpose of effectuating a voluntary dissolution and liquidation of the corporation, in or out of court, pursuant to the Louisiana Business Corporation Law.

Added by 1982, No 218, §1.

§ 1164. Regulation by Louisiana State Board of Veterinary Medical Examiners.

Professional medical corporations shall be subject to the discipline of the Louisiana State Board of Veterinary Medicine Examiners and to its authority to adopt rules and regulations governing the practice of medicine.

Added by 1982, No 218, §1.

Rabies Control (R.S. 40:1275-1278)

§ 1276. Definitions

For the purposes of this Part:

(1) Dog means any member of the canine family or species.

(2) Owner means any person who keeps in his care or harbors or who has the custody of a dog.

(3) Inoculation means the injection, subcutaneously or otherwise, of animal anti-rabies vaccine as approved by the Department of Health and Human Resources.

(4) Rabies means hydrophobia (madness), the infectious disease of the brain transmitted by specific virus which occurs in saliva.

(5) Local health authority means any parish or municipal board, officer, department or other agency charged with the responsibility of preserving the public health.

Added by Acts 1954, No. 663, §1. Amended by Acts 1978, No. 786, §5

§ 1277. Authority to enact regulations for control of rabies.

The Department of Health and Human Resources shall enact in the state sanitary code all necessary provisions concerning the requirements for the control of rabies in animals, including the authority of parishes and municipalities to enact local ordinances, the report of incidence of the disease and the enactment of enforcement provisions.

Added by Acts 1954, No. 663, 1. Amended by Acts 1974, No. 601, §1, Acts 1978, No 786, §5.

§ 1278. Penalty.

Whoever violates any provisions of any rule or regulation of the department adopted hereunder, shall be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both, for each offense.

Added by Acts 1954, No. 663, §1. Amended by Acts 1974, No. 601, §1, Acts 1978, No 786, §5.

SANITARY CODE
STATE OF LOUISIANA
CHAPTER III

The Control of Rabies

3:001 Definitions: Unless otherwise specifically provided herein, the following words and terms used in this chapter of the Sanitary Code and all other chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Local Health Authority means any parish or municipal health officer, department or other agency charged with the responsibility of preserving the public health.

Owner means any person who keeps in his care or who harbors or has custody of a dog or other animal.

Vaccination means the injection, by a licensed veterinarian, of an animal using anti-rabies vaccine approved by the State Health Officer.

3:002 No person shall own, keep, or have in his custody a dog or cat over three months of age that has not been vaccinated against rabies by a licensed veterinarian. Every owner of a dog or cat shall cause said animal to be vaccinated at three months of age and said animal shall be revaccinated each year thereafter; or prove that the dog or cat was vaccinated at one year of age or older with a vaccine which, according to the 1984 Compendium of Animal Rabies Vaccines, prepared by the National Association of State Public health Veterinarians, Inc., confers a three year duration of rabies immunity. In the latter case, the owner shall then be required to revaccinate the dog or cat at least every three years thereafter.

3:003 When any dog or cat bites a human being, said animal shall be confined (as described in Section 3:007) for a minimum of ten days following the bite, or said animal shall be killed and the head submitted immediately to a laboratory of the Louisiana Department of Health and Human Resources for examination for rabies. Any dog or cat that develops any symptoms during the ten day observation period shall be reported immediately to the local health authority and provided such symptoms are compatible with rabies as determined by a licensed veterinarian or the local health authority representative, the animal shall be killed and the head submitted to a laboratory of the Louisiana Department of Health and Human Resources for examination.

3:004 When bitten by a rabid animal, unvaccinated dogs and cats shall be destroyed immediately unless the owner is unwilling to have this done, in which case, the unvaccinated animal shall be confined (as described in Section 3:007) for six months and the animal shall be vaccinated one month before being released. Dogs and cats that are currently vaccinated shall be revaccinated immediately and confined (as described in Section 3:007) for 90 days.

3:006 Any animal other than a dog or cat that bites a human being, or any animal that is suspected of being infected with rabies (whether or not it has bitten anyone), may be caused by the State Health Officer, for the protection of the public health, to be killed and the head of such animal examined for rabies free of charge by a laboratory of the Louisiana Department of Health and Human Resources.

3:007 Where confinement is required under the provisions of this code, the owner, veterinarian, animal shelter or other custodian of the animal shall confine said animal in a cage, on a leash, or in another manner such that the animal cannot contact any person or other animal.

SANITARY CODE
STATE OF LOUISIANA
CHAPTER XI

ANIMALS AND ANIMAL DISEASES; RENDERING OF ANIMALS

11:001 Definitions: Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Animal - means all animals, any part of the body of which is used as food for human consumption and, insofar as these regulations relate to sanitation of premises or to spread of any communicable disease dangerous to man, shall

also include dogs, donkeys, and other similar livestock.

Fowl - means all poultry, ducks, geese, turkeys, or game birds used as food for human consumption, and parrots or other birds capable of spreading any disease dangerous to man.

Nuisance - is a source of inconvenience, annoyance, vexation; bother.

Offal - is waste, especially of a butchered animal.

Rendering Plant - is any establishment equipped to cook and make innocuous any animal or fowl dead from any cause, or any offal from a slaughter house, abattoir, or butcher shop.

11:002 Any premises to be used as a corral, stable, poultry yard, hog pen, aviary, or for the holding of any animals or fowls, shall be open to inspection by the State Health Officer at any reasonable time.

11:003 The body of any animal or fowl dead of any disease, killed on account of a diseased condition, or killed by accident, shall be buried, incinerated, rendered into tankage, or otherwise disposed of in such a manner as not to constitute a nuisance or hazard to public health.

11:009 The hauling of any dead animal, or of offal, shall be done in a truck, or other conveyance having a water tight floor and sides made of an impervious material capable of being washed and scrubbed to eliminate any residues. It shall be provided with a tight covering to prevent entrance by flies. Said conveyance shall be washed at the end of each day's use, or more often if residues accumulate or odors become offensive. Said washing shall be done on concrete or other impervious surface sloping towards a drain so that none of the wash water escapes the controlled area. Said drain shall be equipped with a strainer and shall be connected to a sanitary sewage treatment system which meets the requirements of Chapter XIII of this Code.

11:010 Truck or other conveyance hauling any dead animal or offal shall not stop until it reaches its destination, unless detained by a situation or event not within the control of the driver of the conveyance.

11:013 No person shall keep, throw into, or place in any public water, street, or any other place, other than a facility designed for processing or disposing of same, and which is in compliance with all requirements of this Code, any dead, sick, or injured animal or any part, thereof.

Animal Euthanasia With Sodium Pentobarbital (R.S. 40:1041 – 1046)

§ 1041. Purpose

It is the purpose of this Part to establish a permit system to allow animal control facilities to acquire and administer sodium pentobarbital for the humane euthanasia of sick, homeless, and abandoned animals.

Added by Acts 1987, No. 225, § 2.

§ 1042. Permit

No animal control agency or facility shall purchase, possess, or administer sodium pentobarbital to sick, homeless, injured, or unwanted pets or other domestic and wild animals for their humane euthanasia without the permit required by this Part.

Added by Acts 1987, No. 225, § 2.

§1043. Permit application

Any duly incorporated humane society contracted to perform animal control services by a parish or municipality or any parish or municipal animal control agency may apply to the secretary of the Department of Health and Human Resources for a permit to purchase, possess, and administer sodium pentobarbital for the humane euthanasia of animals.

Added by Acts 1987, No. 225, § 2.

§ 1044. Permit issuance and conditions

A. The secretary shall not issue a permit to purchase, possess, or administer sodium pentobarbital for the humane euthanasia of animals unless the following criteria have been met:

(1) The animal control agency or facility is a duly incorporated humane society contracted to perform animal control services by a parish or municipality or a parish or municipal animal control agency.

(2) the animal control agency has on staff a certified euthanasia technician, as provided in R.S. 37:1551 et seq.

(3) Any other criteria which may be established by the department pursuant to R.S. 40:1046.

B. The permit shall designate a sole responsible person for the duration of the permit to oversee the purchase, possession, and administration of sodium pentobarbital, which such person shall be a certified euthanasia technician.

Added by Acts 1987, No. 225, § 2.

§ 1045. Permit revocation or suspension; inspections

A. The secretary may revoke or suspend any permit issued hereunder if it is determined that sodium pentobarbital is being used for any purpose other than humane animal euthanasia or that the permitted facility has failed to abide by the regulations promulgated by the secretary for the safe and efficient purchase, possession, or administration of sodium pentobarbital.

B. The department shall inspect any permitted animal control facility to determine compliance with this Chapter or any rules or regulations promulgated pursuant thereto.

Added by Acts 1987, No. 225, § 2.

§ 1046. Rules and regulations

The department may promulgate any rules and regulations necessary to effectuate the purposes of this Chapter.

Added by Acts 1987, No. 225, § 2.

WILDLIFE AND FISHERIES
TITLE *76, PART V. WILD QUADRUPEDS AND WILD BIRDS*

Chapter 1. Wild Quadrupeds

§115. Possession of Potentially Dangerous Wild Quadrupeds

A. This Commission finds that possession of certain potentially dangerous quadrupeds poses significant hazards to public safety and health, is detrimental to the welfare of the animals, and may have negative impacts on conservation and

recovery of some threatened and endangered species.

The size and strength of such animals in concert with their natural and unpredictable predatory nature can result in severe injury or death when an attack upon a human occurs. Often such attacks are unprovoked and a person other than the owner, often a child, is the victim. Furthermore, there is no approved rabies vaccine for such animals, so even minor scratches and injuries inflicted upon humans or other animals could be deadly.

Responsible possession of these potentially dangerous wild quadrupeds necessitates that they be confined in secure facilities. Prolonged confinement is by its nature stressful to these animals and proper long-term care by experienced persons is essential to the health and welfare of these animals and to society.

Certain of these animals are listed as endangered species and others are similar in appearance to endangered subspecies as to make practical distinction difficult. This similarity of appearance may provide a means to market illegally obtained endangered animals and can limit the effective enforcement of endangered species laws.

B. This Commission regulation prohibits possession of certain wild quadrupeds as follows.

C. No person shall possess within the State of Louisiana, any of the following species or its subspecies of live wild quadrupeds, domesticated or otherwise:

(1) Cougar or mountain lion (Felis concolor)

(2) Black bear (Ursus americanus)

(3) Grizzly bear (Ursus arctos)

(4) Polar bear (Ursus maritimus)

(5) Red wolf (Canis rufus)

(6) Gray wolf (Canis lupus)

(7) Wolf-Dog Hybrids (Canis lupus or Canis rufus x Canis familiarus).

D. Valid game breeder license holders for these species legally possessed prior to October 1, 1988, will be “grandfathered” and renewed annually until existing captive animals expire, or are legally transferred out of state, or are transferred to a suitable public facility. No additional animals may be acquired.

The prohibition against wolf-dog hybrids will expire January 1, 1997. Persons are cautioned that local ordinances or other state regulations may prohibit possession of these animals. After January 1, 1997 an animal which appears indistinguishable from a wolf, or is in anyway represented to be a wolf may be considered to be a wolf in the absence of bona fide documentation to the contrary.

E. Qualified educational institutions, zoos, and scientific organization may be exempted from this prohibition on a case by case basis upon written application to the Secretary. Minimum pen requirements for exempted educational institutions, zoos and scientific organization are as follows:

(1) Bears

(a) Single animal - 25 feet long x 12 feet wide x 10 feet high, covered roof;

(b) Pair - 30 feet long x 15 feet wide x 10 feet high, covered roof;

(c) Materials - chain link 9 gauge minimum;

(d) Safety perimeter rail;

(e) Pool - 6 feet x 4 feet x 18 inches deep with facilities for spraying or wetting bear(s);

(2) Wolf

(a) 15 feet long x 8 feet wide x 6 feet high per animal, covered roof;

(b) Secluded den area 4 feet x 4 feet for each animal;

(c) Materials - chain link wire or equivalent;

(d) Safety perimeter rail;

(3) Cougar, Mountain lion

(a) Single animal - 10 feet long x 8 feet wide x 8 feet high, covered roof;

(b) Pair - 15 feet long x 8 feet wide x 8 feet high, covered roof;

(c) Materials - chain link 9 gauge minimum;

(d) Safety perimeter rail;

(e) Claw log;

(f) Shelf - 24 inches wide x 8 feet long, 40 inches off floor.

AUTHORITY NOTE: Promulgated in accordance with RS 56:115, 56:171, and 56:1904F.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:_____ (_____ 199

Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA)

I. INTRODUCTION

A. Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Veterinarians practice the profession of veterinary medicine in a variety of situations and circumstances.

B. Exemplary professional conduct upholds the dignity of the veterinary profession. All veterinarians are expected to adhere to a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles). The basis of the Principles is the Golden Rule. Veterinarians should accept this rule as a guide to their general conduct, and abide by the Principles. They should conduct their professional and personal affairs in an ethical manner. Professional veterinary associations should adopt the Principles or a similar code as a guide for their activities.

C. Professional organizations should establish ethics, grievance, or peer review committees to address ethical issues. Local and state veterinary associations should also include discussions of ethical issues in their continuing education programs.

(1) Complaints about behavior that may violate the Principles should be addressed in an appropriate and timely manner. Such questions should be considered initially by ethics, grievance, or peer review committees of local or state veterinary associations and, if necessary, state veterinary medical boards. Members of local and state committees are familiar with local customs and circumstances, and those committees are in the best position to confer with all parties involved.

(2) All veterinarians in local or state associations and jurisdictions have a responsibility to regulate and guide the professional conduct of their members.

(3) Colleges of veterinary medicine should stress the teaching of ethical and value issues as part of the professional veterinary curriculum for all veterinary students.

(4) The National Board Examination Committee is encouraged to prepare and include questions regarding professional ethics in the National Board Examination.

D. The AVMA Judicial Council is charged to interpret the AVMA Constitution and Bylaws, the Principles of Veterinary Medical Ethics, and other rules of the Association. The Judicial Council should review the Principles periodically to insure that they remain complete and up to date.

II. PROFESSIONAL BEHAVIOR

A. Veterinarians should first consider the needs of the patient: to relieve disease, suffering, or disability while minimizing pain or fear.

B. Veterinarians should obey all laws of the jurisdictions in which they reside and practice veterinary medicine. Veterinarians should be honest and fair in their relations with others, and they should not engage in fraud, misrepresentation, or deceit.

(1) Veterinarians should report illegal practices and activities to the proper authorities.

(2) The AVMA Judicial Council may choose to report alleged infractions by non-members of the AVMA to the appropriate agencies.

(3) Veterinarians should use only the title of the professional degree that was awarded by the school of veterinary medicine where the degree was earned. All veterinarians may use the courtesy titles Doctor or Veterinarian. Veterinarians who were awarded a degree other than DVM or VMD should refer to the AVMA Directory for information on the appropriate titles and degrees.

C. It is unethical for veterinarians to identify themselves as members of an AVMA recognized specialty organization if such certification has not been awarded.

D. If is unethical to place professional knowledge, credentials, or services at the disposal of any nonprofessional organization, group, or individual to promote or lend credibility to the illegal practice of veterinary medicine.

E. Veterinarians may choose whom they will serve. Once they have started patient care, veterinarians must not neglect their patients, and they must continue to provide professional services until they are relieved of their professional responsibilities.

F. In emergencies, veterinarians have an ethical responsibility to provide essential services for animals when it is necessary to save life or relieve suffering. Such emergency care may be limited to euthanasia to relieve suffering, or when the client rejects euthanasia, to stabilize the patient sufficiently to enable transportation to another veterinary hospital for definitive care.

(1) When veterinarians cannot be available to provide services, they should arrange with their colleagues to assure that emergency services are available, consistent with the needs of the locality.

(2) Veterinarians who are not qualified to manage and treat certain emergencies should arrange to refer their clients to other veterinarians who can provide the appropriate emergency services.

G. Regardless of practice ownership, the interests of the patient, client, and public require that all decisions that affect diagnosis, care, and treatment of patients are made by veterinarians.

H. Veterinarians should strive to enhance their image with respect to their colleagues, clients, other health professionals, and the general public. Veterinarians should be honest, fair, courteous, considerate, and compassionate. Veterinarians should present a professional appearance and follow acceptable professional procedures using current professional and scientific knowledge.

I. Veterinarians should not slander, or injure the professional standing or reputation of other veterinarians in a false or misleading manner.

J. Veterinarians should strive to improve their veterinary knowledge and skills, and they are encouraged to collaborate with other professionals in the quest for knowledge and professional development.

K. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general. Veterinarians are encourage to make their knowledge available to their communities and to provide their services for activities that protect public health.

L. Veterinarians and their associates should protect the personal privacy of patients and clients. Veterinarians should not reveal confidences unless required to by law or unless it becomes necessary to protect the health and welfare of other individuals or animals.

M. Veterinarians who are impaired by alcohol or other substances should seek assistance from qualified organizations or individuals. Colleagues of impaired veterinarians should encourage those individuals to seek assistance and to overcome their disabilities.

III. THE VETERINARIAN - CLIENT – PATIENT RELATIONSHIP

A. The veterinarian - client - patient relationship (VCPR) is the basis for interaction among veterinarians, their clients, and their patients. A VCPR exists when all of the following conditions have been met:

(1) The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), or by medically appropriate and timely visits to the premises where the animal(s) are kept.

(3) The veterinarian is readily available, or has arranged for emergency coverage, for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.

B. When a VCPR exists, veterinarians must maintain medical records (See section VII).

C. Dispensing or prescribing a prescription product requires a VCPR.

(1) Veterinarians should honor a client's request for a prescription in lieu of dispensing.

(2) Without a valid VCPR, veterinarians' merchandising or use of veterinary prescription drugs or their extra-label use of any pharmaceutical is unethical and is illegal under federal law.

D. Veterinarians may terminate a VCPR under certain conditions, and they have an ethical obligation to use courtesy and tact in doing so.

(1) If there is no ongoing medical condition, veterinarians may terminate a VCPR by notifying the client that they no longer wish to serve that patient and client.

(2) If there is an ongoing medical or surgical condition, the patient should be referred to another veterinarian for diagnosis, care, and treatment. The former attending veterinarian should continue to provide care, as needed, during the transition.

E. Clients may terminate the VCPR at any time.

IV. ATTENDING, CONSULTING AND REFERRING

A. Attending veterinarian is a veterinarian (or a group of veterinarians) who assumes responsibility for primary care of a patient. A VCPR is established.

(1) Attending veterinarians are entitled to charge a fee for their professional services.

(2) When appropriate, attending veterinarians are encouraged to seek assistance in the form of consultations and referrals. A decision to consult or refer is made jointly by the attending veterinarian and the client.

(3) When a consultation occurs, the attending veterinarian continues to be primarily responsible for the case.

B. A consulting veterinarian is a veterinarian (or group of veterinarians) who agrees to advise an attending veterinarian on the care and management of a case. The VCPR remains the responsibility of the attending veterinarian.

(1) Consulting veterinarians may or may not charge fees for service.

(2) Consulting veterinarians should communicate their findings and opinions directly to the attending veterinarians.

(3) Consulting veterinarians should revisit the patients or communicate with the clients in collaboration with the attending veterinarians.

(4) Consultations usually involve the exchange of information or interpretation of test results. However, it may be appropriate or necessary for consultants to examine patients. When advanced or invasive techniques are required to gather information or substantiate diagnoses, attending veterinarians may refer the patients. A new VCPR is established with the veterinarian to whom a case is referred.

C. The referral veterinarian or receiving veterinarian is a veterinarian (or group of veterinarians) who agrees to provide requested veterinary services. A new VCPR is established. The referring and referral veterinarians must communicate.

(1) Attending veterinarians should honor clients' requests for referral.

(2) Referral veterinarians may choose to accept or decline clients and patients from attending veterinarians.

(3) Patients are usually referred because of specific medical problems or services. Referral veterinarians should provide services or treatments relative to the referred conditions, and they should communicate with the referring veterinarians and clients if other services or treatments are required.

D. When a client seeks professional services or opinions from a different veterinarian without a referral, a new VCPR is established with the new attending veterinarian. When contracted, the veterinarian who was formerly involved in the diagnosis, care, and treatment of the patient should communicate with the new attending veterinarian as if the patient and client had been referred.

(1) With the client's consent, the new attending veterinarian should contact the former veterinarian to learn the original diagnosis, care, and treatment and clarify any issues before proceeding with a new treatment plan.

(2) If there is evidence that the actions of the former attending veterinarian have clearly and significantly endangered the health or safety of the patient, the new attending veterinarian has a responsibility to report the matter to the appropriate authorities of the local and state association or professional regulatory agency.

V. INFLUENCES ON JUDGMENT

A. The choice of treatments or animal care should not be influenced by considerations other than the needs of the patient, the welfare of the client, and the safety of the public.

B. Veterinarians should not allow their medical judgment to be influenced by agreements by which they stand to profit through referring clients to other providers of services or products.

C. The medical judgments of veterinarians should not be influenced by contracts or agreements made by their associations or societies.

VI. THERAPIES

A. Attending veterinarians are responsible for choosing the treatment regimens for their patients. It is the attending veterinarian's responsibility to inform the client of the expected results and costs, and the related risks of each treatment regimen.

B. It is unethical for veterinarians to prescribe or dispense prescription products in the absence of a VCPR.

C. It is unethical for veterinarians to promote, sell, prescribe, dispense, or use secret remedies or any other product for which they do not know the ingredient formula.

D. It is unethical for veterinarians to use or permit the use of their names, signatures, or professional status in connection with the resale of ethical products in a manner which violates those directions or conditions specified by the manufacturer to ensure the safe and efficacious use of the product.

VII. MEDICAL RECORDS

A. Veterinary medical records are an integral part of veterinary care. The records must comply with the standards established by state and federal law.

B. Medical records are the property of the practice and the practice owner. The original records must be retained by the practice for the period required by statute.

C. Ethically, the information within veterinary medical records is considered privileged and confidential. It must not be released except by court order or consent of the owner of the patient.

D. Veterinarians are obligated to provide copies or summaries of medical records when requested by the client. Veterinarians should secure a written release to document that request.

E. Without the express permission of the practice owner, it is unethical for a veterinarian to remove, copy, or use the medical records or any part of any record.

VIII. FEES AND REMUNERATION

A. Veterinarians are entitled to charge fees for their professional services.

B. In connection with consultations or referrals, it is unethical for veterinarians to enter into financial arrangements, such as fee splitting, which involve payment of a portion of a fee to a recommending veterinarian who has not rendered the professional services for which the fee was paid by the client.

C. Regardless of the fees that are charged or received, the quality of service must be maintained at the usual professional standard.

D. It is unethical for a group or association of veterinarians to take any action which coerces, pressures, or achieves agreement among veterinarians to conform to a fee schedule or fixed fees.

IX. ADVERTISING

A. Without written permission from the AVMA Executive Board, no member or employee of the American Veterinary Medical Association (AVMA) shall use the AVMA name or logo in connection with the promotion or advertising of any commercial product or service.

B. Advertising by veterinarians is ethical when there are no false, deceptive, or misleading statements or claims. A false, deceptive, or misleading statement or claim is one which communicates false information or is intended, through a material omission, to leave a false impression.

C. Testimonials or endorsements are advertising, and they should comply with the guidelines for advertising. In addition, testimonials and endorsements of professional products or services by veterinarians are considered unethical unless they comply with the following:

(1) The endorser must be a bona fide user of the product or service.

(2) There must be adequate substantiation that the results obtained by the endorser are representative of what veterinarians may expect in actual conditions of use.

(3) Any financial, business, or other relationship between the endorser and the seller of a product or service must be fully disclosed.

(4) When reprints of scientific articles are used with advertising, the reprints must remain unchanged and be presented in their entirety.

D. The principles that apply to advertising, testimonials, and endorsements also apply to veterinarians' communications with their clients.

E. Veterinarians may permit the use of their names by commercial enterprises (e.g. pet shops, kennels, farms, feedlots) so that the enterprises can advertise 'under veterinary supervision', only if they provide such supervision.

X. EUTHANASIA

Humane euthanasia of animals is an ethical veterinary procedure.

XI. GLOSSARY

A. PHARMACEUTICAL PRODUCTS

Several of the following terms are used to describe veterinary pharmaceutical products. Some have legal status, others do not. Although not all of the terms are used in the Principles, we have listed them here for clarification of meaning and to avoid confusion.

(1) Ethical Product: A product for which the manufacturer has voluntarily limited the sale to veterinarians as a marketing decision. Such products are often given a different product name and are packaged differently than products that are sold directly to consumers. "Ethical products" are sold only to veterinarians as a condition of sale that is specified in a sales agreement or on the product label.

(2) Legend Drug: A synonymous term for a veterinary prescription drug. The name refers to the statement (legend) that is required on the label (see veterinary prescription drug below).

(3) Over the Counter (OTC) Drug: Any drug that can be labeled with adequate direction to enable it to be used safely and properly by a consumer who is not a medical professional.

(4) Prescription Drug: A drug that cannot be labeled with adequate direction to enable its safe and proper use by non-professionals.

(5) Veterinary Prescription Drug: A drug that is restricted by federal law to use by or on the order of a licensed veterinarian, according to section 503(f) of the federal Food, Drug, and Cosmetic Act. The law requires that such drugs be labeled with the statement: "Caution, federal law restricts this drug to use by or on the order of a licensed veterinarian."

B. DISPENSING, PRESCRIBING, MARKETING AND MERCHANDISING

(1) Dispensing is the direct distribution of products by veterinarians to clients for use on their animals.

(2) Prescribing is the transmitting of an order authorizing a licensed pharmacist or equivalent to prepare and dispense specified pharmaceuticals to be used in or on animals in the dosage and in the manner directed by a veterinarian.

(3) Marketing is promoting and encouraging animal owners to improve animal health and welfare by using veterinary care, services, and products.

(4) Merchandising is the buying and selling of products or services.

C. ADVERTISING AND TESTIMONIALS

(1) Advertising is defined as communication that is designed to inform the public about the availability, nature, or price of products or services or to influence clients to use certain products or services.

(2) Testimonials or endorsements are statements that are intended to influence attitudes regarding the purchase or use of products or services.

D. FEE SPLITTING

The dividing of a professional fee for veterinary services with the recommending veterinarian (See Section VIII B).