

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE
APRIL 21, 1999**

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by the President, Dr. Anne Guedry.

II. ROLL CALL

Those present were:

Dr. Anne Guedry	President
Dr. Dick Walther	Vice-President
Dr. Adrienne Aycock	Secretary-Treasurer
Dr. George Gowan	Member
Dr. Robert Lofton	Member
Mr. Charles Mann	Executive Director
Michael A. Tomino, Jr.	Board General Counsel
E. Wade Shows	Board Special Counsel
Dr. Michael Strain	La. Veterinary Medical Association
Mr. Chris Le Grange	La. Veterinary Medical Association

[NOTE: Dr. Strain and Mr. Le Grange were not present for the entire meeting. Mr. Shows was present for the update of court cases.]

III. APPROVAL OF MINUTES - February 24, 1999

Dr. Lofton moved to approve the minutes for the February 24, 1999, meeting, seconded by Dr. Aycock, and passed unanimously by voice vote.

IV. FINANCIAL AND CONTRACT MATTERS

A. **Financial Reports - February 1999**

The Board reviewed the financial statement for February 1999. Mr. Mann noted and explained those items where deficits were shown, and discussed preliminary projections for the end of the 1999 fiscal year. Based on current trends, Mr. Mann reported that the operating deficit may be closer to \$19,000 rather than \$25,710 as the current budget indicates. The most significant savings are in salaries and

wages and related benefits. However, there are still factors which could change this projection, both favorably and unfavorably. Dr. Walther moved to accept the financial statements as presented, seconded by Dr. Aycock, and passed unanimously by voice vote.

Discussion continued about the financial projections. Based on the estimated deficit, the fund reserve should be about \$40,000-\$41,000 at the end of the current fiscal year (June 30, 1999). Based on the projected FY2000 budget, the fund reserve should be about \$10,000 at June 30, 2000. The Board discussed the need for a fee increase. Mr. Mann informed the Board that the last DVM active license fee increase was effective April 1992. If a 3% annual increase was assumed since the July-September 1992 renewal period until the July-September 2000 renewal period, the fee would be \$158.00. Board members indicated that if a fee increase was put forward, they would want it to be at a level where another increase would not be needed for quite some time. Dr. Lofton moved to direct the executive director to develop and send to Board members information about a possible fee increase which could be considered at the next Board meeting, seconded by Dr. Gowan, and passed unanimously by voice vote.

C. 1999-2000 Contracts

1. PES: Dr. Aycock moved to approve the 1999-2000 contract with the Professional Examination Service (PES) to provide the National Board Examination and Clinical Competency Test, seconded by Dr. Lofton, and passed unanimously by voice vote.

2. Shows, Cali, & Burns: This item was deferred.

D. Internet Access Costs

After reviewing financial information from Mr. Mann concerning the costs associated with gaining internet access, Dr. Lofton moved to authorize the executive director to proceed with obtaining the necessary resources to subscribe to an internet service provider, seconded by Dr. Walther, and passed unanimously by voice vote.

V. POLICY, PROCEDURE AND RULES

A. Legislation Update

The Board reviewed and discussed legislation which would have an impact on the veterinary profession. The bill amending the Veterinary Practice Act which had been developed by the Board (HB 1885/SB 936) was reported to be moving toward

passage, though technical amendments were being added to the Senate bill to put it in conformance with the House version.

Mr. Tomino reported that he had been working with Senator Johnson to have SB 880 withdrawn. The bill would require the Board to adopt the AVMA Principles of Veterinary Medical Ethics within its rules. Mr. Tomino had explained to Senator Johnson that the Board was already considering this action and it would be better not to require such adoption by statute. Senator Johnson agreed to withdraw the bill if the Board adopted the AVMA Principles and if he received a letter from the Board President that such action was being taken (NOTE: see item V.B.3 below; the Board did adopt the AVMA Principles and Dr. Guedry subsequently wrote Senator Johnson).

Discussion about SB 880 led to questions from the LVMA representatives about ending relationships with clients and referrals to other veterinarians. It was recommended that the LVMA present specific fact situations to the Board and request a declaratory statement(s) about issues of concern.

The Board also discussed the status of HB 746 relating to the licensure of equine dentists by the Louisiana Racing Commission. It was unclear how this legislation would develop if it progressed through the legislature.

Mr. Le Grange made the Board aware of HB 742 which is a major revision of the Pharmacy Practice Act. He was concerned about its impact on a veterinarian's prescription filling and dispensing authority, including any delegation of duties to a non-veterinarian staff member. Mr. Tomino is reviewing the legislation.

B. Rule Making

1. General Update: The Board reviewed the status of proposed rule changes.
2. Adoption of Rules - 701 (Ownership of Records): The Board discussed a technical amendment to add "or contract services" to the proposed rule and determined that this was not a substantive change. Dr. Lofton moved to formally adopt, with an effective date of May 20, 1999, the amendments to section 701 previously authorized for promulgation and published in a Notice of Intent in the January 20, 1999, *Louisiana Register*, and as amended to include "or contract services," seconded by Dr. Walther, and passed unanimously by voice vote.
3. Consideration of New Rules: Chapter 14 - Disciplinary Procedures and Amendments to Chapters 1, 8, 10, and 12: The Board discussed the proposed Chapter 14 drafted by Mr. Tomino and the amendments to Chapters 1, 8, 10, and 12, all of which deal with investigative and disciplinary procedures. It was noted that Rule 101.E. would also be rescinded although this did not appear on the draft

presented at the February 24, 1999, meeting. The proposed Chapter 14 includes the AVMA Principles of Veterinary Medical Ethics, Policy Statements and Guidelines. After a few clarifying questions, Dr. Walther moved to authorize the executive director and general counsel to promulgate Chapter 14 and the amendments to Chapters 1, 8, 10, and 12 as presented, seconded by Dr. Aycock, and passed unanimously by voice vote.

C. Policy and Procedure

1. Preceptorship: Distribution of Weeks: The Board reviewed a question from a veterinary student concerning the splitting of an eight-week preceptorship into separate segments. After discussion, Dr. Lofton moved that a preceptorship segment within the eight-week preceptorship requirement must be no less than three weeks, seconded by Dr. Aycock, and passed unanimously by voice vote.

2. Royal Veterinary College - Status of AVMA "Approved" Schools: The Board reviewed a letter from the AVMA concerning the approved status of the Royal Veterinary College in London, England. The AVMA letter stated that the AVMA recommends that Royal Veterinary College graduates who receive their degrees after October 29, 1998, be afforded the same propriety as that applied to graduates of accredited schools, and that an ECFVG certificate would not be necessary to sit for the state boards. The Board discussed this matter and determined that Rules 301(B)(2) and 303(A)(4)(a) specifically reference accredited schools and not approved schools. Dr. Lofton moved to authorize the executive director to promulgate amendments which would add approved schools to these rules, seconded by Dr. Walther, and passed unanimously by voice vote.

3. VetSmart Preceptorship: The Board discussed the preceptorship site applications received from six different VetSmart sites. Mr. Mann reported that the Practice Assessment Questionnaire was completed in a satisfactory manner, but that he wanted to inform the Board that each site will be approved individually. One of the six sites was not approved because the preceptor did not have the required number of years of practice experience. There was no objection to approving the other five sites.

4. AAVSB Credentials Service - VIVA: Mr. Mann asked the Board to review the AAVSB VIVA Program Required Credentials Form he had completed. He explained that this form will put on record what the Louisiana Board will accept from the Veterinary Information Verifying Agency (VIVA) as adequate documentation from license applicants. Dr. Aycock moved to accept the form as completed, seconded by Dr. Walther, and passed unanimously by voice vote.

D. Practice Act-Related Inquiries and Reviews

1. Board of Pharmacy Inquiry - Dispensing: The Board reviewed a letter from Fred Shiel, R.Ph., Chief Inspector for the Louisiana Board of Pharmacy, concerning prescribing and dispensing drugs in a veterinary practice. After discussion of the questions, the Board determined that a meeting with Mr. Shiel and/or other representatives of the Board of Pharmacy would be appropriate before providing answers to the specific questions. Mr. Mann was directed to invite Mr. Shiel to the next regular Board meeting.

2. Sale of Rabies Vaccine - Jeff Parish Letters/Dr. Rich: The Board reviewed a letter from Bert Smith, Director of Jefferson Parish Animal Control, and related correspondence requesting the Board's position or action on dealing with the over-the-counter sale of rabies vaccine to non-veterinarians. The Board discussed this issue and acknowledged that under current state law rabies vaccine can be sold to non-veterinarians, and that the Department of Health and Hospitals, Office of Public Health, has jurisdiction over this matter. Dr. Walther stated that Vermillion Parish had taken action to restrict such sales. The Board directed Mr. Mann to write Mr. Smith to commend his efforts and to state that the Board supports any effort to protect public health and safety; however, based on previous attempts to deal with the issue on a state level, it may be best to proceed with local action.

VI. MISCELLANEOUS MATTERS

A. RVT Update-AAHA Program

Mr. Mann reported that the Veterinary Technology Courses (total = 17 hours) required to receive an associate's degree from Cedar Valley College could be earned through distance education; at a local college or university; or, in the future, in an intensive program offered at Cedar Valley College (for example, a week program or over several weekends). Mr. Mann had confirmed this with Dr. David Wright at Cedar Valley College.

B. AAVSB Meeting in New Orleans

The Board reviewed information concerning the AAVSB meeting which will take place in July in New Orleans. Mr. Mann asked who would be attending. Dr. Walther agreed to deliver the greeting to the Annual Delegate Assembly on July 12. Dr. Guedry and Dr. Aycock indicated that they may be interested in attending, but they were not certain yet. Dr. Gowan and Dr. Lofton indicated that they would not be attending. Mr. Mann stated that he would like Kimberly Barbier, Executive Assistant, to attend at least some of the meetings and that her attendance had been included in the 1999-2000 budget.

C. Reverse Suspensions

The Board reviewed the list of persons who have completed their renewal applications since the last meeting. Dr. Aycock moved to reverse the suspensions of the persons listed, seconded by Dr. Lofton, and passed unanimously by voice vote.

VIII. EXECUTIVE SESSION

It was moved by Dr. Walther to enter executive session to discuss the personnel review of Charles Mann; licensure issues related to professional competence and physical health; investigative proceedings alleging allegations of misconduct; litigation presently in the 19th Judicial District (Smythe, LaGraize, and Milazo cases), and for which legal advice is needed, seconded by Dr. Aycock, and passed unanimously by voice vote. Upon return to the public record by motion of Dr. Walther, seconded by Dr. Aycock, the Board took the following action:

A. Personnel Review - Charles Mann

The Board issued a favorable review of Mr. Mann.

B. Licensure Issues Related to Health or Competency

There were no issues to discuss in this area.

C. Investigative Proceedings Regarding Allegations of Misconduct

Suzanne Boucher, DVM - Cases 98-0206V and 98-1006V : These cases were reviewed at the same time since both involved Suzanne Boucher, DVM (formerly Suzanne Hernandez). Dr. Walther presented the cases to the Board, including draft Consent Orders which had been agreed to by Dr. Boucher. Dr. Aycock moved to accept the Consent Orders as drafted, seconded by Dr. Gowan, and passed by voice vote, except that Dr. Guedry and Dr. Walther abstained from voting because both had been involved in the investigation of the matters. Furthermore, Dr. Guedry did not participate in the discussion of the cases.

D. Court Proceedings Updates

1. Nicholas J. Milazo v. Louisiana Board of Veterinary Medicine - No. 437496:

The Board reviewed information concerning the court's decision in this matter, which reversed and remanded the case back to the Board based on violations of due process rights. Dr. Lofton moved to offer a settlement to Dr. Milazo, the terms of which would include a letter of warning to Dr. Milazo; all other previous stipulations offered to Dr. Milazo in settlement discussions; a statement that the Board agrees to pay Dr. Milazo's attorney's fees; and, furthermore, Dr. Lofton is authorized to make decisions on any negotiations involving this matter, seconded by Dr. Gowan, and passed by voice vote, except that Dr. Guedry abstained from voting.

2. David B. Smythe v. Louisiana Board of Veterinary Medicine - No. 442537:

After being informed that the final settlement document had not been filed in court, the Board directed Mr. Shows to take appropriate legal action to conclude this matter.

3. Albert LaGraize v. Louisiana Board of Veterinary Medicine - No. 451317:

After being informed that Dr. LaGraize has not paid the \$100.00 fine, the Board directed Mr. Shows to take appropriate legal action to collect the fine and conclude this matter.

XI. ADJOURN

The meeting was adjourned at approximately 3:15 p.m.

APPROVED BY:

Minutes
April 21, 1999

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Adrienne Aycok, DVM
Secretary/Treasurer