

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE**

October 5, 2000

I. CALL TO ORDER

The meeting was called to order at 9:25 a.m. by the President, Dr. Adrienne A. Aycock.

II. ROLL CALL

Roll call was taken by the Secretary-Treasurer, Dr. Robert Lofton, with the following results:

Those present were:

Dr. Adrienne Aycock	Board President
Dr. George Gowan	Board Vice-President
Dr. Robert Lofton	Board Secretary-Treasurer
Dr. Edwin Davis	Board Member
Dr. Glenn Walther	Board Member
Kimberly Barbier	Board Administrative Director
Michael A. Tomino, Jr.	Board General Counsel

Absent:

None

Guests:

Dr. David James	DVM Licensee
Dr. Michael Strain	State Representative, District 74 & LVMA
Chris LeGrange	
Dr. Kim Michels	
Dalton McRight	McRight & Associates, Auditor
Jeanette McRight	McRight & Associates, Auditor
Greg Brown	CPA, Board Accountant
Dr. Sonny Corley	AAVSB Representative

III. FORMAL HEARING - Case No. 99-0122.1V, David James, DVM

Dr. Lofton was introduced as the presiding officer for the hearing and opened the hearing at 9:30 am. Dr. Walther recused himself from the hearing panel due to personal and business dealings with the respondent. Dr. Aycock recused herself

from the panel due to her role as investigating board member. Mr. Tomino was recognized and presented the facts of the case and the investigating board member's findings of violation. Mr. Tomino presented the hearing panel with a Consent Order which had been agreed upon by the investigating board member and Dr. James prior to the hearing.

Motion was made by Dr. Davis for the hearing panel to enter into executive session to discuss the case, seconded by Dr. Gowan, and passed by majority vote from Dr. Davis, Dr. Gowan, and Dr. Lofton. Dr. Aycock and Dr. Walther were recused from the panel and excluded from executive session.

Motion was made by Dr. Davis to enter back into open session upon conclusion of panel deliberation, seconded by Dr. Gowan, and passed by majority vote.

Motion was made by Dr. Gowan to accept the investigating board member's findings and accept the Consent Order as presented and agreed upon by the respondent, seconded by Dr. Davis, and passed by majority vote from Dr. Lofton, Dr. Gowan, and Dr. Davis. Dr. Aycock and Dr. Walther were recused and did not vote.

IV. APPROVAL OF MINUTES - August 17, 2000

The Board reviewed the minutes from the August 17, 2000 board meeting. After notice of a typographical correction, motion was made by Dr. Lofton to accept the minutes of the August 17, 2000 board meeting with correction noted, seconded by Dr. Walther, and passed unanimously by voice vote.

V. FINANCIAL AND CONTRACT MATTERS

[The Board passed over agenda items V.A, B, and C until such time as Dalton and Jeanette McRight and Greg Brown arrived at approximately 11:00 am. The Board continued with discussion of item V.D. After Board discussion of agenda item VI.A.1., the Board returned to item V.A and B for presentation by the auditor and CPA.]

A. **Audit**

Dalton and Jeanette McRight of McRight and Associates were introduced as the CPA firm contracted through the Office of the Legislative Auditor to perform the annual audits for the Board. Ms. McRight presented an explanation of the audit report prepared for the close of fiscal year 2000 ending June 30, 2000. Ms. McRight acknowledged the report as stating the audit was clean. She proceeded with an explanation of the Board's finances.

Motion was made by Dr. Davis to accept the audit report prepared by McRight and Associates, seconded by Dr. Gowan, and passed unanimously by voice vote.

B. Financial Reports - July and August 2000

Greg Brown, CPA, was introduced as the Board's accountant. Mr. Brown explained his work with the board office and gave an overview of the Board's financial history up through the August 2000 financial report.

Mr. Brown acknowledged the Board's need to update the computers for the board office to help the administrative staff be more efficient.

[The Board revisited agenda item V.D.]

Motion was made by Dr. Davis to accept the financial reports for July and August 2000, fiscal year 2001, seconded by Dr. Gowan, and passed unanimously by voice vote.

C. Budget - Fiscal Year 2002

Ms. Barbier and Dr. Lofton presented the proposed budget prepared for fiscal year 2002. Ms. Barbier explained changes to the budget for the present fiscal year 2001 regarding updating the Administrative Assistant salary and adjusting the currently vacant Clerk position. Also, adjustments were made to the operating expenses relative to rentals affected by the addition of the storage room to the lease. Motion was made by Dr. Walther to approve the budget for fiscal year 2002 as presented, along with the amendments to the budget for fiscal year 2001, and set the maximum employee pay raises for the budget at 7%, seconded by Dr. Lofton, and passed unanimously.

[The Board continued with agenda item VI.A.2.]

D. Purchases - New Computer System

The Board discussed the purchase of new computers for the board office with regards to the quote for state contract vendor, DELL Computers, as prepared by Ms. Barbier. Dr. Lofton suggested having Ms. Barbier take bids from other computer vendors in order to find the best computers and price available. Motion was made by Dr. Lofton to have Ms. Barbier take at least three bids from other vendors and authorize Dr. Aycock and Dr. Lofton to make the choice, seconded by Dr. Walther, and passed unanimously.

[During discussion of agenda item V.B., item V.D. was revisited.]

Ms. Barbier presented the Board with additional information she had obtained regarding the purchasing of computers for the board office. Ms. Barbier had contacted DHH-Purchasing to find out the procedure for the Board to take bids from vendors not on state contract for computers. Ms. Barbier was told that DELL was the only computer vendor on state contract and that if the Board choose to take it's own bids, there was paper work to complete for submission of those bids to State Purchasing for approval of the lowest non-contracted bidder. This process of bid review and approval could take four to five months. Ms. McRight acknowledged that four months was a minimum and could take even longer. Mr. McRight also added that the bids had to be for products equal to not less than comparable to what's on state contract. Both the McRights and Mr. Brown acknowledged that DELL was a very good and reliable brand.

Motion was made by Dr. Davis to change the previous motion made to take outside bids on computer systems and go with the state contract vendor, DELL, after review and verification of the best system needed for board office use, seconded by Dr. Walther, and passed unanimously.

Mr. McRight inquired if the Board was aware that the Governor is requiring all state agencies to develop web sites. Ms. Barbier informed the Board that she was working on information regarding development of a web site and would present something to the Board at the December 7, 2000 board meeting.

[The Board returned to agenda item V.B.]

VI. POLICY, PROCEDURE, AND RULES

A. Rule Making

1. General Update: The Board reviewed information on rule promulgation in progress. Mr. Tomino presented the Board with questions received from Dr. Melvin Elliott regarding the Notice of Intent published for proposed amendments to Rule 1039, Consent Forms. After review of the questions raised and the amendments published in the NOI, Dr. Gowan volunteered to work with Mr. Tomino to possibly revise the Board's proposed amendments for presentation to the Board at the December 7, 2000 board meeting. Motion was made by Dr. Gowan to work with Mr. Tomino to revise the proposed amendments to Rule 1039, seconded by Dr. Walther, and passed unanimously.

[Upon arrival of Dalton and Jeanette McRight and Greg Brown, the Board returned to agenda item V.A, and B.]

2. Adoption of Rules: The Board had no rule or rule amendments for adoption.

3. Consideration of New Rules

a. Chapter 11 - Preceptorship Program: Mr. Tomino presented revisions to the proposed amendments to Chapter 11 rules authorized for promulgation by the Board at the August 17, 2000 board meeting. Mr. Tomino presented additional amendments to Board Rule 700 relating to the definition of Preceptee. Motion was made by Dr. Walther to accept the changes made by Dr. Aycock and Mr. Tomino and authorize promulgation of amendments to Board Rules in Chapter 11 and Board Rule 700, seconded by Dr. Davis, and passed unanimously.

B. Policy and Procedure

1. Board Meeting Dates for Calendar Year 2001: Ms. Barbier presented a list of proposed dates for board meetings in calendar year 2001. After review, motion was made by Dr. Walther to set board meeting dates for 2001 for the first Thursday in February, April, June, August, October, and December, 2001, seconded by Dr. Gowan, and passed unanimously by voice vote.

C. Practice Act-Related Inquiries/Declaratory Statements

Mr. Tomino presented the following inquiries received for Board review and discussion:

1. Inquiry of Dr. Ronald Francis regarding his technician vaccinating under his supervision. After discussion, Mr. Tomino was instructed to inform Dr. Francis that Board rules does not allow a Registered Veterinary Technician or lay technician to vaccinate even under supervision with explanation of the Board's rules.

2. Inquiry of Dr. Mark Cousins regarding sending a patient home with a medication pain patch - Fentanyl. After discussion, Mr. Tomino was instructed to contact DEA to find out what their regulations are regarding the patches for future review.

3. Inquiry of Ms. Kim Dubek regarding her setting up a day care / spa for dogs offering massage therapy, re-hydration therapy and a variety of natural, herbal therapies, her consultation with DVMs, Acupuncturist, and Chiropractors, and her selling of herbs and vitamins for the health of dogs. Mr. Tomino was instructed to inform Ms. Dubek of the Board's Rules relative to diagnosis and treatment.

[Upon the arrival of Dr. Sonny Corley, the Board moved to agenda item VII.D.]

VII. MISCELLANEOUS MATTERS

A. **Continuing Education**

1. Registered Equine Dentists (REDs):

a. International Association of Equine Dentistry, Annual Conference - The Board reviewed information regarding the annual conference of the International Association of Equine Dentistry to be held January 19-20, 2001. Motion was made by Dr. Walther to accept this program as board-approved continuing education for Registered Equine Dentists, seconded by Dr. Gowan, and passed unanimously.

[At this time, the Board discussed agenda item VI.B.2.a.]

2. Veterinarians

a. Human Medicine Courses / Residencies - Dr. Gowan present information received from a DVM licensee for acceptance as CE for renewal of his Louisiana license. The documents were proof of the DVM's participation in OB-GYN residency training in human medicine. Dr. Gowan had approved the board office to accept this since the DVM's course work in human medicine subjects had been accepted in prior years. After discussion, motion was made by Dr. Lofton not to accept human medicine courses and residencies during the renewal period without prior review and approval of the subject matter, seconded by Dr. Walther, and passed unanimously. Ms. Barbier was instructed to contact this individual by letter to inform him that he was granted an exception for this 2001 renewal because of the time frame for completion of renewals and this board meeting date, but human medicine topics will not be accepted as CE during the renewal period in the future without prior review and approval.

B. **Renewals**

1. Veterinarians:

a. Dr. Walter Low - Waiver Request - The Board reviewed the request and documentation submitted by Dr. Low for waiver of the renewal fees and CE requirement based on incapacity. Motion was made by Dr. Gowan to grant the request and waive the renewal fee and CE requirement for Dr. Low based on the

affidavit of incapacity and physician statement submitted, seconded by Dr. Davis, and passed unanimously.

b. Dr. Mustajab Mirza - Late CE Fee Refund Request - The Board reviewed the request submitted by Dr. Mirza for refund of the late CE fee paid. Motion was made by Dr. Davis to deny the refund request, seconded by Dr. Walther, and passed unanimously.

[Agenda item VII.B.2 was previously discussed. The Board continued with agenda item VII.B.3.]

2. Registered Equine Dentist:

a. Requests for Extensions - The Board discussed the requests received from William Schexnaider, RED #7001, and Bruce Young, RED #7002, requesting an extension due that they were unable to find CE programs that would accept non-veterinarian equine dentists. With the Board's approval of the annual conference of the International Association of Equine Dentists, motion was made by Dr. Davis to extend the renewal deadline for the current renewal, year 2000/01, to February 1, 2001 to allow for completion of the CE requirement. After February 1, 2001, certification will be expired if proof of six hours of CE has not been received in the board office. Mr. Schexnaider and Mr. Young should be informed that they will still be required to obtain an additional and separate six hours to renew their certificates next year, renewal period July 1, 2001 through September 30, 2001 for the 2001/02 renewal.

[The Board continued with agenda item VII.A.2.]

3. General Update - Ms. Barbier presented a summary of the 2001 renewal which concluded September 30, 2000.

C. Registered Veterinary Technicians

1. The Board reviewed the request of Erin Wilcox to renew / reinstate her expired/ cancelled (revoked for non-renewal) RVT certificate, number 8053, originally issued 03/1997 and expired 09/30/99. No action was taken on this request. The Board will take this issue under consideration with further review.

D. Other Matters Properly Brought Before the Board

[The following items were added to the agenda. Item VII.D.1 was presented after agenda item VI.C.3.]

1. Upon his arrival, Dr. Sonny Corley was recognized. Dr. Corley is a Louisiana licensee and former Board member and a representative of the American Association of Veterinary State Boards (AAVSB). Dr. Corley was invited to address the Board to discuss the AAVSB's proposed program for foreign veterinary graduates verification.

[The Board continued with agenda item VII.A.1.]

2. Ms. Barbier presented a copy of document submitted by Mr. Kenneth Decuir as verification of Louisiana residency for Registered Equine Dentist certification. Board Rule 1501.A.2.a. requires a utility bill which includes proof of residency covering July 1, 1999. Ms. Barbier was instructed to inform Mr. Decuir by letter of this requirement.

3. Ms. Barbier presented a summary of customer service questionnaires received the past year. The majority of comments received were positive and good. The Board discussed any negative comments and suggestive comments and will try to remedy any problems that can be corrected.

VIII. EXECUTIVE SESSION

It was moved by Dr. Walther to enter executive session to discuss matters relative to miscellaneous legal issues and advice as needed, and any other items properly brought up, seconded by Dr. Gowan, and passed unanimously by voice vote. Upon return to the public record by motion of Dr. Walther, seconded by Dr. Lofton, and passed unanimously by voice vote, the Board took the following action:

1. Miscellaneous Legal Issues: No formal action was taken by the Board.
2. Other Matters Properly Brought Up: No other matters were brought before the Board.

IX. OTHER BUSINESS

Wall certificates were signed for new licenses/certificates issued since the June 8, 2000 board meeting as listed on attached sheet.

X. ADJOURN

Dr. Walther moved to close the meeting, seconded by Dr. Lofton, and passed unanimously by voice vote. The meeting was adjourned at approximately 2:15 pm.

MINUTES APPROVED ON DECEMBER 7, 2000

BY:

George Gowan, DVM
Vice-President