

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
December 9, 2004**

Minutes

I. CALL TO ORDER -

Board President, Dr. Glenn Walther, called the meeting to order at 8:25 a.m.

II. ROLL CALL -

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

Those present:

Glenn Walther, DVM	Board President
Lon Randall, DVM	Board Vice President
Patrick Bernard, DVM	Board Secretary-Treasurer
J. Edwin Davis, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy Parrish	Board Administrative Director

Absent: None

Guests: Eric Vicknair, CPA (8:30 am appearance)
Pamela Potter, DVM (10:30 am appearance)

III. APPROVAL OF MINUTES

A. October 7, 2004

The Board reviewed the minutes from the October 7, 2004 Board meeting. Motion was made by Dr. Bernard to accept the minutes as presented, seconded by Dr. Davis, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. **Financial Reports -**

September 2004 and October 2004

Dr. Bernard and Ms. Parrish presented the financial reports for September and October 2004 for review. Following review, motion was made by Dr. Davis to approve the financial reports as presented, seconded by Dr. Randall, and passed unanimously by voice vote.

B. **Legislative Audit Report (Eric Vicknair, CPA) -**

Mr. Eric Vicknair was introduced as the CPA firm contracted through the Office of the Legislative Auditor to perform the annual audit for the close of fiscal year 2004 ending June 30, 2004. He acknowledged the report stating the audit was clean. Mr. Vicknair reviewed the Board's finances and explained the change in processes for

annual audit for FY2005. The need for a signed acknowledgement by each Board member regarding the State Ethics Law Policy was also discussed.

C. **FY2006 Budget Proposal** – Ms. Parrish presented a proposed budget for FY2006 (July 1, 2005 through June 30, 2005) for review and discussion. It was noted that positive adjustments should be made to more closely reflect legal costs which have increased as a reflection of increased utilization of legal counsel for declaratory statements, rule change proposals, administrative hearings, and the number and complexity of cases. Motion was made by Dr. Davis, seconded by Dr. Bernard, to accept the proposed budget for FY2006 as presented with the adjustment of proposed legal services fees as instructed by the Board. Motion passed unanimously by voice vote.

V. ADMINISTRATIVE HEARINGS

A. **Case 03-0220.1V – George Storer, DVM** - Dr. Walther was introduced as presiding officer for the hearing. Dr. Randall recused himself as investigating Board member in the case. The members of the Hearing Panel consisted of Dr. Walther, and Dr. Bernard and Dr. Davis. Dr. Storer waived appearance at the hearing. Mr. Tomino presented, on behalf of the State, the facts of the case, submitted exhibits for review, and a proposed Consent Order for consideration by the Board. Upon conclusion of the presentations and questions, motion was made by Dr. Davis, seconded by Dr. Bernard, to enter into executive session for deliberation of the facts and the proposed consent order presented in the case. Motion passed unanimously by voice vote. The executive session was closed to the public and only those Board members on the panel were present for deliberation.

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

B. **Case 04-0615V – Virginia Brookings, DVM** - Dr. Walther was introduced as presiding officer for the hearing. Dr. Bernard recused himself as investigating Board member in the case. The members of the Hearing Panel consisted of Dr. Walther, and Dr. Randall and Dr. Davis. Dr. Brookings waived appearance at the hearing. Mr. Tomino presented, on behalf of the State, the facts of the case, submitted exhibits for review, and a proposed Consent Order for consideration by the Board. Upon conclusion of the presentations and questions, motion was made by Dr. Davis, seconded by Dr. Randall, to enter into executive session for deliberation of the facts and the proposed consent order presented in the case. Motion passed unanimously by voice vote. The executive session was closed to the public and only those Board members on the panel were present for deliberation.

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

C. Case 03-1031.2V - J. L. Garrett, DVM

Because discussion was a review of an existing consent order, recusal of Board members was not necessary. Mr. Tomino presented the facts of the case, Consent Order dated August 5, 2004, and chronological events and exhibits regarding proposed payment schedule of fines and cost recovery for consideration by the Board.

Following presentation of the case facts and questions, Mr. Tomino and Ms. Parrish were excused from the room and only the Board members were present for deliberation.

Motion was made by Dr. Davis to go into executive session to discuss issues related to compliance with the consent order of the licensee, seconded by Dr. Randall, and passed unanimously by voice vote.

Motion was made by Dr. Davis to return to open session, seconded by Dr. Randall, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was made by Dr. Davis, seconded by Dr. Randall to direct Mr. Tomino to notify Dr. Garrett by certified letter stating that the total amount owed to the Board as per the consent order, as amended, must be received on or by close of business on January 5, 2005, and in the event Dr. Garret does not comply with his obligations by this date, effective January 6, 2005 his license to practice veterinary medicine in Louisiana shall be automatically suspended until the monies due the Board are paid in full. Motion passed unanimously by voice vote.

D. Case 03-0205B -

Motion was made by Dr. Davis to go into executive session to discuss character and professional reputation issues of the licensee, as well as compliance with an agreement entered into with the Board, seconded by Dr. Bernard, and passed unanimously by voice vote.

Mr. Tomino, Ms. Parrish, and the licensee were present.

Motion was made by Dr. Davis to return to open session, seconded by Dr. Bernard, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was made by Dr. Davis, seconded by Dr. Bernard to continue to monitor future compliance with the agreement. Motion passed unanimously by voice vote.

VI. POLICY, PROCEDURE, AND RULES

A. Policy and Procedure

None presented

B. Practice Act-Related Matters/Declaratory Statements

1. X-Ray Retention (Peter Cossar, Banfield QA Risk Management) – Motion was made by Dr. Davis, seconded by Dr. Randall, to approve the proposed declaratory statement response by Mr. Tomino regarding rules pertaining to X-ray record ownership and retention. Motion passed unanimously by voice vote.

2. Animal Behavior Consultant (Kenneth Martin, DVM) – Motion was made by Dr. Bernard, seconded by Dr. Davis, to approve the proposed declaratory statement response by Mr. Tomino regarding rules pertaining to use of veterinary consultation and veterinary practice names. Motion passed unanimously by voice vote.

3. Rabies Vaccination (Susan Eddlestone, DVM) - Motion was made by Dr. Davis, seconded by Dr. Bernard, to approve the proposed declaratory statement response by Mr. Tomino regarding rules and guidelines pertaining to rabies vaccine procedures and timeline for vaccinations. Motion passed unanimously by voice vote.

C. Rule Making

1. Rule 1015 – Management Services Contracts (formerly franchise arrangements) – Proposed amendment to be published as Notice of Intent in December 2004 *Louisiana Register*. Hearing for receipt of public comment is tentatively set for January 27, 2005 if one is legally requested.

2. Rule 1515 – Registered Equine Dentists – Proposed amendment to clarify and implement the regulatory requirements of a registered veterinary technician and/or layperson employed by a veterinarian, with the proper training and under the appropriate supervision, to perform limited equine dentistry procedures. Proposed amendment to be published as Notice of Intent in December 2004 *Louisiana Register*. Hearing for receipt of public comment is tentatively set for January 27, 2005 if one is legally requested.

VII. DVM ISSUES

A. Inactive/Expired Veterinary Licenses Review – Ms. Parrish presented the updated list of inactive and expired DVMs with Louisiana addresses for review by the Board no action was taken on this item.

B. W.L. Ash, DVM – Request for Waiver of Late Renewal Fee – Following review of request by Dr. Ash for waiver of late renewal fee, motion was made by Dr. Bernard, seconded by Dr. Davis to approve request for waiver of late renewal fee. Motion passed by voice vote.

VIII. DVM APPLICANT ISSUES

A. Justin E. Crites, DVM – Request for waiver of out-of-date examination – 1999 graduate of Ross University, previously licensed in Tennessee and Kentucky, currently employed as Chief of Public Health at Barksdale Air Force Base. Motion was made by Dr. Davis, seconded by Dr. Bernard to accept the documentation of work history to be equivalent to full time active practice for five years immediately prior to application with the Board and waive retaking the national examination. Motion passed unanimously by voice vote.

B. Kenneth M. Martin, DVM – Request for waiver of out-of-date examination and preceptorship requirement – 1999 graduate of Louisiana State University School of Veterinary Medicine, licensed in Indiana and Florida, currently employed at Purdue University Veterinary Teaching Hospital. Discussion was held regarding Dr. Martin's particular employment history, duties and experience in animal behavior. Motion was made by Dr. Bernard, seconded by Dr. Davis to accept Dr. Martin's employment history and experience to be equivalent to full time active practice for five years immediately prior to application with the Board and waive retaking the national examination. Motion passed unanimously by voice vote.

C. Richard Karlin, DVM – Request for waiver of out of date examination and preceptorship requirement – 1973 graduate of Iowa State University, licensed in numerous other states, expired Louisiana license since 1992. Following review of documents submitted by Dr. Karlin regarding employment history, motion was made by Dr. Randall, seconded by Dr. Bernard, to accept Dr. Karlin's employment history and experience to be equivalent to full time active practice for five years immediately prior to application with the Board and approve request for waiver of out-of-date national examination, and for Mr. Tomino to write to Dr. Karlin regarding his sanction in Nebraska. Motion passed unanimously by voice vote.

D. Donna Bishop, DVM – Request for Preceptorship Extension – 1990 graduate of Louisiana State University School of Veterinary Medicine, licensed in Washington from 1992 through 1998. Following review of documents submitted by Dr. Bishop and Board rules regarding preceptorship requirements and temporary permit, motion was made by Dr. Bernard, seconded by Dr. Davis, to deny request for extension of preceptorship and temporary permit. Motion passed unanimously by voice vote.

E. Leigh Paige Jackson, DVM – Request for waiver of preceptorship requirement – 2003 graduate of Colorado State University, licensed in New Hampshire and New Mexico. Following review of documents submitted by Dr. Jackson regarding a one year

externship with Rochester Equine Clinic in New Hampshire, motion was made by Dr. Randall, seconded by Dr. Bernard, to deny the waiver of the preceptorship requirement because an externship cannot be legally substituted for, nor run concurrently with a preceptorship program. Motion passed unanimously by voice vote.

IX. RVT/CAET/RED ISSUES

A. Robyn Ripple, RVT Applicant - Request for educational equivalency of bachelor of science in education to fulfill degree in veterinary technology from AVMA accredited university. Following review of the request and Board rules, motion was made by Dr. Randall, seconded by Dr. Davis, to deny educational equivalency for veterinary technician degree. Motion passed unanimously by voice vote.

B. Victoria Menzies-Williams, Virginia LVT and RVT Applicant - (La. RVT expired 9/30/2002, VTNE date June 1999). Following review of request for waiver of retaking the national examination and Board rules, motion was made by Dr. Randall, seconded by Dr. Davis, to deny waiver of retaking the national veterinary technician examination because the Board's rules provide a three year deadline for consideration of examination scores but makes no provisions for accepting an individual who has been practicing and is certified in good standing as a veterinary technician in another state for more than the three years. Motion passed unanimously by voice vote.

C. Stephanie D. Robbins, Virginia LVT and RVT Applicant - (VTNE date 1999). Following review of request for waiver of retaking the national examination and Board rules, motion was made by Dr. Randall, seconded by Dr. Bernard, to deny waiver of retaking the national veterinary technician examination because the Board's rules provide a three year deadline for consideration of examination scores but makes no provisions for accepting an individual who has been practicing and is certified in good standing as a veterinary technician in another state for more than the three years. Motion passed unanimously by voice vote.

D. Jill Lewis, Request for Reinstatement - (La. RVT expired 9/30/2002, VTNE date June 1999). Following reconsideration of request for waiver of retaking the national examination and Board rules, motion was made by Dr. Randall, seconded by Dr. Davis, to deny waiver of retaking the national veterinary technician examination because the Board's rules provide a three year deadline for consideration of examination scores but makes no provisions for accepting an individual who has been practicing and is certified in good standing as a veterinary technician in another state for more than the three years. Motion passed unanimously by voice vote.

X. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued:

Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

DVM

2559	Amie Claire Casey
2560	Aileen Yvette Ruiz
2561	John Ira Edwards
2562	Jennifer Marie Thomas
2563	Javier Guillermo Nevarez
2564	Charles Scott Higgins
2565	Michelle Lee Edwards
2566	Ashley Colleen Geoghegan
2567	Emily Fournet Thomas

CAET

9340	Clayton Rayfield
9341	Lisa Shawn Laskoski
9342	Jerry Jackson
9205	Windy Duplessis Vallory (reissue)
T0402	Miyo Marie Cox
T0403	Clarence T. Chiasson, Jr.
T0404	Kris Matthew Cressione

B. Annual Customer Service Questionnaire Summary – Ms. Parrish presented a summary of the customer service questionnaire from (October 2003 through October 2004) for review. The majority of the responses were positive. The report results will be mailed to the appropriate state agency. No action was taken on this item.

C. December 2004 Newsletter Draft – Ms. Parrish presented a draft of the December 2004 newsletter. Motion was made by Dr. Davis, seconded by Dr. Bernard, to approve the newsletter for publication as presented with the addition of an article submission from Mr. Tomino approved by Dr. Walther. Motion passed unanimously by voice vote.

D. Continuing Education/Preparedness & Response to Agriculture Terrorism (Stacy/Littlefield-Chabaud, DVM) - Following review of request for approval of participation in Preparedness & Response to Agriculture Terrorism, motion was made by Randall, seconded by Dr. Davis to approve 4 credit hours of continuing education. Motion passed unanimously by voice vote.

XI. EXECUTIVE SESSION

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

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A. Annual Review of Administrative Assistant – Following a summary of performance and recommendation to award Ms. Turner the maximum salary increase allowed for her exemplary work, ethics and performance over the past year, motion was made by Dr. Davis, seconded by Dr. Bernard, to award Ms. Turner an annual increase of 10%. Motion passed unanimously by voice vote.

B. Legal Services – Dr. Walther and Ms. Parrish presented for review, information regarding employment alternative of current provider. No action was taken on this item, but will be reviewed for further consideration at a later date.

XII. ADJOURN

There being no further business before the Board, motion was made by Dr. Davis, seconded by Dr. Bernard, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 1:42p.m.

MINUTES REIVEWED AND APPROVED BY FULL BOARD ON February 3, 2004.

Patrick Bernard, DVM, Board Secretary-Treasurer