

BOARD MEETING - LOUISIANA BOARD OF VETERINARY MEDICINE
June 3, 2021

Minutes

I. CALL TO ORDER

Board President, Dr. Keri Cataldo, called the meeting to order at 8:30am.

II. ROLL CALL

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

Those present:

Keri A. Cataldo, DVM	Board President
Joseph Bondurant, Jr., DVM	Board Vice President
Alfred G. Stevens, DVM	Board Secretary-Treasurer
Trisha C. Marullo, DVM	Board Member
James R. Corley, DVM	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel

Guests:

John Walther	Assistant Commissioner, Animal Health & Food Safety
Felix Vanderlick	Healthcare Professional's Foundation of LA
Melanie Talley	Louisiana Veterinary Medical Association
Bailey Olof	Department of Agriculture & Forestry
Petitioner case 21-1006 I	

Statement of Obligations was read aloud by Dr. Stevens to all present for the meeting.

III. APPROVAL OF MINUTES

A. Board Minutes for April 1, 2021

The Board reviewed the minutes from April 1, 2021. Motion was made to accept the minutes as presented by Dr. Stevens, seconded by Dr. Bondurant, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – March & April '21

Mr. Granier and Dr. Stevens presented the financial reports for the months of March and April '21 for review by the Board. Mr. Granier informed the Board that all financial matters are in order and the Board is projected to come in well within budget. Motion was made by Dr. Corley to accept the financial reports as presented, seconded by Dr. Stevens, and passed unanimously by voice vote.

B. FY2021 Budget Amendments, FY2022 Budget Projections

Mr. Granier presented a budget amendment for FY2021 for review and discussion, stating the reason for the number of budget adjustments was to better align the budget figures due

to changes and regrouping of expense accounts in partnership with CPA. FY2021 actual figures were within budget at beginning of fiscal year. FY2022 projected budget was also adjusted to account for the changes and regrouping of expense accounts. Motion was made by Dr. Stevens, seconded by Dr. Bondurant to approve the amended budgets as presented. Motion passed unanimously by voice vote.

B. Investments – CDs – Authority to Purchase in FY2022

Mr. Granier reviewed rates and accrued interest amounts for certificates of deposit (CDs) for FY2021. Motion was made by Dr. Bondurant, seconded by Dr. Marullo, to authorize Mr. Granier, Executive Director, in association with the Board Secretary-Treasurer elect, Dr. Marullo, to make internal fund transfers for the purchase of CDs with EFCU to take advantage of higher yielding rates during FY2021 in June and in August for FY2022. Motion passed unanimously by voice vote.

C. Contract Amendment for Legal Counsel, FY 2020-2023

Mr. Granier presented the Board with a contract amendment for the Board’s Legal Counsel, Thibaut, Thibaut & Vogt, LLC from a two-year total of \$340,000 to a three-year total of \$540,000. Motion was made to accept the contract amendment as presented by Dr. Stevens, seconded by Dr. Corley, and passed unanimously by voice vote.

D. Proposed Contract with Healthcare Professionals’ Foundation of LA

Mr. Granier presented the proposed contract with the Healthcare Professionals’ Foundation of Louisiana for review. HPFLA will be the wellness advocacy and monitoring group for the Board’s Peer Assistance Program. The proposed contract would span for FY2022 to FY2024, with a ceiling of \$13.50 per active licensee cost (approximately \$30,000 annually). Motion was made by Dr. Corley, seconded by Dr. Marullo to approve the contract. Motion passed unanimously by voice vote.

(Public Comments)

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

V. ADMINISTRATIVE HEARINGS

A. Case #20-0221 V - Vogt and the investigating board member presented the facts of the case, submitted exhibits for review, and a Consent Order for consideration by the Board. The licensee failed to supply a client with medical records or a synopsis thereof when a written request was made by the duly authorized agent of the client. A Consent Order imposing a fine of \$250, plus a reimbursement of the costs of investigation of \$750 and a public reprimand was presented to the Board for approval. Motion made to accept the consent order and its conditions by Dr. Marullo, seconded by Dr. Stevens. Motion passed unanimously by voice vote.

B. Case #20-1210 D - Vogt and the investigating board member presented the facts of the case, submitted exhibits for review, and a Consent Order for consideration by the Board. The licensee plead guilty in state court to state law violations concerning the improper record keeping and improper prescribing and dispensing of controlled substances. A Consent Order imposing a \$2,000 disciplinary fine, a reimbursement of \$200 for investigative costs and an additional five continuing education hours on topics specific to record-keeping and

prescribing and dispensing controlled substances was presented to the Board for approval. Motion made to accept the consent order and its conditions by Dr. Marullo, seconded by Dr. Stevens. Motion passed unanimously by voice vote.

- C. **Case #21-1006 I** - A complaint was initiated by the Board against a veterinarian practicing under the terms of a Consent Order due to an impairment issue. The Board received notice of the breach of the terms of the consent order by the licensee, who acknowledged the breach and waived the formalities of a hearing. Respondent was referred to HPFL for assessment and treatment for the substance(s) of abuse. The Respondent's license to practice veterinary medicine was suspended. Respondent is allowed to petition the Board for limited reinstatement in 6 months, provided there is compliance with the treatment and testing protocol to be recommended by HPFLA. Motion made to accept the consent order and its conditions by Dr. Corley, seconded by Dr. Marullo. Motion passed unanimously by voice vote.

VI. DVM, RVT, AND CAET ISSUES

- A. None at this time

VII. DVM APPLICANT ISSUES

- A. **Deshaunte M. Coleman, DVM - Request for Waiver of NAVLE Re-Take & Preceptorship** - 2009 graduate of Tuskegee University CVM, licensed in GA. The Board reviewed the documentation submitted by Dr. Coleman. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- B. **Rebekah L. Joyner, DVM - Request Waiver of Preceptorship** - 2020 graduate of LSU SVM, licensed in MA. The Board reviewed the documentation submitted by Dr. Joyner. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- C. **Andrea M. Marquiss, DVM - Request Waiver of Preceptorship** - 2019 graduate of Michigan State University CVM, licensed in FL and OH. The Board reviewed the documentation submitted by Dr. Marquiss. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- D. **Stewart R. McKenzie - Application for Licensure** - 2021 graduate of the University of Tennessee CVM. The Board reviewed the documentation submitted by Dr. McKenzie. Applicant self-reported a prior issue concerning an episodic excessive use of alcohol, for which treatment was sought and is near completion. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** Dr. McKenzie's application for licensure.
- E. **Steven R. Richards, DVM - Request Waiver of Preceptorship** - 2020 graduate of the University of Minnesota SVM, licensed in WI. The Board reviewed the documentation

submitted by Dr. Richards. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

F. Rodrigo S.G. Torres, DVM - Request for Waiver of NAVLE Re-Take & Preceptorship - 2013 graduate of National Autonomous University of Mexico (UNAM), licensed in OR. The Board reviewed the documentation submitted by Dr. Torres. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

G. Roman Torres, DVM – Application for Faculty Licensure - 2019 graduate of Mississippi State University CVM, licensed in IL and TX. The Board reviewed the documentation submitted by Dr. Torres. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** the application for faculty licensure. Motion passed unanimously by voice vote.

H. Trevor D. Upton, DVM - Request Waiver of Preceptorship - 2020 graduate of Western University of Health Sciences, licensed in NJ. The Board reviewed the documentation submitted by Dr. Upton. Motion was made by Dr. Corley, seconded by Dr. Marullo, to **approve** waiver of the preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

Upon conclusion of executive session, motion was made to return to regular session by Dr. Stevens, seconded by Dr. Corley, and approved unanimously by voice vote. All votes related to administrative hearing, licensee issues and applicant issues above were made out of executive session.

VIII. POLICY, PROCEDURE, AND RULES

A. General Update

- 1. Continuing Education Emergency Rule for '21-'22 CE Period** - The Board recognized the relative scarcity of face-to-face continuing education opportunities coming out of the pandemic protocol. It authorized the waiver of the on-line limitation of CE hours for the fiscal year ending June 30, 2022 by emergency rule.
- 2. Guidance on Potential Rule-Making Items** - The Board had a general discussion regarding the following list of rule-making items in progress. Mr. Vogt and Mr. Granier will continue to work on the rule changes at the Board's request. The Board will continue to address these items of interest, with further discussions in future Board meetings as the rulemaking process develops. No motion made on any of the General Update agenda items. Mr. Vogt and Mr. Granier will have a proposed draft of rule-making/changes related to the following: a) NAVLE requirement & waiver for DVMs, b) State Board Exam requirement for DVM Faculty license applicants and RVT applicants, and c) Waiver of retaking VTNE for RVTs.

B. Policy and Procedure

1. None at this time

C. Declaratory Statements

1. None at this time

D. General Agenda

1. None at this time

E. Consent Agenda Opinions

1. Answered

- i. RVT & DVM Administering IV Fluid Therapy & Injections to Employees** - A manager of a veterinary clinic sought confirmation that an RVT administering IV fluid therapy and injections to fellow employees was in violation of the Practice Act and Board Rules. Board Rules were cited requiring the obedience of all local, state and federal laws and the role of the Board as a secondary regulator for violations of civil and criminal laws concerning the illegal practice of human medicine. As requested, the inquirer was referred to the appropriate authorities to report the illegal activities complained of.
- ii. Off-Site Horse Euthanasia by CAET** - The management of an animal control shelter sought guidance concerning the propriety of an employed CAET conducting euthanasia for an equine in agonal pain off site. Board Rules concerning the extension of the premises for performance of euthanasia via an animal shelter's mobile vehicle were cited and the inquirer cautioned concerning the proper authority to request euthanasia, a suitable diagnosis requiring euthanasia and the safety and qualifications for a CAET to administer euthanasia for a large animal. The issue was decided on an emergency basis, ratified by the Board.
- iii. How Long Must Records Be Kept Before Being Destroyed** - The surviving spouse of a veterinarian inquired, through counsel, of the time period for which medical records must be kept under the Board Rules. The Board Rule (701(B) 1 was cited with its interpretation as requiring maintenance for a period of 5 years since the last entry per patient.
- iv. Submission of Proof of Equivalent Preceptorship Activity** – A licensing inquiry was made concerning the interpretation of Rule 1105 and whether equivalent preceptorship activities can be accepted in lieu of the Board's requirements, where the provisions of waiver cannot be met. The inquirer was advised that there is no "after the fact" approval of preceptorship available as the facility of the proposed preceptorship must be Board approved in advance under Rule 1105 E. Further the activities of student externship do not qualify as equivalent for preceptorship, under Rule 714 G. The application language cited by the inquirer will be amended to more accurately reflect the Rule language.

- v. **Full-Time DVM DEA/CDS Reg Suffice at Shelter in Lieu of Lead CAET** - An animal shelter veterinarian made inquiry of the Board concerning whether one of the employed CAETs at the shelter must be designated and trained as a lead CAET. The Board deferred as a secondary regulator to Board of Pharmacy, DEA and FDA regulations but advised that if a staff veterinarian can order those drugs needed for euthanasia, a lead CAET does not have to be designated by the shelter.
- vi. **Age Requirement for Schedule II Drug Handling** - An inquiry of the Board was made concerning age restrictions relating to the handling of Schedule II drugs. A deferral to the Board of Pharmacy and DEA was made, but Rule's 1201 A 3's requirement that a CAET be 18 years of age at the time of application.
- vii. **Self-Reporting Substance Abuse & Treatment Question** - An inquiry concerning the requirement of self-reporting of an arrest involving substance abuse and the consequences of not self-reporting, the ability of a veterinarian to practice while out of bond for felony arrests, the availability and identification of approved treatment programs for substance abuse, the ability to practice veterinary medicine while undergoing treatment for substance abuse was made of the Board. Provisions of the Practice Act giving authority to discipline a licensed veterinarian for substance abuse were cited, as were Rule requirements mandating compliance with criminal statutes. Further a licensed veterinarian must comply with DEA regulations if possessing a DEA registration. The remaining questions were answered in that discipline is imposed where necessary on a case-by-case basis observing principles of due process, as were Board Rules governing the peer assistance program allowing the limited practice of veterinary medicine with the suspension of a license stayed pending successful treatment efforts in a Board approved treatment and monitoring program, the details of which apply individually to separate cases. However, although self-reporting is strongly recommended and could affect the nature and scope allowed by the Board, there is no Board mandate of self-reporting of the circumstances cited by the inquirer.
- viii. **Refusal of Service for Emergency Case** - An inquiry was made of the Board concerning whether a licensed veterinarian must render care to a patient in an emergency situation. The Board rejected the inquiry as lacking essential detail for an authoritative answer, invited the inquirer to supply additional data and cited Rule 1009 as generally governing the issue of mandated emergency care.
- ix. **Non-Veterinarian Ownership of a Clinic** - An inquiry of the Board was made as to the requirement that a license veterinarian own a veterinary clinic. The inquirer was referred to the provisions of ancillary and complementary laws governing corporations and other legal entities, did not express an opinion concerning the wording of a proposed sales agreement but cited the new Rule 1015, which placed the onus of the practicing licensed veterinarian for compliance with Board Rules and The Practice Act notwithstanding directives of corporate employment and ownership of a facility. The practicing veterinarian must be in control of decision making concerning the care of

patients.

- x. **Euthanasia of Two Animals Requested by Non-Owner of the Animals** - A licensed veterinarian made an inquiry as to the propriety under Board Rules and the Practice Act to euthanize two patients without client authorization upon the demand of a third party whose animal was killed by the patients. The patients were in rabies quarantine at the time of the inquiry and their owners were considering relocation vs. euthanasia. The inquirer's specific concern was under the state's rabies provisions. The inquirer was advised that the Board's jurisdiction does not extend to issues concerning rabies' compliance issues and were referred to the state's public health veterinarian.
- xi. **Non-Veterinarian Ownership of a Clinic** - An inquiry was made concerning direction to the Board Rule governing ownership of a practice and what percentage, if any, must be by a licensed veterinarian. Rule 1015 was cited by the Board under the particular facts given.

2. Proposed

- i. None at this time

IX. PRECEPTORSHIP ISSUES

- A. None at this time

IX. CONTINUING EDUCATION ISSUES

- A. None at this time

IX. MISCELLANEOUS MATTERS

- A. **CAET Training Course – September 16th, Lafayette, LA** - Mr. Granier presented to the Board the new CAET certification training course scheduled for September 16th, 2021 at the Lafayette Parish Animal Shelter. Deadline for registration is September 3rd. No motion made pertaining to the CAET course.
- B. **ICVA's 2019-2020 NAVLE Technical Report** - Mr. Granier presented to the Board the 2019-2020 report related to NAVLE from the International Council for Veterinary Assessment (ICVA). No motion made.
- C. **Louisiana Legislative Auditor's Report** – The recent report created by the Louisiana Legislative Auditor's Office was presented by Mr. Granier. This report highlighted the state of Louisiana's role in animal welfare and control activities. No motion made.
- D. **Update on Management Software for Licensees/Applicants/Complaints** - Mr. Granier informed the Board of the upcoming full release of the new license management system contracted through Thentia. The application portal was released in mid-May with the License Portal (including the renewal application) being made public at the end of June. No motion made.

E. AAVSB Annual Meeting – Denver, CO, Sept. 30 to Oct. 2, 2021 - Mr. Granier presented the limited details on the AAVSB’s Annual Meeting being held in person from September 30th to October 2nd, 2021 in Denver, CO. Mr. Granier will be attending the meeting, and Board President Cataldo suggested that Board members who are interested should attend the conference as well. No motion made.

F. Licensure Issue Update - Reported Out-of-State Conviction - Board made no motion and deferred this agenda item, as Mr. Vogt informed the Board that there has still been no further progress made in the reported conviction. The Board will continue to re-visit of this matter at future Board meetings until so time as there are actionable details discovered. No motion made.

G. New Licenses and Certificates Issued - from 03/11/2021 to 05/19/2021

DVM

10001	Angela Nicole	Griggs
10002	Brooke Nicole	Clement
10003	Katharine Conrad	Shamoun
10004	Morgan Elizabeth	Domangue
10005	Stephanie Elise	Cheshier

FACULTY

Faculty 228	David	Upchurch
Faculty 229	Meagan Kelly	Allen
Faculty 230	Lesa Annette	Staubus
Faculty 231	Gregg Mitchell	Griffenhagen
Faculty 232	Taya Michelle	Marquardt Ezell

RVT

8523	Amber Lynn	Cortez
8524	Cadie Rebecca	Dubea
20001	Hailee Cheyenne	Walker
20003	Stephanie Ann	Heald
20002	Arianna Denman	Zeligman
20004	Paige Nicole LaPointe	Head

CAET

9945	Emily Rose	Granger
9946	Shaun Robert	Loose
9947	Jessica NaDale	Turner
9948	Jennifer Leigh	Gaspard
30001	Shannon Marie Willis	Neal
30002	Alaina Skye	Smith
30003	Marlene Margot	Dadukian
30004	Jorajuri Lamelle	Woods
30005	Elbert M.	Lewis

A. Election of Officers (Effective 8/1/2021); Authorization to Sign Checks, Review of Board Member Positions - Nominations were taken as follows: Joseph Bondurant, Jr,

DVM, Board President; Alfred Stevens, DVM, Board Vice-President; Trisha Marullo, DVM, Board Secretary-Treasurer. Motion was made by Dr. Corley to close nominations, seconded by Dr. Marullo and passed unanimously by voice vote.

Motion was made by Dr. Corley to install, by acclamation, Dr. Joseph Bondurant, Jr, as Board President, Dr. Alfred Stevens as Board Vice-President, and Dr. Trisha Marullo, as Board Secretary-Treasurer for fiscal year 2022, seconded by Dr. Marullo and passed unanimously by voice vote, effective August 1, 2021.

X. EXECUTIVE SESSION

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

- A. Administrative Assistant Annual Review** – Mr. Granier performed a formal annual review of the current Administrative Assistant. Recommended merit increase of 7% will be awarded to Ms. May effective July 1, 2021.
- B. Executive Director Annual Review** – Annual review was performed of the Executive Director. A copy of the evaluation was given Mr. Granier. Merit increase of 7% was awarded to Mr. Granier effective July 1, 2021.

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Corley, seconded by Dr. Stevens, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 2:20pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on August 5, 2021.



Trisha Marullo, DVM, Board Secretary-Treasurer