

LA Board of Veterinary Medicine – Board Meeting Agenda – December 1, 2022

I. CALL TO ORDER

Board President, Dr. Alfred Stevens, called the meeting to order at 8:36am.

II. ROLL CALL

Roll call was taken by Board Secretary-Treasurer, Dr. Larry Findley, Sr., as follows:

Those present:

Alfred G. Stevens, DVM	Board President
Trisha C. Marullo, DVM	Board Vice President
Joseph Bondurant, Jr.	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel
Larry L. Findley, Sr, DVM	Secretary-Treasurer
Keri A. Cataldo, DVM	Board Member (<i>teleconferenced</i>)

Guests:

Melanie Talley	Louisiana Veterinary Medical Association
Dr. Bonnie Boudreaux	LSU School of Veterinary Medicine
Dr. Lara Stooksbury	Veterinarian

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

III. APPROVAL OF MINUTES (*Previous meetings' minutes are online at www.lsbvm.org/minutes.)*)

A. Board Minutes for October 6, 2022

The Board reviewed minutes from October 6, 2022. Mr. Granier pointed out an error within the CD Investment section that he would correct. With no further discussion on the minutes as given, motion was made to accept the minutes with the proposed correction by Dr. Bondurant, seconded by Dr. Findley, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS & CONTRACTS

A. Financial Reports – September & October '22

Mr. Granier presented the financial reports for the months of September and October '22 for review by the Board. Mr. Granier informed the Board that all financial matters are in order. Bank fees exceed the current budgeted figure for FY23, which will be adjusted accordingly in final budget revision in June '23. There were no questions regarding financial reports reviewed by the Board members. Motion was made by Dr. Findley to accept the financial reports as presented, seconded by Dr. Bondurant, and passed unanimously by voice vote.

B. Proposed Budget for FY 2024

Mr. Granier presented the proposed budget for FY2024 for review. Following discussion of income and expenditure projections, motion was made by Dr. Bondurant to accept the proposed budget, seconded by Dr. Marullo, and passed unanimously by voice vote.

C. Investments - CDs, Request to Purchase in FY 2023

Mr. Granier reviewed accrued interest amounts for current certificates of deposit (CDs) for FY2023 and requested Board approval to purchase a 6-month CD in the amount of

\$100,000. Motion was made by Dr. Findley, seconded by Dr. Marullo, to authorize Mr. Granier, Executive Director, to make the proposed purchases of CDs. Motion passed unanimously by voice vote.

D. Proposed AAVSB Contract Amendment for VTNE Testing Accommodations

Mr. Granier proposed amending the AAVSB contract related to the VTNE exam and the review/approval of requested testing accommodations by exam candidates. The amendment would have AAVSB, as the testing vendor, responsible for the review and approval of all testing accommodation requests for the VTNE exam. The Board will remain responsible for determining exam eligibility for applicants. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve the contract amendment as proposed. Motion passed unanimously by voice vote.

Dr. Stevens opened the floor to comments from the public. Dr. Boudreaux gave the Board a general update on noteworthy news regarding the LSU SVM and its progress is moving forward with its core mission. Ms. Melanie Talley gave a brief update on news and goings-on with the LVMA.

V. STATUTES, RULES, POLICIES & PROCEDURES

A. General Updates (*Rulemaking items can be followed at www.lsbvm.org/rulemaking.)*

1. Status Update: LAC 46LXXXV.Chapter 12

Preceptorship Requirement for DVM Licensure

Mr. Granier informed the Board that the Notice of Intent regarding the repeal of the preceptorship program as a DVM licensure requirement was approved by the Occupational Licensing Review Commission at its November 3rd meeting. Upon review of the fiscal and economic impact statements by the Legislative Fiscal Office, the Notice of Intent will be published in either the December 20th or the January 20th issue of the *LA Register* and submitted to the House and Senate Oversight Committees as well as the other various legislative entities. No action was taken on this item.

2. Status Update: Expedited Licensure for Active Military and Spouses

Mr. Vogt informed the Board that he is still working on the legislative-required rule changes concerning the licensing of individuals with military training, licensing endorsements of military spouses and dependents as per La. R.S. 37:3651 as affecting present Rule 307 concerning the expedited issuance of license for individuals with military qualifications and military spouses. The proposal will be brought before the Board for a vote once completed. No motion was made, and no action was taken on this matter. In the meantime, the Board will act as though its Rules have been amended as per La. R.S. 37:3651, using its discretionary functions.

3. Rule Proposal: Amendment for Petition for Rule Modification

Mr. Granier presented to the Board the proposed Notice of Intent, LAC 46LXXXV.100.105, amending language for the petition for Rule Modification. Motion was made by Dr. Findley to approve the Notice of Intent as presented, seconded by Dr. Bondurant, and passed unanimously by voice vote. The Notice of Intent will be brought to the Occupational Licensing Review Commission and to the Legislative Fiscal Office for review and approval to continue with the promulgation process.

B. Policies and Procedures

1. Amendment: Policy 5.04, Purchasing – Bids, Vendors & Initiating Purchases

Mr. Granier presented an amendment to policy 5.04 of the Board's Policy Manual as suggested in the annual audit from FY2022. Motion was made by Dr. Findley to approve

the amended policy as presented and to adopt it into the Board's Policy Manual, seconded by Dr. Marullo, and passed unanimously by voice vote.

C. Declaratory Statements

- 1. None at this time**

D. General Agenda

1. Suspected Animal Cruelty Case - Steps to Take?

A licensed veterinarian examined a patient and found the source of the reason for presentation an apparent case of abuse (i.e. - a zip tie affixed to the dog's penis). The client, who presented the patient with her boyfriend, appeared to be genuinely surprised at the finding. The veterinarian only had contact information regarding the presenting owner and her ex-husband. Upon questioning the veterinarian was informed of the presence of a houseguest in the owner's home the night before presentation. The veterinarian asked the board whether and how to report the case of abuse prior to a follow up appointment. The veterinarian was advised that Louisiana does not have mandatory reporting for veterinarians of cases of suspected animal abuse and prior to the last legislative session needed permission from the client to do so given patient confidentiality principles of ethics and the Board Rules. However, upon the passage of La. R.S. 2800.28 the good faith reporting of statutorily enumerated instances of abuse to enumerated authorities now provide civil immunity and immunity from the unauthorized release of medical record exposure, as specifically provided by statute, a copy of which was provided to the inquiring veterinarian. During the course of discussions with the inquiring veterinarian, the client/owner of the animal gave explicit permission to the veterinarian to release confidential information to the authorities, pretermittting the use of the applicable provisions of the new law.

E. Consent Agenda Opinions - Answered

2. Does Equine Massage Therapy Require Direct Supervision

A human therapist inquired of the board whether "in person, direct" supervision by a veterinarian is required when providing equine massage therapy. The explicit provisions of Rule 712 were given to the inquirer, which does require "direct supervision", defined as the veterinarian with the VCPR being on premises at the time services are rendered. Other requirements were also given by the Board as stated in the Rule: the establishment of the VCPR by the veterinarian, the degree of training or education of the therapist, the written, informed consent form that must be signed by the client, and the assumption of direct, regulatory responsibility of the supervising veterinarian for the services delegated to the therapist.

3. Requirements to Practice Equine Massage

The Board was simply asked to provide information concerning the requirements of practicing equine massage in Louisiana. As the inquirer was not a licensed veterinarian, the provisions of Rule 712, per the preceding query, were recited.

4. Accepted Practices for Electronic Record-Keeping

The board was asked by a former client of a veterinarian licensed by the Board whether the staff of the prior attending veterinarian and/or associate veterinarians could refer a request for medical records to the absent, attending veterinarian in circumstances where the patient died unexpectedly, and a veterinarian needed the records to advise of the possible causes of death. Additionally, "prior disciplinary records" of the former attending veterinarian were requested. The inquirer was advised that as a state

licensing agency only “Public Records” as defined by the “Public Record Law” are subject to production. In the area of disciplinary actions, or those actions designed to determine the fitness of a licensee to acquire/retain a license, only “final adverse determinations by the Board” are considered public records. The inquirer was further advised that with regard to the obligation of the clinic to provide records, the board does not regulate facilities but only its licensees in this context. However, upon written request for those records, the author of them is required to provide copies or a synopsis of all records requested, not just the select records provided prior to the query. The timeline for production has been determined to be “within a reasonable period of time” by prior Board decision - which is dependent on all facts on a case-by-case basis. Reasonable costs of reproduction may be recovered from the former client.

5. Is DVM Obligated to Write Prescription from Non-Affiliated Facility

The Board was asked by a licensed veterinarian if he was obliged to give a client a written prescription for a compounded medication in circumstances where the veterinarian now uses a recently FDA approved animal prescription drug in lieu of the compounded formula requested. The Board advised as it has done on several occasions that the ethical obligation to provide a client with a written prescription where the veterinarian stocks the medication requested, or a substitute for the compounded medication requested, is not unlimited. According to Rule 705 the obligation to provide a written prescription must first come directly from the client, not the proposed filling pharmacy. A VCPR must already be established. The patient’s life must not be endangered in the opinion of the veterinarian by the delayed administration of the medication. The medication must be safe for at home administration by a lay person. The prescription must be appropriate for the patient’s care. It is a violation to refuse to provide a written prescription (including verbal or electronic communications) only where the motive of refusal is because another entity will receive revenues from the sale of the medication. The veterinarian was also advised that a reasonable fee may be charged for services required in providing that prescription.

6. Questions on Mobile Veterinary Services

A follow up query was given the Board by a veterinarian about to embark on a “house call practice” whether a “special license” is required to provide services from a “mobile practice vehicle” and whether there are Board Rules specific to “relief work” at local clinics. The Board advised that no “special” licenses are required to practice veterinary medicine from a vehicle where the patient is not taken inside. Nor do Rules exist with regard to the practice of veterinary medicine pertaining to relief work. However, the inquirer was cautioned that this response was limited to specific, primary rules within the Practice Act, the Board Rules and the AVMA’s principles of ethics. While the Board, in most instances, does not make findings of fact of violation of other agencies’ regulations, the Board, as a secondary regulator, requires compliance with all local, state and federal laws and regulations. Accordingly, the inquiring veterinarian was advised to consult the DEA’s regulations along with those of the Board of Pharmacy and the FDA regarding issues implicit in the basic query of what is required to legally operate a house call practice. The inquirer was also referred to the listing of requirements by Rule 711 (F) concerning the practice of veterinary medicine from a vehicle defined by Rule as a “mobile practice vehicle”, including having a contract with a local emergency care provider, the notices required to be given to clients, recordkeeping obligations, the obligation of the veterinarian to stay on premises until discharge of the patient, and related matters more fully set forth under Rule 711 (F).

F. Consent Agenda Opinions – Proposed

1. None at this time

G. Consent Agenda Opinions - Expedited / Emergency Opinion

1. None at this time

VI. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued

Mr. Granier reported all new DVM licenses (including Faculty), RVT registrations, and CAET certificates issued listed below from 09/24/22 to 11/15/22. Motion was made by Dr. Findley to accept and ratify all issued licenses as given, seconded by Dr. Marullo, and passed unanimously by voice vote.

License #	Licensee	License Status	Initial License Date
10134	Adi Chatow	DVM - Active	2022-10-05
10135	Ryan Devlin	DVM - Active	2022-10-07
10136	Kevin Glen Harbin	DVM - Active	2022-10-10
10137	Amy Christine Oliver	DVM - Active	2022-10-10
10138	Jacob Walsh	DVM - Active	2022-11-01

License #	Licensee	License Status	Initial License Date
Faculty 1092	Natalia Rodriguez	DVM - Faculty - Active	2022-09-27
Faculty 1093	Michelle Turek	DVM - Faculty - Active	2022-10-18
Faculty 1094	Patty Lathan	DVM - Faculty - Active	2022-10-25
Faculty 1095	Liz-Valery Guieu	DVM - Faculty - Active	2022-09-27

License #	Licensee	License Status	Initial License Date
20054	Casey E Clavin	RVT - Active	2022-10-04
20055	Mariah Ruth Bebout Bennett	RVT - Active	2022-11-04

License #	Licensee	License Status	Initial License Date
30049	Germanius Thomas	CAET - Active - Full	2022-10-17

B. Office Updates – Applications, Renewals, Complaints

Mr. Granier reported to the Board statistics on the renewal cycle and complaints. No motion was made, and no further action was taken on this matter.

COMPLAINTS	Total
From 09/24 to 11/18, 2022	
Complaints Received	2
Complaints Closed	6
Consent Orders Issued	1
Consent Orders Closed	1
Other Negative Actions *	1
Still On-Going / Active	
Pending Cases (licensees)	11

Pending Cases (non-licensees)	1
Consent Orders	3
Other Negative Actions *	0
* Other negative actions include, formal reprimands, informal reprimands, cease & desist notices, etc.	

Renewal & Application Comparison, July thru October			
<i>Figures below based off of financial data, not licensing data.</i>			
DVM Licensing	21-22	22-23	Diff.
Application Fee	39	73	34
Back Rnwl Fees	130	26	(104)
Late Rnwl Fee	11	37	26
Orig License Fee - Faculty	12	15	3
Renewal Fee - Active	1608	1621	13
Renewal Fee - Faculty	75	81	6
Renewal Fee - Inactive	19	10	(9)
RVT Licensing	21-22	22-23	Diff.
Application Fee	21	22	1
Back Rnwl Fees	0	0	0
Late Rnwl Fee	5	11	6
Renewal Fee	297	317	20
CAET Licensing	21-22	22-23	Diff.
Application Fee	22	21	(1)
Back Rnwl Fees	0	0	0
Late Rnwl Fee	0	12	12
Renewal Fee	118	131	13

C. Report of Non-Renewed Louisiana-Based Licensees (DVMs, RVTs, & CAETs)

Mr. Granier presented a summary of non-renewed DVM licensees with Louisiana addresses for review. No action was taken on this agenda item.

D. Results of Customer Service Survey, 2022 (Oct. '21 to Nov. '22)

Mr. Granier presented a summary of 150 customer service survey responses and comments from October 29, 2021 to November 1, 2022. The Board was pleased with the continued improvements in office communications and the overall positive feedback being received. The survey results will be made available online and will also be mailed to the appropriate state agency for reporting purposes by Mr. Granier. No action was taken on this item.

E. CAET Training Course Scheduled, March 2, 2023 in Hammond, LA

Mr. Granier presented to the Board the new CAET training course scheduled for March 2nd, 2023 in Hammond, LA. The deadline for registration is February 17th. Additional presenters will be the LA Board of Pharmacy, the Healthcare Professionals' Foundation of Louisiana, and the Louisiana SPCA. No action was taken on this item. More details on the CAET training can be found at www.lsbvm.org/app-caet.

F. February '23 Board Meeting – Change of Location from LSU SVM

Mr. Granier informed the Board that the location for the February '23 Board meeting has to be relocated back to the Board's office in the LA Department of Agriculture & Forestry Building. The April '23 meeting will be held at the LSU School of Veterinary Medicine. No action was taken on this item.

G. Report to the Board of LASPCA Meeting in November

Mr. Granier informed the Board of his meeting with LASPCA's CEO, Ana Zorilla, and Director of Community Clinic and Shelter Clinic, Jessica Lovelady. Points of discussion included an overview of the Board's rulemaking activity, availability of the HPFLA's peer assistance program for all Board licensees, and the possible involvement of the LASPCA with the Board's CAET training course. No action was taken on this item.

H. 2022 ICVA Report to Licensing Boards

Mr. Granier presented to the Board the 2022 ICVA report related to NAVLE from the International Council for Veterinary Assessment (ICVA). No motion made or action taken on agenda item.

VII. CONTINUING EDUCATION ISSUES

A. Request for CE Hours for HPFLA Presentation to State Association Chapter(s)

Mr. Granier presented a request for approval of continuing education hours for licensees attending a presentation by the HPFLA (Healthcare Professionals' Foundation of Louisiana). Motion was made by Dr. Bondurant to approve no more than 1.0 hour of continuing education credit for licensees attending a HPFLA's presentation, seconded by Dr. Findley, and passed unanimously by voice vote.

VIII. PRECEPTORSHIP ISSUES

A. None at this time

Prior to going into Executive Session, Dr. Stevens gave Dr. Lara Stooksbury the opportunity to speak to the Board regarding her secondary request for waiver of the NAVLE retake requirement.

After hearing from Dr. Stooksbury, a motion was made by Dr. Marullo to go into executive session to discuss confidential matters regarding licensees, applicants, and administrative hearings not subject to public disclosure as per the law, seconded by Dr. Bondurant, and passed unanimously by voice vote.

IX. ADMINISTRATIVE HEARINGS

A. None at this time

X. LICENSING ISSUES

A. John Lawrence, DVM – Request for Inactive Retired Status

Following review of the documentation provided by Dr. Lawrence, motion was made at the end of executive session, by Dr. Marullo, seconded by Dr. Bondurant, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

B. Mary Pecquet Goad, DVM – Request for Inactive Retired Status

Following review of the documentation provided by Dr. Pecquet Goad, motion was made at the end of executive session, by Dr. Marullo, seconded by Dr. Bondurant, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-

2023 per rule 405C. Motion passed unanimously by voice vote.

C. J.M. Sherwood, DVM – Request for Inactive Retired Status

Following review of the documentation provided by Dr. Sherwood, motion was made at the end of executive session, by Dr. Marullo, seconded by Dr. Bondurant, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

D. Cynthia K. Smith – Request for Inactive Retired Status

Following review of the documentation provided by Dr. Smith, motion was made at the end of executive session, by Dr. Marullo, seconded by Dr. Bondurant, to approve status change to Inactive Retired and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

E. Joseph V. Strother, Jr – Request for Inactive Disabled

Following review of the documentation provided by Dr. Strother, motion was made at the end of executive session, by Dr. Marullo, seconded by Dr. Bondurant, to approve status change to Inactive Disabled and to waive the 20 CE requirements for Renewal Year 2022-2023 per rule 405C. Motion passed unanimously by voice vote.

XI. APPLICANT ISSUES

A. Morgan Chayes, DVM – Waiver Request of Preceptorship

The Board reviewed documentation submitted with the application for licensure from Dr. Chayes. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve waiver of the preceptorship requirement as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

B. Jaime E. Clanin, DVM – Waiver Request of Preceptorship & NAVLE Retake

The Board reviewed documentation submitted with the application for licensure from Dr. Clanin. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

C. Lucia Fleischmann, DVM – Waiver Request of Preceptorship

The Board reviewed documentation submitted with the application for licensure from Dr. Fleischmann. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve waiver of the preceptorship requirement as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

D. Douglas McInnis, DVM – Waiver Request of Preceptorship & NAVLE Retake

The Board reviewed documentation submitted with the application for licensure from Dr. McInnis. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

E. John Punke, DVM – Waiver Request of Preceptorship & NAVLE Retake

The Board reviewed documentation submitted with the application for licensure from Dr.

Punke. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

F. Bruce Tajmir, DVM - Waiver Request of Preceptorship & NAVLE Retake

The Board reviewed documentation submitted with the application for licensure from Dr. Tajmir. Motion was made by Dr. Marullo, seconded by Dr. Bondurant, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria for the required period of time immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

G. Lara Stooksbury, DVM – Second Waiver Request of NAVLE Retake

The Board re-reviewed documentation submitted with the application for licensure from Dr. Stooksbury as well as her testimony and presentation. Motion was made by Dr. Cataldo, seconded by Dr. Marullo, to deny waiver of retake of the national examination and preceptorship requirements as the waiver criteria of full-time employment was not met for the period of time immediately preceding the date of application. Motion passed unanimously by voice vote.

Upon conclusion of executive session, motion was made to return to regular session by Dr. Marullo, seconded by Dr. Bondurant, and approved unanimously by voice vote. All votes noted with respect to administrative hearings, applicant issues (including the addendum item below RE: Dr. Lara Stooksbury), and licensee issues above were made out of executive session.

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

XII. EXECUTIVE SESSION

A. *Update: Civil Litigation – Equine Dentistry*

The board was updated regarding the status of a civil suit for injunctive relief and administrative damages filed against a person the board alleges has been practicing equine dentistry without a license or temporary permit, or under the employment of a licensed veterinarian.

**B. *Update: Claim of Non-Licensee Practicing Veterinary Medicine
Ultrasound, Artificial Insemination, Progesterone Testing***

Notice was provided to the Board of a groomer providing and advertising services which include those within the Practice Act's definition of "the practice of veterinary medicine". The board was provided a copy of an advisory letter sent by general counsel to the individual.

C. *Claim of Non-Licensee Practicing Vet Med - Equine Dentistry*

The board was provided with information posted on social media of an unlicensed individual apparently providing limited equine dentistry services to the public, and advertising the willingness to do so, without a license, temporary permit or evidence of employment by a licensed veterinarian. General Counsel was tasked with continuing the investigation of such practices and, if necessary, first issuing an advisory letter that the practices are not allowed by law prior to a civil suit or administrative filing.


D. Potential Practice Act Violation by Non-Licensee

Upon filing the original and supplemental application for DVM licensure, conflicting information was given as to the employment, pre-licensing, of the applicant and whether the applicant was precluded from being licensed as a DVM because of the unauthorized practice of veterinary medicine for the two-year period preceding application, as provided by the Practice Act and Board Rules. It was determined after obtaining verifying information by the employing practice that there was not enough evidence to institute an investigation for the potential denial of a license at this time.

XIII. ADJOURN

There being no further business before the Board, motion was made by Dr. Cataldo, seconded by Dr. Marullo, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 1:55pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on February 2, 2022.


Dr Larry Findley (Feb 3, 2023 09:21 CST)

Larry Findley, Sr., DVM, Board Secretary-Treasurer







Minutes, 2022-12 (Dec 01)

Final Audit Report

2023-02-03

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By:	Jared Granier (director@lsbvm.org)
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