

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
August 1, 2013**

Minutes

I. CALL TO ORDER

Board President, Dr. William H. Green, called the meeting to order at 8:33 a.m.

II. ROLL CALL –

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

Those present:

William H. Green	Board President
Steven V. Slaton, DVM	Board Secretary-Treasurer
Patrick R. Bernard, DVM	Board Vice President
John S. Emerson, DVM	Board Member
Gary T. Levy, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

None.

Guests:

Heather Modicutt, LVMA (8:30-9:30am)
Bland O'Connor, LVMA (9:30-10:30am)

III. APPROVAL OF MINUTES

A. Board Meeting June 6, 2013

The Board reviewed the minutes from the June 6, 2013 Board meeting. Motion was made by Dr. Emerson to accept the minutes as presented, seconded by Dr. Levy, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – May and June 2013

Ms. Parrish and Dr. Bernard presented the financial reports for the months of May and June 2013 for review. Motion was made by Dr. Levy to approve the financial reports as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

B. Contract Renewal FY2014 – Investigations Unlimited – Ms. Parrish presented the proposed contract with Corporate Security Consultants d/b/a Investigations Unlimited for investigation services for review. No changes were made from previous FY contract, with a ceiling of \$5,000.00 per year. Motion was made by Dr. Slaton, seconded by Dr. Emerson to approve renewal of the contract. Motion passed unanimously by voice vote.

V. DVM ISSUES

A. George Arnold, DVM – Request for Waiver of Late CE Fee – After review of the documents submitted by Dr. Arnold, motion was made by Dr.

Slaton, seconded by Dr. Levy to deny the waiver of late CE fees in that extensions for time to accrue CE credits may be granted by statute and rule, but waiver of the late CE fee is mandatory. Motion passed unanimously by voice vote.

VI. DVM APPLICANT ISSUES

- A. Lindsey Renee Boudreaux, DVM – Request Reconsideration for Waiver of Retake of National Examination and Preceptorship Requirement – 2008** graduate of LSU School of Veterinary Medicine, licensed in California and Colorado. Motion was made by Dr. Bernard, seconded by Dr. Slaton to table the matter until a future meeting as no further employment documentation was submitted by the applicant. Motion passed unanimously by voice vote.
- B. Elizabeth J. Friedman, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement – 1992** graduate of University of Minnesota School of Veterinary Medicine, licensed in California, Washington and Minnesota. Following review of the documentation submitted by Dr. Friedman, motion was made by Dr. Bernard, seconded by Dr. Slaton, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application, and to approve waiver of the preceptorship requirement as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- C. Aimee C. Kidder, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement – 2001** graduate of LSU School of Veterinary Medicine, licensed in New York, Ohio, Maryland and Georgia. Following review of the documentation submitted by Dr. Kidder, motion was made by Dr. Levy, seconded by Dr. Bernard, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application, and to approve waiver of the preceptorship requirement as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- D. Jarod Williams, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement – 1997** graduate of Virginia Maryland Regional College of Veterinary Medicine, licensed in Arkansas, Maryland and Illinois. Following review of the documentation submitted by Dr. Williams, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application, and to approve waiver of the preceptorship requirement as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

E. Rachel E Clement, DVM – Request for Waiver of Preceptorship

Requirement – 2012 graduate of LSU School of Veterinary Medicine, licensed in North Carolina. Following review of the documentation submitted by Dr. Clement, motion was made by Dr. Bernard, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

F. Rafael Flores, DVM – Request for Waiver of Preceptorship Requirement –

2012 graduate of Texas A&M School of Veterinary Medicine, licensed in Texas and Colorado. Following review of the documentation submitted by Dr. Flores, motion was made by Dr. Bernard, seconded by Dr. Slaton, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

G. Denae N. LoBato, DVM – Request for Waiver of Preceptorship Requirement

– 2012 graduate of University of Georgia of Veterinary Medicine, veterinary resident at University of Tennessee College of Veterinary Medicine. Following review of the documentation submitted by Dr. LoBato, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

VII. POLICY, PROCEDURE, AND RULES

A. General Update

1. **Proposed Notice of Intent** – Rules 301, 303, 307, 700, 702, 801, 803, 816, 817, 1031, 1103, 1200, 1201, Licensure Procedures, Veterinary Practice, Registered Veterinary Technicians, Professional Conduct, Preceptorship Program, Certified Animal Euthanasia Technicians. Motion was made by Dr. Bernard, seconded by Dr. Levy to proceed with rule making protocol for the proposed rules subject to receipt and consideration of public comment. Motion passed unanimously by voice vote.

B. Policy and Procedure.

1. None.

C. Practice Act, and Rules/Related Matters/Declaratory Statements.

1. **U.S. Army IRT (Innovative Readiness Training) Program.**

The LBVM was first made aware of the U.S. Army's IRT (Innovative Readiness Training) proposed program today, August 1, 2013, during the regularly scheduled meeting. The IRT program was scheduled to begin in Ferriday, LA on August 6 and end August 19, 2013. In order to understand the proposed program, the LBVM then directly contacted LTC (Dr.) Keith Jacoby, the military consultant and contact for the IRT program, as

requested by him, to obtain information and to determine if the program was in compliance with LA law.

Based on information received from Dr. Jacoby, the proposed program at issue was a "different situation" than the customary Army's IRT programs. More specifically, IRT programs have generally been conducted on US military posts, however, the program at issue was directed at the communities around Ferriday.

After careful consideration, certain facts and concerns of the LBVM were submitted to Dr. Jacoby by email, dated August 2, 2013, in response to his inquiry as set forth below.

First, the proposed program was to be implemented by veterinarians and technicians who are not licensed, registered, or certified to provide veterinary care in this state. The proposed program, by specific definition and design, was to provide veterinary services to citizens of Louisiana as a free service by the Federal government/military. More specifically, "the plan was to provide vaccination, de-worming, health exams, and spaying and neutering dogs and cats in the area. The goal was to provide care to animals that would not likely be seen by local/regional practitioners on a fee basis."

Second, the program targets the people of LA, who the program will determine are qualified, during a time of no national emergency status in the forum state. The proposed program is an unreasonable and unacceptable targeting of a broad spectrum of the general public in LA without sufficient basis or criteria.

Third, the referenced care to be provided is truly undefined, or more properly, it is vague and broad in its scope, and most definitely subject to overreaching. In addition, some, if not all, of the referenced care to be provided is of an "elective" nature. As an aside, the LBVM pointed out that Louisiana law specifically and expressly mandates that only a LA licensed veterinarian may administer a rabies vaccination.

Fourth, there are concerns regarding the facility to be used and whether such is properly equipped to handle the necessary sanitation and technical equipment required by law for the types of proposed services to be provided. There is no way to determine what veterinary medical conditions may actually be presented and expected to be treated, nor whether the proposed services are to be limited to the local populace who could not otherwise afford veterinary care. Again, there is no way of reasonably predicting who would present and/or otherwise qualify for the advertised services.

Lastly, and perhaps most importantly, aftercare and emergency care are not addressed, nor can these mandated services be reasonably and legitimately provided, all to the detriment of the people and animals of LA who may otherwise receive the proposed veterinary care. Such is a foundation for the legal and proper provision of veterinary care regulated by the LBVM. It was

also submitted that the proposed program cannot, directly or indirectly, benefit a private practice facility or a veterinarian.

An exception to licensure in the LA Veterinary Practice Act was referred to by Dr. Jacoby. At first reading, the referenced exception seems to openly permit entry into the realm of veterinary practice without first having to meet the requirements necessary to have a license as established by the LA Veterinary Practice Act and the LBVM's Rules. However, the exception is not absolute in its interpretation and application. Upon consideration of a totality of the circumstances, and in interpreting and enforcing the exception per its legislative mandate, the LBVM must focus on whether or not its application would unreasonably and unlawfully extend what is otherwise required for the legitimate practice of veterinary medicine. In the present matter, the LBVM, which has primary and exclusive jurisdiction over the subject matter, has determined that the exception cannot be legally or legitimately applied to the proposed IRT program in Ferriday, LA.

The LBVM anticipates and welcomes a reply from the U.S. Army and any interested persons regarding this matter, as well as any future discussions regarding the proposed program and the decision made today.

A motion to accept the subject matter and contents of the above response be sent to Dr. Jacoby was made by Dr. Bernard, and seconded by Dr. Slaton. Motion was passed by unanimous voice vote.

VIII. 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

3110	Eli Earle	Landry
3111	Margaret Anne	Hartdegen
3112	Timothy Andrew	Troia
3113	Tiffany Bethal	O'Meara
3114	Katherine Thomas	Leger
3115	Petrisor	Baia
3116	Emily Ann	Burke
3117	Jeanne Louise	Richardson
3118	Makensie Ruth	Moore
3119	Jennie Dora	Cohen
3120	Lindsay Gayle	Shuell
3121	Jessica A.	Martinez
3122	Bradley Allen	Johnson
3123	Brandy Lynn	Duhon
3124	Sarah A.	Burke
3125	Russell Barton	Freeland, Jr.
3126	Phyllis Ann	Frost

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3127	Kevin William	Zamer
3128	Kellie Lauren	Horton
3129	Jacqueline Burns	Brister
3130	Katherine Claire	Simon
3131	Lauren Read	Jackson
3132	JoBeth Carlette	Miller

CAET

9656	Othran Jeron	Speed
9658	Benny Joe	Fox Jr.
9659	Natalie Renee	Cowen
9657	Glenn James	Bienvenu

B. CAET Program August 15, 2013 Training – Ms. Parrish provided an update on the next training program has been scheduled for Thursday, August 15, 2013, to train at the Tangipahoa Parish Animal Control. Discussion was made as to instructors for future programs. Dr. Levy volunteered to instruct this program for the euthanasia and practical examination portions. Motion was made by Dr. Bernard, seconded by Dr. Slaton for the junion Board member to coordinate and instruct future CAET Training programs as part of his official Board duties. Motion passed unanimously by voice vote.

X. EXECUTIVE SESSION

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

- 1. U.S. Army IRT (Innovative Readiness Training) Program** – No action taken on this matter.

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Bernard, seconded by Dr. Slaton, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:37p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on October 3, 2013.

Patrick Bernard, DVM, Board Secretary-Treasurer