

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
August 7, 2014**

Minutes

I. CALL TO ORDER

Board President, Dr. Steven Slaton, called the meeting to order at 8:47 a.m.

II. ROLL CALL –

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

Those present:

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| Steven V. Slaton, DVM | Board President |
| Patrick R. Bernard, DVM | Board Vice President |
| John S. Emerson, DVM | Board Secretary-Treasurer |
| Fenton Lipscomb, DVM | Board Member |
| Michael Tomino, Jr. | Board General Counsel |
| Wendy D. Parrish | Board Executive Director |

Absent:

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| William H. Green, DVM | Board Member |
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Guests:

Anais LeBlanc, LVMA (8:30-9:30am)
Donald Turbeville, DVM

III. APPROVAL OF MINUTES

A. Board Meeting June 5, 2014

The Board reviewed the minutes from the June 5, 2014 Board meeting. Motion was made by Dr. Bernard to accept the minutes as presented, seconded by Dr. Lipscomb, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – May and June 2014

Ms. Parrish and Dr. Emerson presented the financial reports for the months of May and June 2014 for review. Following discussion and questions, motion was made by Dr. Lipscomb to approve the financial reports as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

B. Contract Renewal FY2015 – 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. Bernard, seconded by Dr. Lipscomb to approve renewal of the contract. Motion passed unanimously by voice vote.

V. ADMINISTRATIVE PROCEEDINGS

August 7, 2014

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A. Consolidated Cases Numbers 13-0926 V, 14-0207 V, and 14-0722 V (Donald R. Turbeville, D.V.M.) – Formal Hearing (9:30am) -

Dr. Slaton was introduced as presiding officer for the proceeding. Dr. Green was recused in abstention as investigating Board member. Dr. Turbeville was in attendance at the Hearing, as was Mr. Tomino. All members of the Board were polled regarding any prior contact regarding this matter to which each answered in the negative. A Consent Order (Stipulated Agreement) was verbally presented to the Board for consideration. In lieu of prosecution by formal hearing of the consolidated cases, Dr. Turbeville voluntarily stipulated to the lack of proper medical records in the three cases; lack of signed anesthesia consent forms in the three cases; the non-ambulatory discharge and sub-standard spay of “Belle” Comeaux; and an unsanitary veterinary facility (wooden crates). In addition, he voluntarily agreed to immediately surrender his license to practice veterinary medicine, with no right to future renewal/reinstatement in Louisiana, and pay upon demand to the Board, the amount of \$3,500.00 as administrative costs in this matter. Such Consent Order (Stipulated Agreement) to also be placed in writing and signed by Dr. Turbeville.

Motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to accept the stipulated agreement as presented. Motion passed unanimously by voice vote.

B. Case Number 10-0716 D – Termination of Agreement (1:00pm) –

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

Upon conclusion of executive session, motion was made to return to regular session by Dr. Lipscomb, seconded by Dr. Emerson, and approved unanimously by voice vote, to address the agreement.

Motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to accept the satisfactory conclusion of the term of the Agreement presented in this case as all conditions were fulfilled. Motion passed unanimously by voice vote.

VI. DVM ISSUES

Motion was made by Dr. Bernard to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law in VI. DVM ISSUES and VII. DVM APPLICANT ISSUES, seconded by Dr. Emerson, and passed unanimously by voice vote.

Upon conclusion of executive session to review and consider all items in VI. DVM ISSUES and VII. DVM APPLICANT ISSUES, motion was made to return to regular session by Dr. Lipscomb, seconded by Dr. Bernard, and approved unanimously by voice vote, to specifically address each item in the respective sections as follows:

A. Carl I. Shaia, DVM – Request for Inactive Status/Active Military and Waiver of Fees/CE – Following review of the documentation provided by Dr. Shaia of current active military status, motion was made by Dr. Lipscomb, seconded by Dr. Bernard, to approve Inactive Status/Active Military and waiver of renewal fees and the CE requirements for Renewal Year 2014-2015. Motion passed unanimously by voice vote.

VII. DVM APPLICANT ISSUES

- A. Bradford G. Bentz, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 1992 graduate of University of Pennsylvania, licensed in Florida, Kentucky, Oklahoma and New York. Following review of the documentation submitted by Dr. Bentz, motion was made by Dr. Lipscomb, seconded by Dr. Bernard, to defer the waiver requests due to insufficient and incomplete documentation from Dr. Bentz regarding employment. Dr. Bentz is to be contacted for additional information and documentation. Motion passed unanimously by voice vote.
- B. Stephanie C. Craft, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 2001 graduate of Mississippi State University College of Veterinary Medicine, licensed in Mississippi. Dr. Craft withdrew request for review for waivers at this time. No action taken on this item.
- C. Daniel Robert Lagarde, DVM – Request Waiver of Preceptorship Requirement** – 2010 graduate of LSU School of Veterinary Medicine, licensed in Virginia, Massachusetts and New Hampshire. Following review of the documentation submitted by Dr. Lagarde, motion was made by Dr. Lipscomb, 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.
- D. Gary Steven Levy, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 1981 graduate of Ohio State University College of Veterinary Medicine, licensed in New Jersey and California. Following review of the documentation submitted by Dr. Levy, motion was made by Dr. Lipscomb, seconded by Dr. Bernard, to defer the waiver requests due to insufficient and incomplete documentation from Dr. Levy regarding employment. Dr. Levy is to be contacted for additional information and documentation. Motion passed unanimously by voice vote.
- E. Kathleen B. Mullins, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 2006 graduate of Mississippi State University College of Veterinary Medicine, licensed in Mississippi and Alabama. Following review of the documentation submitted by Dr. Mullins, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, 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 period of time immediately prior to application. Motion passed unanimously by voice vote.
- F. Tracey L. Peltier, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 2006 graduate of Mississippi State University College of Veterinary Medicine, licensed in Mississippi. Following review of the documentation submitted by Dr. Peltier, motion was made by Dr.

Emerson, seconded by Dr. Bernard, to deny waiver of retake of the national examination and preceptorship requirements as the documents provided do not 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. **Anna Harris Tipton, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 2009 graduate of Mississippi State University College of Veterinary Medicine, licensed in Alabama. Following review of the documentation submitted by Dr. Tipton, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, 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 period of time immediately prior to application. Motion passed unanimously by voice vote.
- H. **Scott Jude Busby, DVM – Request for Waiver of Preceptorship Requirement** – 2013 graduate of LSU School of Veterinary Medicine, licensed in North Carolina. Following review of the documentation submitted by Dr. Busby, motion was made by Dr. Bernard, seconded by Dr. Lipscomb, 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.
- I. **Kristin Nicole Fine, DVM - Request for Waiver of Preceptorship Requirement** – 2013 graduate of Mississippi State University College of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Fine, motion was made by Dr. Lipscomb, 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.
- J. **Margaret A. Jensen, DVM - Request for Waiver of Preceptorship Requirement** – 2011 graduate of LSU School of Veterinary Medicine, licensed in Nevada. Following review of the documentation submitted by Dr. Jensen, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, 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.
- K. **Cole Barrett Sandow, DVM – Request for Waiver of Preceptorship Requirement** – 2014 graduate of LSU School of Veterinary Medicine, licensed in Kentucky. Following review of the documentation submitted by Dr. Sandow, motion was made by Dr. Bernard, seconded by Dr. Lipscomb, 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.

VIII. POLICY, PROCEDURE, AND RULES

A. General Update – General discussion and update of rule promulgation protocol and requirements of the Legislative Fiscal Office, State Register, and LA Economic Development Authority..

B. Policy and Procedure - General discussion and update of rule promulgation protocol and requirements of the Legislative Fiscal Office, State Register, and LA Economic Development Authority.

C. Practice Act, Rules/Related Matters/Declaratory Statements – Update on general issues and questions regarding:

1. Advertisement for collaborative chiropractic practice by animal chiropractor- (advertising, generally speaking, is lawful as long it is not misleading. However, under the applicable legal authority, an animal chiropractor does not have direct patient access. In short, any animal chiropractic services provided are based on "referral from the attending veterinarian." It is unlawful for an animal chiropractor to "screen" (first see or, in medical terminology, have direct patient access) an animal to determine if there is a need for chiropractic, and then seek a referral for the chiropractic service from the patient's attending veterinarian. In short, for a qualified person to advertise as an "animal chiropractor" could be reasonably misunderstood by the general public as direct access to such services. The potential for such abuse cannot be tolerated because with "animal chiropractic/direct patient access" there is no licensing of the animal chiropractor by the Board which means no accountability, nor protection for the public and the animals through regulation. There is accountability and protection of the public and the animals through Rule 712).

2. Consent forms - (a consent form, for Board jurisdictional purposes, is part of the medical record and must be maintained for five (5) years since the last time the patient was provided veterinary care. With regards to use of an electronic signature for surgery consent forms, the person inquiring was directed to a recent LBVM Newsletter article on the specific subject. The Newsletter is sent to all veterinarians and interested persons).

3. Donated medications/deceased patient - (other regulatory agencies - DEA/FDA and the LA Bd of Pharmacy - have primary jurisdiction over the return of drugs. However, with regards to the Board's jurisdiction, there is a grave concern over the efficacy of the returned medication with respect to the use on future patients. As an aside, there are also issues regarding the potential use/storage of expired drugs, as well as controlled substances issues. In short, should there be a problem with the overall care and health of the patient resulting from the use of returned drugs, the attending veterinarian is subject to being held responsible and his license sanctioned under the LA Veterinary Practice Act and the Board's Rules on the proper practice of veterinary medicine. In addition, the LA Veterinary Practice Act and the Board's Rules provide that if a veterinarian violates any of the laws/rules of other governmental agencies (DEA/FDA and the LA Board of Pharmacy), his license to practice veterinary medicine can also be sanctioned by the Board. It was suggested that the person inquiring also contact DEA/FDA and the LA Board of Pharmacy with his question).

4. Second veterinarian dispensing pursuant to a prescription - (the second veterinarian assuming he is a veterinarian outside the facility/scope of practice of the issuing veterinarian) must be licensed as a retail pharmacy/licensed pharmacist to dispense

the legend, or controlled drug, pursuant to the prescription issued by another veterinarian. Under this scenario, the second veterinarian is operating just as any retail pharmacy/licensed pharmacist. However, the second veterinarian practicing outside the facility/scope of practice of the issuing veterinarian, may legally dispense if he first satisfies the requirement of establishing his own VCPR, see Rules 700 and 705).

5. Veterinarian's inquiry regarding advertising as "specialists and/or specialties" - (the term "specialties or specialists" in the name of the practice is permissible if all owners and principal staff veterinarians are board-certified specialists in the advertised, recognized discipline, and, of course, licensed to practice veterinary medicine in Louisiana).

6. Calls from various veterinarians (with CDS registration with the LA Bd of Pharmacy) and interested persons regarding a Bulletin sent by the Bd of Pharmacy covering various subjects within its jurisdiction, including Tramadol is now a scheduled control drug and is to be treated as such. Confirmation given that the veterinarians are not required to PMP report.

IX. 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

| | | |
|------|------------|----------------------------|
| 3209 | Gueringer | Dominique Lenease |
| 3210 | Price | Krystal Lee |
| 3211 | Lauderdale | Jayne Powell |
| 3212 | Clements | Kelly A. |
| 3213 | Hamilton | Kathryn Janet |
| 3214 | Durand | Rebecca Claire |
| 3215 | Hernandez | Annalisa Marie |
| 3216 | Woodward | Michelle Carla |
| 3217 | Werczynski | Lacey Lee |
| 3218 | Easley | Kamalailiahi Casey Neizmen |
| 3219 | Miller | Sharon Heins |
| 3220 | James | Amy Katherine |
| 3221 | Taraba | Keith Albert |
| 3222 | Graham, II | Michael E |
| 3223 | Coutin | Julia Viviana |
| 3224 | Leonards | John Raymond |
| 3225 | Levy | Matthew Edward |
| 3226 | Van Bebber | David Garrott |
| 3227 | Miller | Molly Potekhen |
| 3228 | Normand | Amanda Renee |
| 3229 | Ardoin | Joshua Cole |
| 3230 | Whitley | Sarah Finn |
| 3231 | Kaufmann | Brooke Mire |
| 3232 | Reardon | Sarah Hendrika E. |
| 3233 | Dubuc | Lauren Elizabeth |
| 3234 | Vennen | Robert Andrew |
| 3235 | Boggs | Daniel Luthur |

| | | |
|------|----------------|-----------------------|
| 3236 | Dorsey- Oresto | Angella Marie |
| 3237 | Anderson | Rachel Joyce Magnuson |
| 3238 | Vignes | Allison Marie |

RVT

| | | |
|------|---------|------------------|
| 8280 | Tanner | Stacy Lynn |
| 8281 | Eller | Tiffany Marie |
| 8282 | Raborn | Michelle Scott |
| 8283 | Crayton | Lauren Nicole |
| 8284 | Morgan | Whitney Danielle |
| 8285 | Subik | Megan Emily |
| 8286 | Sam | Whitney Summer |

CAET

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|------|------------|-------------------|
| 9695 | Allemand | Jessi Lynn |
| 9696 | Babcock | GaryWayne |
| 9697 | Greer | Suzanne M. |
| 9698 | Knight | Abby L. |
| 9699 | Knight | Hilary C. |
| 9700 | Shaw | Paula Ann |
| 9701 | Lisotta | Edward R. |
| 9702 | Thomas Jr. | Booker Talioferro |
| 9703 | Ponthier | Erica Lynn |
| 9704 | Trahan | Tiffany Nicole |

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, seconded by Dr. Lipscomb, 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. Emerson, and approved unanimously by voice vote.

No action taken.

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Bernard, seconded by Dr. Emerson, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:04 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on October 2, 2014.

John Emerson, DVM, Board Secretary-Treasurer