

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
August 13, 2015**

Minutes

I. CALL TO ORDER

Board President, Dr. Patrick Bernard, called the meeting to order at 8:30 a.m.

II. ROLL CALL –

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

Those present:

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

Absent:

None.

Guests:

Anaise LeBlanc, LVMA
Stephanie Craft, DVM, (10:30 a.m.)

III. APPROVAL OF MINUTES

A. Board Meeting June 4, 2015

The Board reviewed the minutes from the June 4, 2014 Board meeting. Motion was made by Dr. Lipscomb to accept the minutes as presented with corrected typographical errors, seconded by Dr. Davis, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – A financial report with YTD totals for FY2015, as well as the June 2015 report from the contracted CPA was presented and reviewed. Since the report was submitted to the Board by the CPA on August 12, 2015, Ms. Parrish was asked to review and reconcile the figures and report back to the Board any concerns.

B. New Office Lease, Moving Expenses, Building Flood Financial Impact – Ms. Parrish presented a list of various expenses incurred following the prior office space flooding incident, as well as the current lease expenses and moving expenses to the new office site. A claim was filed with LA Office of Risk Management due to the flooding from the malfunction of the sprinkler system in the building. The following representation totals on the claim - Replacement cost value is \$5,536.00, Actual Cash value after depreciation \$2,768.00, Eligible payment after \$1,000.00 deductible = \$1,768.00.

Ms. Parrish noted that replacement furnishings were ordered and should arrive the first week of September. The Board approved other future purchases to restore/update the new site (i.e., signage, window shades, artwork, plants).

C. Authority to Sign Checks – The Board reviewed the current protocol for two signatures on any check above \$2,000. Motion was made by Dr. Slaton, seconded by Dr. Lipscomb to allow one signature on those checks above \$2,000 for routine and/or monthly budgeted expenses (i.e. office lease), and otherwise continue double signature on any expenses above \$2,000. Motion passed unanimously by voice vote.

V. REQUEST FOR APPEARANCE

A. Stephanie C. Craft, DVM, – Reconsideration of Request for Waiver of Retake of National Veterinary Examination & Preceptorship Requirement (10:30am) – Dr. Craft was introduced to the Board and presented information regarding her work history for the previous 14 years. Following discussion, Dr. Craft was told her request for waiver of retake of the national veterinary examination would be taken under advisement and a written response would follow. Dr. Craft left the meeting.

VI. ADMINISTRATIVE PROCEEDINGS

A. Case 15-0825 V – Emily Devall, DVM (11:00am) – Consent Order – Dr. Bernard was introduced as presiding officer for the proceeding. Dr. Lipscomb was recused as investigating Board member in the case. The respondent waived appearance at the hearing. Mr. Tomino presented the facts of the case, submitted exhibits for review, and a Consent Order for consideration by the Board. Upon conclusion of the presentation and questions, motion was made by Dr. Emerson, seconded by Dr. Davis to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.

VII. DVM & DVM APPLIANT ISSUES

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

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

A. John V. Pratt, DVM – Request Extension for Annual DVM Renewal – Following review of the documentation submitted by Frank Pratt, who currently maintains power of attorney and is brother of Dr. John Pratt, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to allow an extension of 90 days to submit proof of CE credits with the requirement that the license renewal documentation and renewal fee be submitted timely. Motion passed unanimously by voice vote.

- B. Katryna A. Fleer, DVM – Request Reconsideration of Waiver of Retake of National Examination and Preceptorship Requirement** – 2003 graduate of University of California, Davis, licensed in numerous other states. Following review of the additional documentation submitted by Dr. Fleer, motion was made by Dr. Emerson, seconded by Dr. Davis, to deny the waiver request 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.
- C. Bonnie B. Boudreaux, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2005 graduate of Mississippi State University School of Veterinary Medicine, licensed in Texas and Alabama. Following review of the documentation submitted by Dr. Boudreaux, 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.
- D. Martin H. Caldwell, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1986 graduate of Mississippi State University School of Veterinary Medicine, licensed in Mississippi and Tennessee. Following review of the documentation submitted by Dr. Caldwell, motion was made by Dr. Lipscomb, seconded by Dr. Davis, 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.
- E. Jennifer D. Grimes, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2008 graduate of Oklahoma State University, licensed in numerous states. Following review of the documentation submitted by Dr. Grimes, 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. Robert S. Jennings, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1986 graduate of University of Georgia, licensed in Georgia, North Carolina and South Carolina. Following review of the documentation submitted by Dr. Jennings, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, 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.
- G. Tracy J. Millhouse, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2008 graduate of LSU School of Veterinary Medicine, licensed in New York and Florida. Following review of the

documentation submitted by Dr. Millhouse, 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. Eric S. Storey, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1999 graduate of Auburn University, licensed in Alabama, previously licensed in Louisiana, Georgia and Canada. Following review of the documentation submitted by Dr. Storey, 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.
- I. Geoffrey Tucker, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1984 graduate of Cornell University, licensed in numerous states. Following review of the documentation submitted by Dr. Tucker, motion was made by Dr. Slaton, seconded by Dr. Lipscomb, 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.
- J. David W. Cradic, DVM – Request for Waiver of Preceptorship Requirement** – 2014 graduate of LSU School of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Cradic, 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. Andrea Dedeaux, DVM – Request for Waiver of Preceptorship Requirement** – 2011 graduate of LSU School of Veterinary Medicine, licensed in Georgia. Following review of the documentation submitted by Dr. Moses, motion was made by Dr. Lipscomb, seconded by Dr. Davis, 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.
- L. Jacob W. Martin, DVM – Request for Waiver of Preceptorship Requirement** – 2011 graduate of Auburn University, licensed in Pennsylvania, formerly licensed in Alabama. Following review of the documentation submitted by Dr. Martin, motion was made by Dr. Emerson, 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.

- M. Catherine E. Ziegler, DVM – Reconsider Request for Waiver of Preceptorship Requirement** – 2014 graduate of LSU School of Veterinary Medicine, licensed in Arizona. Following review of the additional documentation submitted by Dr. Ziegler, motion was made by Dr. Slaton, 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.

VIII. POLICY, PROCEDURE, AND RULES

- A. General Update** – The proposed Rule regarding LSU-SVM faculty veterinarian licensure is proceeding through the rule-making protocol. Notice of Intent published in Louisiana Register on June 20, 2015.

- B. Policy and Procedure** – None.

- C. Practice Act, Rules/Related Matters/Declaratory Statements**

1. SpayMart/Chiche - The Board did not prohibit the conduct of SpayMart/Ms. Chiche as owning and operating a veterinary facility as described in the proposed program. Again, it is the Board's position that the LA Supreme Court in *McSweeney* creates an exemption to Rule 1015 for a qualified, federally tax-exempt charitable organization to own and operate a facility which provides veterinary care services. However, the Board will regulate, within its jurisdiction, the provision of veterinary care to the animals, more specifically, the medical director of the facility, as well as all other veterinary personnel, who will perform all veterinary medical aspects of the proposed program. In the present matter, the Board is dealing with substantive law, not the procedure to make/confirm prohibitions as addressed in *N.C. Dental Board*. Rule 1015 and *McSweeney* exist as clear substantive legal authority in Louisiana on the subject matter of ownership, as opposed to the absence of any legal authority prohibiting teeth-whitening services by lay persons in North Carolina as reviewed by the U.S. Supreme Court in *N.C. Dental Board*. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

2. FDA/Veterinary Feed Directive - Pursuant a request from FDA regarding the subject matter, it is the Board's position that per the LA Veterinary Practice Act and Board Rule 700, the requirement and definition of VCPR in Louisiana are consistent with the terms as defined in 21 CFR Sections 558.6 and 530.3(I) of the FDA Federal Regulations. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

3. PAWS/Plaquemine Parish request regarding Mobile Wellness/pPractice Clinic - The Board did not prohibit PAWS/Belle Chasse in Plaquemine Parish from owning and operating a mobile clinic as specifically and expressly described in its proposed program. It is the Board's

position that the LA Supreme Court in *McSweeney* creates an exemption to Rule 1015's ownership prohibition for a qualified, federally tax-exempt charitable organization to own and operate a mobile clinic which provides veterinary care services. However, the Board will continue to regulate, within its jurisdiction, the provision of veterinary care to the animals, more specifically, the veterinary care personnel who will perform all veterinary medical aspects of the proposed program, including emergency and aftercare obligations. Board Rule 711.F regarding such practice specifically applies, including the 30 minute or 30 mile radius requirement for the proximity of a free-standing facility, as well as an agreement with such facility. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

4. April Kelly, DVM/Mobile Practice - Euthanasia and/or hospice services are within the legal definition of the practice of veterinary medicine. Board Rule 711.F regarding such practice specifically applies, including the 30 minute or 30 mile radius requirement for the proximity of a free-standing facility, as well as an agreement with such facility. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

5. Don Yantis, DVM/Licensure Exemption Request - Section 1514(9) of the LA Veterinary Practice Act allows an exemption to the requirement for a license to practice veterinary medicine to "any person engaging in bona fide scientific research which reasonably requires experimentation involving animals." After reviewing the information submitted by Dr. Yantis, and on his behalf, it was determined that he does qualify for the licensure exemption within the context of LA law as board-certified veterinary pathologist employed by/under contact to a research organization to perform bona fide research. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

6. Bed & Breakfast Pet Resort/Squyres - Query was presented if a lay person (non-LA licensed veterinarian) can lawfully administer an intra-nasal Bordetella vaccination to a boarding animal. The administration of a vaccination to an animal owned by another person is the practice of veterinary medicine for which a veterinary license is required. There also exists the concern for emergency/aftercare regarding immediate veterinary care in the event of any adverse reactions to a vaccine by the patient. The law is clear, and the Board has consistently maintained, that a lay person at a boarding facility cannot legally administer the intra-nasal Bordetella vaccine as such constitutes the practice of veterinary medicine. The answer does not change if the vaccine is provided free of charge or as part of the total boarding fee. The Board maintains its position in light of *N.C. Dental Board* as its precedent on the subject matter. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

7. Martha Briley, DVM/RVT / Lay Person Duties - Query was submitted regarding the tasks which a lay person can perform, who is a registered veterinary technician in Texas, pending her examination in Nov/Dec and qualification as an RVT in LA. The Board has the issues of the lawfully tasks/duties of a LA register veterinary technician (RVT) and the lawfully delegated tasks/duties of a lay person under review and consideration at the present time. In the future, a rule-making effort will be conducted by the Board to implement its conclusions regarding this subject matter. However, at present, the law permits the lawful delegation of tasks/duties to a lay person under, 1) the "direct supervision" by the supervising veterinarian who must be "on the premises;" and, 2) the supervising veterinarian must be licensed by the Board (active license). The law does not allow an RVT or lay person to perform animal diagnosis, the prescribing of treatment or medications, or any surgical procedures. In addition, only a LA licensed veterinarian may administer a rabies vaccination. Such cannot be lawfully delegated to an RVT or lay person under any circumstances. Furthermore, it must be noted that the LA licensed, supervising veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the tasks/duties delegated to the RVT and/or the lay person, and will be held accountable by the Board. Mr. Tomino was directed to prepare the Board's response/decision subject to approval.

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

3291	Elizabeth Anne	Brown
3292	Elizabeth LaFleur	Pritchett
3293	Raquel Jenes	Naquin
3294	Emily Alison	Hickman
3295	April Conerly	Kelly
3296	Ravi Kumar	Putluru
3297	Laura Ashley	Bellan
3298	Jason Lee	Wright
3299	Melissa Fred	O'Hara
3300	Joel Nicolas	Rose
3301	Christopher James	Rumore
3302	Mary Beth Ann	Tamor
3303	Simone Renee	Tomlinson
3304	Rachel Lee	Edick
3305	Elizabeth Lauren	Gallagher
3306	Alicia Kristene	Beets
3307	Philip Gerard	D'Antonio

3308	Seth Adam	Trachtenberg
3309	Mark Douglas	Pearce
3310	Elizabeth Ann	Dietz
3311	Diana Marcela	Brandon
3312	Kathryn Bamburg	Moroni
3314	Stephanie Marie	Garrity
3315	Matthew Clayton	Greene
3316	Kelsey Shea	Nannig
3317	Christopher Michael	Bourgeois
3318	Rachel Emily	McNair
3319	Katherine Lipstate	Maher
3320	Mallory Brook	Campbell
3321	Chad Michael	Malinak

RVT

8325	Gardner	Megan Elizabeth
8326	Nelson	Ashley Elaine
8327	Burch-Elkins	Krystin V.

CAET

9741	Sonnier	Stacey Alleman
9742	Handy	Tiffany D.
9743	Young	Martha Ann

B. AAVSB Annual Meeting, Milwaukee – At a later date, Mr. Tomino will advise if he will attend the September 16-19, 2015 annual AAVSB conference in Milwaukee. Otherwise, Ms. Parrish will attend as representative for the Louisiana board.

C. CAET Training Course – Dr. Lipscomb agreed to provide the euthanasia portion of the training program to applicants at the upcoming CAET training course to be held at Calcasieu Parish Animal Control in Lake Charles on October 22, 2015.

XI. 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. Davis, and passed unanimously by voice vote. Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Lipscomb, seconded by Dr. Emerson, and approved unanimously by voice vote.

A. Administrative Assistant Annual Review – Ms. Parrish requested input from the Board members regarding the annual review for the current Administrative Assistant. Formal review will be performed by Ms. Parrish incorporating comments received, and any merit increase will be awarded to Ms. Griffin effective July 1, 2015.

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- B. Executive Director Annual Review** – Annual review was performed of the Executive Director. A copy of the evaluation was given Ms. Parrish. Merit increase of 5% was awarded to Ms. Parrish effective July 1, 2015.

XII. ADJOURN

There being no further business before the Board, motion was made by Dr. Lipscomb, seconded by Dr. Slaton, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:32 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on October 1, 2015.

Fenton Lipscomb, DVM, Board Secretary-Treasurer