

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
October 1, 2015**

Minutes

I. CALL TO ORDER

Board President, Dr. Patrick Bernard, called the meeting to order at 8:43 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
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

J. Edwin Davis, DVM	Board Member
William H. Green, DVM	New Board Member - (Notification Received Subsequent to Meeting)

Guests:

Mary Finley, DVM

III. APPROVAL OF MINUTES

A. Board Meeting August 13, 2015

The Board reviewed the minutes from the August 13, 2014 Board meeting. Motion was made by Dr. Lipscomb to accept the minutes as presented, seconded by Dr. Emerson, and passed unanimously by voice vote.

Motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to ratify all actions taken to date by Dr. Slaton beginning with August 1, 2015, the effective date of the end of his term on the Board. Notice of Dr. Slaton's replacement by Dr. Green's appointment was submitted to the Board office by Division of Administration on October 1, 2015. Motion passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Ms. Parrish and Dr. Lipscomb presented the financial reports for the month of July 2015 for review. Following discussion and questions, motion was made by Dr. Emerson to approve the financial reports as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

B. **FY2015 Legislative Auditor's Report** – Ms. Parrish presented the legislative auditor's report for FY2015 for review. All items over/under the budgeted amounts were discussed. As all items were in order and there was no recommendation from the contracted auditor, no action was taken on this matter.

- C. **Contract Renewal FY2016 – 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. Emerson, seconded by Dr. Lipscomb to approve renewal of the contract. Motion passed unanimously by voice vote.
- D. **FY 2017 Budget Maximum Employee Pay Raise Amount** – Ms. Parrish presented the financial history of maximum employee pay raise amounts for the last thirteen fiscal years. Motion was made by Dr. Lipscomb, seconded by Dr. Emerson to allow a maximum employee pay raise amount of 7% as scale for FY2017. Motion passed unanimously by voice vote.

V. ADMINISTRATIVE PROCEEDINGS

- A. **Case 15-1112 V – Kyle J. Hebert, DVM (9:30am) – Consent Order** – Dr. Emerson was introduced as presiding officer for the proceeding. Dr. Bernard 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. Lipscomb, seconded by Dr. Emerson to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.
- B. **Case 15-0915 V – David V. Batt, DVM (10:00am) – Consent Order** – Dr. Lipscomb was introduced as presiding officer for the proceeding. Dr. Emerson 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. Bernard, seconded by Dr. Lipscomb to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.
- C. **Case 15-0212 V – (10:30am)** – Deferred to future meeting.
- D. **Case 11-0902 D – (11:00am)** –
Motion was made by Dr. Emerson 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 then made by Dr. Lipscomb, seconded by Dr. Emerson to accept the Agreement as being fulfilled in this case. Motion passed unanimously by voice vote.

VI. DVM 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 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 VII. DVM APPLICANT ISSUES and VII. DVM APPLICANT ISSUES, motion was made to return to regular session by Dr. Emerson, seconded by Dr. Lipscomb, and approved unanimously by voice vote, to specifically address each item in the respective sections as follows:

- A. Adrien L. Larroque, DVM – Request Extension for Annual DVM Renewal –** Following review of the documentation submitted by Larroque, 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. 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. Emerson, to approve Inactive Status/Active Military and waiver of renewal fees and the CE requirements for Renewal Year 2015-2016. Motion passed unanimously by voice vote.
- C. Jared Felton Madden, DVM – Request for Inactive Status/Active Military and Waiver of Fees –** Following review of the documentation provided by Dr. Madden of current active military status, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, to approve Inactive Status/Active Military and waiver of renewal fees for Renewal Year 2015-2016. Motion passed unanimously by voice vote.

VII. DVM APPLIANT ISSUES

- A. Tamarah Lynn Gillon, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement –** 2006 graduate of University of Minnesota School of Veterinary Medicine, licensed in Kentucky. Following review of the documentation submitted by Dr. Gillon, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to defer further consideration of the waiver request due to insufficient and incomplete documentation regarding employment. Dr. Gillon is to be contacted for additional information and documentation. Motion passed unanimously by voice vote.
- B. Meghan Lara Shoemaker, DVM – Request for Waiver of Preceptorship Requirement –** 2012 graduate of Tuskegee University, licensed in South Carolina, Maryland and Virginia. Following review of the documentation submitted by Dr. Shoemaker, motion was made by Dr. Lipscomb, 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.

C. Brady J. Jorth, DVM – Request for Waiver of Preceptorship

Requirement – 2012 graduate of University of Florida, licensed in Iowa. Following review of the documentation submitted by Dr. Jorth, 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.

VIII. CONTINUED EDUCATION ISSUES

A. Online CE vs. “Interactive” Video Presentation – Following review of the query regarding CE modality, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to confirm that CE presented via interactive video presentation would continue to be considered online/compendium CE with a maximum of 10 approved credits per annual renewal period. Motion passed unanimously by voice vote.

IX. POLICY, PROCEDURE, AND RULES

A. General Update – The Rule 303E regarding LSU-SVM faculty veterinarian licensure published in Louisiana Register on October 20, 2015, with effective date of October 1, 2016.

B. Policy and Procedure –

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

1. Update on favorable communications with Cassandra Tynes regarding “Hotstuff” and the ophthalmic matter at LSU-SVM which assisted the Board’s effort regarding new Rule 303 on faculty license.

2. Response to be provided to Deb Hicks’ (USDA/APHIS) request on license status to issue health certificates and Coggins tests in LA with respect to LSU-SVM faculty veterinarians. Per Board authority, and with review/approval, Ms. Hicks was informed, in writing, that at present (and prior to the effective date of October 1, 2016), an “active license” issued by the Board is required for a faculty veterinarian to issue a health certificate and perform a Coggins test. After October 1, 2016 (the effective date of proposed Rule 303) and with the possession of a “faculty license,” under the new rule (Rule 303, as amended) the holder may issue a health certificate and perform a Coggins test on an animal owned by a member of the public whether by referral from a private practice veterinarian, or by direct patient solicitation/access without referral, as part of his employment at the school. However, an “active license” is, and will continue to be, required for the provision of veterinary care on animals owned by the public outside of the school employment arena, including the issuance of a health certificate and performance of a Coggins test. A courtesy copy of the response to Ms. Hicks was provided to Dean Baines at LSU-SVM, along with a copy of the earlier letter, dated April 6, 2009, to Dr. Paccamonti/LSU-SVM on the subject matter.

3. Response to be provided to Dr. Laura Meaux's request regarding if a general practitioner opens an emergency care facility in the vicinity of a specialty ER, would its veterinarian be held to the same standards as the specialty facility veterinarian. Per Board authority, and with review/approval, Dr. Meaux was informed, in writing, that the veterinarian in the emergency care facility scenario submitted will be held to the same standard of veterinary practice as any other veterinarian(s) in the same or similar emergency facility situation.

4. Response to be provided to Dr. Brent White's request regarding if the provision of Isoflurane gas (a legend drug) for anesthesia on research animals at ULM College of Pharmacy by him as a licensed veterinarian is permissible. Per Board authority, and with review/approval, Dr. White was informed, in writing, that based on the government employee and bona fide research provisions in the LA Veterinary Practice Act, the provision of Isoflurane gas (a legend drug) for anesthesia on research animals at ULM College of Pharmacy by him as a licensed veterinarian is permissible. Dr. White submitted that he has inspected the facility and procedures, including the delivery equipment. Dr. White was also advised that he may be held accountable by the Board for any improprieties after a review of the facts in a given matter. He was further advised that this response is limited to the specific subject matter of his inquiry. Accordingly, any change in the facts/scenario may alter the response provided to him.

5. Response to be provided to Carolyn Conrad's (MedVet) first request regarding if veterinary personnel other than veterinarians, such as RVTs and/or lay persons, can handle and administer controlled substances. Per Board authority, and with review/approval, Ms. Conrad was informed, in writing, that the Board has the issues of the lawfully tasks/duties of a LA Registered 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. Furthermore, only a LA licensed veterinarian may administer a rabies vaccination. Such cannot be lawfully delegated to an RVT or lay person under any circumstances. Ms. Conrad was also advised 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 or lay person, and will be held accountable by the Board. The RVT will also be held accountable by the Board for her conduct in a given situation. Ms. Conrad was further informed that other governmental agencies have jurisdiction over controlled drugs, such as the DEA and LA Board of Pharmacy, and she was encouraged to contact these entities with her query.

6. Response to be provided to Carolyn Conrad's (MedVet) second request regarding the required lawful display of licenses and electronic data/reproduction. Per Board authority, and with review/approval, Ms. Conrad was informed, in writing, that the

original license and the annual renewal must be kept and displayed at the respective veterinarian's principal practice location. No hard copies/reproductions of the license and renewal are permitted. The wallet annual renewal must be personally kept with the veterinarian while practicing at any satellite location. Verification by electronic data at alternate locations is permissible. This response also applies to Registered Veterinary Technicians (RVTs).

7. Response to be provided to Garrett Pachtinger's request regarding information on the continuing education (CE) requirements, if any, for interns and/or residents in Louisiana. Per Board authority, and with review/approval, Mr. Pachtinger was informed, in writing, that a resident and/or intern is only required to obtain annual CE if he is the holder of an active license. Such CE requirement does not apply to the faculty veterinarian (without an active license), nor a resident and/or intern under current law, as well as under the new Rule 303 (effective October 1, 2016) which requires a faculty license when a veterinarian faculty member engages in the direct (hands-on) practice of veterinary medicine on an animal owned by a member of the public whether by referral from a private practice veterinarian, or by direct patient solicitation/access without referral, as part of his employment at the school.

8. Response to be provided to Kelly Lombard's first question on "direct supervision" in the collaborative practice scenario. Per Board authority, and with review/approval, Ms. Lombard was informed, in writing, that Rule 712.B defines this term to mean that "the supervising veterinarian must be on the premises where the massage is being performed and is directly responsible for the ongoing evaluation and/or diagnosis." Therefore, the supervising veterinarian must be present on the premises during the massage, but he is not required to be directly observing the alternative therapy/collaborative treatment. However, the decision for implementing direct observation is within the professional discretion of the supervising veterinarian.

Her second question is in reference to certification (evidence of graduation) from the National Board of Certification for Animal Acupressure & Massage as recognized by the Board per Rule 712.A. She was advised by email, dated September 2, 2015 to submit information regarding any accrediting entity of the referenced program for consideration of her question. To date, additional information has not been submitted. The matter is accordingly deferred pending the receipt of the requested information.

9. Response to be provided to Megan Hoar with Henry Schein Animal Health (which is a distributor of medical and pharmaceutical products) regarding a question surrounding Humane Societies and Animal Shelters and what the licensing requirements are for those facilities to order controlled substances from pharmaceutical wholesalers and administer controlled substances in the state of Louisiana. Per Board authority, and with review/approval, Ms. Hoar was informed, in writing, that the Board exclusively licenses and regulates the practice of veterinary medicine in Louisiana. The Board does not have the authority to license humane societies and animal shelters; however, it regulates the provision of veterinary care at these facilities as provided by its licensees, the veterinarians, and

its certificate holders, such as Certified Animal Euthanasia Technicians (CAETs), as well as veterinary personnel. The Board's licensed veterinarians and CAETs must comply with requirements regarding the obtaining, storing, administering, and/or prescribing controlled drugs regardless of the location. In summary, the Board will exercise its regulatory jurisdiction against one of its licensees and/or certificate holders for a violation of applicable Rules. She was also informed that other governmental agencies have jurisdiction over controlled drugs, such as the DEA and LA Board of Pharmacy, and she was encouraged to contact these entities with her query.

10. Response to be provided to Dr. Kelly Folse regarding broad questions on volunteering to practice veterinary medicine at a nonprofit animal shelter. Per Board authority, and with review/approval, Dr. Folse was informed, in writing, that the Board exclusively licenses and regulates the practice of veterinary medicine in Louisiana as provided by its licensees, the veterinarians, as well as other veterinary personnel, regardless of the location or facility. In short, the required standards of acceptable veterinary practice apply to her as a licensed veterinarian regardless of the locale or the respective animal/patient. For example, as a licensed veterinarian, she must comply with requirements regarding the obtaining, storing, administering, and/or prescribing controlled drugs regardless of the location. She was also informed that she is responsible for the veterinary personnel under her supervision. In summary, she must comply with the applicable Rules and standards of veterinary practice. She was further informed that other governmental agencies have jurisdiction over controlled drugs, such as the DEA and LA Board of Pharmacy, and she was encouraged to contact these entities with her query.

11. Response to be provided to Dr. Margaret Jensen regarding if an LLC can have a member who is not a veterinarian, but is a Registered Veterinary Technician (RVT), to meet the needs of the canine breeding industry in south Louisiana, more specifically, focusing on canine semen collection, freezing, and shipping and canine female insemination, C-section, and after care for the mother and pups up to 6 weeks of age. Per Board authority, and with review/approval, Dr. Jensen was informed, in writing, that the Practice Act and Board Rule 1015.A requires a LA licensed veterinarian in her scenario, and does not legally permit a Registered Veterinary Technician (RVT) to own an interest or be a member in a limited liability company for the practice of veterinary medicine. The law is clear, and the Board has consistently maintained, that (absent a McSweeney scenario) a lay person (non-LA licensed veterinarian) cannot own an interest in an LLC which engages in the practice of veterinary medicine. The Board maintains its position in light of N.C. Dental Board as its precedent on the subject matter.

12. Response to be provided to Nick Meza, Esq., regarding questions on a proposed store-front location for a contract veterinarian to "administer seasonal canine flu vaccine through the operation of a wellness or preventative care clinic." Per Board authority, and with review/approval, Mr. Meza was informed, in writing, that the LA Veterinary Practice Act and Board Rule 1015.A do not allow the program as proposed in his email/letter query in Louisiana which appears to be a for-profit entity contracting with the veterinarian. There is also the prohibition for a LA

licensed veterinarian to fee split/share the sale of his professional services to the public with a non-licensed entity. Therefore, his question regarding the legality of retail/community location point of sale is not timely and will not be responded to by the Board at this time. This matter will be further reviewed upon submission of additional information regarding the proposed business relationship. It is noted that the law is clear, and the Board has consistently maintained, that (absent a McSweeney scenario) a lay person (non-LA licensed veterinarian) cannot own an interest in a business relationship which engages in the practice of veterinary medicine. The Board maintains its position in light of N.C. Dental Board as its precedent on the subject matter.

X. 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

3322	Covington	Michelle Ashley
3323	Ferguson	Julia Danielle
3324	Gomez Reinoso	Mariel Andreina
3325	Borne	Hanna Haley
3326	Procell	Travis Lee
3327	Stevens	Christopher Louis
3328	Green	Brent Deloy
3329	Ziegler	Catherine Elizabeth
3330	Moses	Kelsey
3331	Mayer	Natalie Ann
3332	Murphy	Jennifer Allena
3333	Grimes	Jennifer Dawn
3334	Martin	Jacob William
3335	Ainsworth	Phoebe Jean
3336	Sage	Laura Beth
3337	Bolden	Christien M.

RVT

8328	Mouiller	Hali Denee
8329	Benton-Levith	Elizabeth Jeanne
8330	Butler	Elizabeth Allin
8331	Conachan	Lisa Ann
8332	Green	Megan LeAnn
8333	Holtman	Mary Catherine
8334	Landry	Jean Audler
8335	McDaniel	Belinda Lynne
8336	Pickett	Betsy Ann
8337	Rando	Carly Elizabeth
8338	Stinson	Brittney Skye

CAET

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Brian A.

B. Proposed 2016 Board Meeting Dates – Ms. Parrish presented proposed Board meeting dates for 2016. Motion was made by Dr. Emerson, seconded by Dr. Lipscomb to accept the proposed dates as presented to be printed in the Board’s 2015 newsletter and published in the *Louisiana Register*, which dates are February 4, April 7, June 2, July 28, October 6, December 1, 2016. Motion passed unanimously by voice vote.

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. Emerson, 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.

No action taken.

XII. ADJOURN

There being no further business before the Board, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 1:21 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on December 3, 2015.

Fenton Lipscomb, DVM, Board Secretary-Treasurer