

BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE
May 7, 1998
Baton Rouge, LA

I. CALL TO ORDER

The meeting was called to order at 9:15 a.m. by the President, Dr. James Burk.

II. ROLL CALL

Those present were:

Dr. James Burk	President
Dr. Anne Guedry	Vice-President
Dr. Dick Walther	Secretary/Treasurer
Dr. Adrienne Aycock	Member
Mr. Charles Mann	Executive Director
Mr. E. Wade Shows	Attorney for the Board
Mr. Michael A. Tomino, Jr.	Special Counsel to the Board

III. EXECUTIVE SESSION - Case 97-1010V

Dr. Guedry moved to enter executive session to seek legal advice on Case 97-1010V - Consideration of Rehearing, seconded by Dr. Aycock, and passed without objection by voice vote. Dr. Burk, Mr. Shows, and Mr. Mann excused themselves from the meeting and did not participate in the executive session.

Upon return to the public record by motion of Dr. Walther, seconded by Dr. Aycock, and passed by voice vote, the following action was reported:

The tribunal in case 97-1010V denied Dr. Albert LaGraize's purported request for rehearing. A written order detailing the decision will be provided to Dr. LaGraize.

IV. ADDED AGENDA ITEMS

A. Mobile Clinic Rule Discussion: Dr. Guedry moved to add this item to the agenda, seconded by Dr. Walther, and passed unanimously by voice vote. Dr. Burk noted that the Board office has received several inquiries about the mobile clinic rules that are being promulgated; he also noted that the official comment period has ended, but that comments may be received prior to the June 17, 1998, regular Board meeting, at which time the rules are under consideration for final approval. Dr. Burk said that if Board members receive questions directly, they may want to refer them to the Board office or to him. Mr. Mann noted that the Notice of Intent on this rule stated that a public hearing would be held to receive comments if

one was requested in accordance with the Administrative Procedure Act. No request was made and no hearing was held.

B. Pharmacies Soliciting Veterinarians and Texas Board Action: Dr. Aycock moved to add this item to the agenda, seconded by Dr. Guedry, and passed unanimously by voice vote. Dr. Walther discussed recent communication from Eaton Laboratories asking veterinarians to supply legend drugs to them. Dr. Walther further noted the Texas Board's notice in their newsletter about laws and regulations that would affect such transactions and asked if this Board should do something similar. Dr. Guedry moved that questions related to the sale and distribution of legend drugs by veterinarians be dealt with on an individual basis and a general directive should not be issued, seconded by Dr. Aycock, and passed unanimously by voice vote.

C. Rules 105(B) and 106(D)(2) - Appeal or Review by Non-licensee: Dr. Guedry moved to add this item to the agenda, seconded by Dr. Aycock, and passed unanimously by voice vote. Mr. Tomino responded to questions posed by Mr. Mann concerning appeals by non-licensees (for example, complainants). Mr. Tomino referred to his letter of May 6, 1998, where he advised that the grounds for appeal stated in the Administrative Procedure Act may be used in appeals from non-licensees aggrieved by a decision of the Board. He also recommended that the Board amend its rules to specifically set forth the grounds upon which an appeal is to be filed by person other than a licensee aggrieved by a Board decision, or provide a specific reference in the Board's rules adopting La. R.S. 49:959 as the standard for such an appeal request.

A second question concerned what the Board should do to create the official record of a decision in a complaint case where no violations are found. The concern is that in cases where no violations are found, the complainant has the option to appeal the decision to district court, which needs a record to review in order to make a decision on judicial review. Mr. Tomino recommends that the Board issue an Order in all cases that come before it, including those with no findings of violations, and he recommends that the Order clearly state the Board's decision and the grounds for that decision. Dr. Aycock moved to accept Mr. Tomino's recommendation to issue an Order in all cases that come before the full Board, seconded by Dr. Walther, and passed unanimously by voice vote.

IV. PUBLIC ADMINISTRATIVE HEARING -
Case 97-0710V, V. Pettigrew, DVM

The Board began the administrative hearing in case 97-0710V. A court reporter was present for the hearing and her transcript constitutes the official record of the hearing.

Minutes
May 7, 1998

Page 3

The board members hearing the case (Dr. Walther, Dr. Guedry, Dr. Aycock, and Dr. Gowan) began deliberations at the conclusion of the hearing; they adjourned at about 5:00 p.m.

APPROVED BY:

Dick C. Walther, DVM
Secretary/Treasurer