

BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE
June 17, 1998

I. CALL TO ORDER

The meeting was called to order at about 9:00 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
Dr. George Gowan	Member
Mr. Charles Mann	Executive Director
Ms. Virginia Anthony	Asst. Atty. General - for the Board
Dr. Dennis French	La. Veterinary Medical Association
Mr. Chris Le Grange	La. Veterinary Medical Association

[NOTE: Dr. Aycock arrived after the official roll call; Dr. French and Mr. Le Grange arrived later in the meeting and departed prior to the meeting's end.]

III. APPROVAL OF MINUTES - April 23, 1998, and May 7, 1998.

It was moved by Dr. Walther to approve the minutes for the April 23, 1998, meeting, seconded by Dr. Guedry, and passed unanimously by voice vote. It was moved by Dr. Walther to approve the minutes for the May 7, 1998, meeting, seconded by Dr. Guedry, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS

A. **Financial Statements - April 1998 and May 1998**

B. **Budget Forecast**

Items IV.A and IV.B were discussed together.

Mr. Mann reviewed the statements and the forecast, particularly the projected deficit resulting from legal costs. Mr. Mann stated that actual legal costs may vary from the projection based on some remaining uncertainty as to the June billings from attorneys (a number of cases have been transferred to Wade Shows, who has a higher billing rate than the Attorney General's Office), and because an amendment to the Board's contract with Shows, Cali, and Burns is still pending. If the amendment is not approved prior to the 1997-98 audit, June charges could be applied to the 1998-99 fiscal year. Mr. Mann noted that the Board may spend more than half of the fund balance (fund reserve) by the end of the 1997-98 fiscal year, and, depending on the progress of other disciplinary cases (including those scheduled for public hearing and in court), the Board may not find relief from high legal costs in 1998-99. It was moved by Dr. Guedry to authorize expenditure of up to \$50,000 from the fund balance for 1997-98, seconded by Dr. Gowan, and passed unanimously by voice vote.

After further discussion of the financial problems for 1998-99, it was moved by Dr. Guedry to direct Mr. Mann to investigate other sources of revenue from other state agencies, seconded by Dr. Walther, and passed unanimously by voice vote.

C. Check Signature Authorization: [NOTE: This item was considered after Election of Officers for 1998-99.] It was moved by Dr. Aycock to authorize Dr. Guedry, Dr. Walther, Dr. Aycock, and Mr. Mann to sign checks on behalf of the Board, with any check over \$2,000 to be signed by two of the authorized persons, seconded by Dr. Walther, and passed unanimously by voice vote. Mr. Mann is not authorized to sign checks payable to himself.

D. CD Authorization for FY1998-99: Dr. Guedry moved to authorize Mr. Mann to purchase certificates of deposit in the amount of \$160,000 (maximum balance at any time) during the 1998-99 fiscal year, seconded by Dr. Walther, and passed unanimously by voice vote.

E. 1998-99 VTNE Contract: Mr. Mann noted that the Veterinary Technician National Exam (VTNE) contract for 1998-99 included a fee increase from \$85.00 to \$100.00 per person. The Board will lose about \$200.00 in net revenue because of this increase. While reviewing the RVT statutes, it became apparent that the Board must go to the legislature to seek an increase in any RVT and CAET fees. It was moved by Dr. Guedry to approve the 1998-99 VTNE contract, seconded by Dr. Aycock, and passed unanimously by voice vote. Dr. Aycock moved to pursue the development of legislation that would provide fee ceiling amounts in the RVT and CAET statutes, seconded by Dr. Guedry, and passed unanimously by voice vote.

F. Legal Services Contract for General Counsel: Ms. Anthony confirmed her decision to step down as General Counsel for the Board. The Board's contract

with the Louisiana Department of Justice terminates on June 30, 1998. Legal services contracts are in effect with Shows, Cali, and Burns and Michael A. Tomino, Jr. Until a General Counsel is selected, Mr. Mann was directed to use Wade Shows for all open and future complaint cases, including representation in district court, and to use Mr. Tomino for other general legal issues and as legal adviser to the Board in administrative hearings. Dr. Burk stated that he would like the Board member who is to be appointed by the Governor before July 31 to participate in the decision to select a new General Counsel. It was moved by Dr. Gowan to direct Mr. Mann to develop a request for proposal letter and to send it to attorneys with experience working with boards and/or commissions, seconded by Dr. Guedry, and passed unanimously by voice vote. The Board will review responses and consider this matter again at its August 19, 1998, meeting.

G. Legislative Auditor Compliance Questionnaire: Dr. Walther moved to add this item to the agenda, seconded by Dr. Guedry, and passed unanimously by voice vote. Mr. Mann noted that the Legislative Auditor Compliance Questionnaire is a document that must be completed and approved prior to the annual audit. The Board reviewed the draft questionnaire. Dr. Guedry moved to approve the questionnaire as completed, seconded by Dr. Aycock, and passed unanimously by voice vote.

V. POLICY, PROCEDURE, AND RULES

A. Complaint and Discipline Policy and Procedure

1. Findings of Complaint Committee - No Violation Orders: The Board reviewed a revised Complaint Committee Review Report and a draft Decision of the Board document to be used in complaint cases where no violation is found. These documents followed legal advice received from Michael A. Tomino, Jr., concerning no violation decisions by the Board. The revised committee report solicits reasons for the finding of no violation. The Decision of the Board document provides a record of the Board's decision in case the complainant appeals the decision to district court. The Board office will continue to report to the general public only the cases where disciplinary action has been taken, not the number of complaints filed against a licensee. Dr. Aycock moved to approve both documents for use by the Board, seconded by Dr. Walther, and passed unanimously by voice vote.

2. Complaint Chair Contact with Complainant: The Board reviewed the complaint procedure as it relates to personally contacting the complainant and the respondent. Complaint Committee Chairs have found that, in some cases, that the written responses and records are sufficient and the need to personally contact the complainant and respondent is not present. Dr. Guedry moved to change the word "shall" to "should" in the procedure book, seconded by Dr. Walther, and passed unanimously by voice vote. Dr. Burk reminded the Board that it is important to

make personal contact in most cases. From his experience, the personal contact added information that assisted him in the investigation of the case; the personal contact also provides an opportunity for complainants to express their concerns once more and to realize that the Board is taking the complaint seriously, no matter what the final decision may be.

3. Attorney Assignments in Pending Hearings and Other Legal Proceedings: The Board reviewed attorney assignments in active disciplinary cases, either those at the public hearing stage or in district court. The Board reiterated its earlier decision to have Wade Shows prosecute complaint cases, including defending the Board at the district court level. Dr. Walther moved specifically to authorize Mr. Shows to handle the Nicholas Milazo, DVM, case pending in district court, seconded by Dr. Aycock, and passed unanimously by voice vote.

B. Rule Making

1. Update: The Board reviewed the Rules Promulgation Update document which indicated the status of rules previously authorized for promulgation.

2. Adoption of Rules

a. Mobile Clinic Rules - Rules 700 and 711: The Board reviewed correspondence, questions, and comments concerning these proposed rules. Concern was specifically raised about the proposed requirement for "examination and surgery preparation areas separate from surgery area." Some mobile clinics use surfaces that are in the same area, but can be removed after an exam or surgical procedure takes place. After much discussion, Dr. Guedry moved to revise the proposed rule to delete the requirement for separate areas and to add language to require the surgical area to be sterile (including the presence of an impervious surface that can be easily cleaned and disinfected), seconded by Dr. Aycock, and passed unanimously by voice vote. Mr. Mann stated that since substantive changes are being made to a proposed rule already published as a Notice of Intent, additional notification of the proposed change would have to be given to interested persons. Dr. Gowan stated that the purpose of these proposed rules is to help ensure that veterinary care offered in mobile clinics is minimally acceptable, not to address every medical situation that a veterinarian may face in a mobile setting.

b. Preceptorship - Rule 1103: Dr. Guedry moved to formally adopt, with an effective date of July 20, 1998, the amendment to section 1103 previously authorized for promulgation and published in a Notice of Intent in the March 20, 1998, *Louisiana Register*, seconded by Dr. Walther, and passed unanimously by voice vote.

3. Consideration of New Rules

a. Expired Drugs - Rule 705: The Board reviewed draft amendments to Rule 705 relating to expired drugs. Dr. Burk noted that the Board has cited Board of Pharmacy regulations and federal regulations concerning expired drugs in disciplinary cases, but there is nothing specific in the Board's rules about this issue. Concern was raised about possession of a drug over six months out-of-date and the "obviously removed" language. Dr. Guedry moved to defer consideration of this matter to the next regular Board meeting, seconded by Dr. Walther, and passed unanimously by voice vote.

b. Rule 1053 - Corporate/Assumed Names: The Board reviewed Rule 1053, including specific questions submitted by Dr. David Webre and Dr. Kenneth Arceneaux. The Board noted that the purpose of the rule was to protect the public and its ability to know the kind of veterinary services that may be available at a particular veterinary facility. After much discussion, Dr. Walther moved to defer consideration of the proposed rule to the next regular Board meeting, seconded by Dr. Guedry, and passed unanimously by voice vote. Dr. Guedry and Dr. Aycock agreed to work on revising the proposed rule to meet the need to protect the public and to address the various kinds of veterinary practices that exist. Concerning Dr. Webre's specific practice name, Dr. Guedry moved to find the name ("Webre's Mobile Veterinary Service"), though technically in violation of the current rule, acceptable given the expected changes to the rule, seconded by Dr. Aycock, and passed unanimously by voice vote. Concerning Dr. Arceneaux's specific proposed practice name ("Veterinary Internal Medicine of Louisiana"), Dr. Guedry moved to inform Dr. Arceneaux that the proposed name would violate Rule 1063(B) in that it implies specialty status before Dr. Arceneaux has achieved board certification in internal medicine and that the Board suggests the use of the name "Veterinary Mobile Consulting Service (or Practice) of Louisiana," seconded by Dr. Walther, and passed unanimously by voice vote. The Board also noted that the phrase "an Internal Medicine Practice" or the like could be added to the name once Dr. Arceneaux becomes board certified in internal medicine.

c. Dentistry Rule Changes - Rule 710: The Board reviewed proposed rule amendments relating to veterinary dentistry. There was much discussion concerning the applicability of these changes to equine dentistry. The Board decided to add to the beginning of proposed 710(C), the phrase "In branches of veterinary medicine other than equine dentistry." The Board also moved the misplaced modifier in 710(C) and (D) - "with proper training and under the direct supervision of a licensed veterinarian" - to before the word "laypeople." The question of dentistry involving livestock was then raised and discussed. Dr. Aycock moved to defer this matter until the next regular Board meeting, with Dr. Walther to prepare and submit a proposed section 710(E) to deal with dentistry involving livestock, seconded by Dr. Guedry, and passed unanimously by voice vote.

d. Records and Sale of Practice - Rule 701: The Board reviewed proposed rule amendments relating to the disposition of patient records when a veterinary practice is sold. This question was raised by a veterinarian contemplating a sale, and at the previous regular meeting, the Board had noted the apparent conflict between the veterinarian's ownership of the records and the requirement that records only be released to a client or authorized agent. Discussion of this rule centered around the word "should" as used in the proposed amendments. With the use of this word, the rule would be advisory. Dr. Walther moved to defer this matter to the next regular Board meeting, seconded by Dr. Guedry, and passed unanimously by voice vote.

e. Declaratory Orders: The Board reviewed information concerning a possible rule related to declaratory orders, which are provided for in the Administrative Procedure Act. The Board determined that it would be best to review this kind of rule after a permanent General Counsel is in place. Dr. Aycock moved to defer this matter to the next regular Board meeting, seconded by Dr. Walther, and passed unanimously by voice vote.

f. Grounds for Rehearing: The Board considered the need for a rule to state the grounds under which a rehearing, reconsideration, or review of a Board decision shall be granted. The grounds are listed in the Administrative Procedure Act, but Michael A. Tomino, Jr., has advised that the grounds be placed within the Board's rules. Dr. Walther moved to direct Mr. Mann to prepare a draft rule on this matter for the next regular Board meeting, seconded by Dr. Guedry, and passed unanimously by voice vote.

C. Practice Act-Related Inquiries and Reviews

1. Dispensing of Injectable Medications - M. Cousins, DVM: The Board reviewed a question posed by Dr. Mark Cousins: may a veterinarian dispense legend drugs with or in a loaded syringe? The Board also reviewed information received from the Drug Enforcement Administration concerning the lack of restriction on dispensing controlled substances with or in a syringe, provided it is for a legitimate medical use and record keeping requirements are met. After much discussion, the Board determined that Rule 705 (Prescribing and Dispensing Drugs), particularly subsection 705(G), and Rule 706 would be relevant to this situation. There is no prohibition in these rules on dispensing legend drugs with or in a syringe, and the Board determined that the decision to dispense a loaded syringe falls within the veterinarian's medical judgment given the circumstances of a particular case. It was also stated that a valid veterinarian-patient-client relationship must exist before the dispensing of any legend drug or controlled substance. In some circumstances, rule 1023 (standard of care) may come into play. The Board also directed Mr. Mann to obtain a written response from the DEA concerning this matter.

2. Dispensing a Controlled Drug to Laypersons: The Board reviewed a May 14, 1998, letter based on Dr. Burk's concerns from Mr. Mann to Dr. Lionel de la Houssaye concerning the dispensing of Ketamine or Telazol to a client who operates a deer farm. Under the circumstances described in Dr. de la Houssaye's situation (veterinarian dispenses drug to client, who would then shoot the gun to inject animal; veterinarian would be present for injection and would keep drug usage records for each animal injected), the DEA has indicated that there would be no violation of DEA rules. Dr. de la Houssaye had not responded to the questions the Board had related to drug security and record keeping

3. RVT Update: Dr. Aycock reported on a pilot program under development by AAHA to provide an AVMA-accredited course that would lead to registration of veterinary technicians. Correspondence and on-line instruction would be provided.

D. Pharmacy Issues

1. Dispensing/Labeling of Medications by Laypersons - Attorney General Opinions: The Board reviewed Attorney's General Opinion 88-165 and 91-135 which hold that "a practitioner of ... veterinary science may not designate a nurse to dispense, or label medications or maintain prescription files and that pursuant to R.S. 37:1204(A) only a practitioner may dispense prescription drugs to a patient or client." This issue had been brought to the attention of the Louisiana Veterinary Medical Association and the Board indicated that it was an issue more appropriately in the hands of the LVMA. No formal response to Mr. Mann's April 29, 1998, letter to LVMA had been received. Mr. Mann noted that the Board of Pharmacy did not seem to be ready to take aggressive action against veterinarians who may not be in compliance with the law, but the Board of Pharmacy is aware that many veterinarians may not be in compliance.

2. Dispensing Drugs in Group Practice: The Board reviewed the state DHH Controlled Dangerous Substances Program's position on dispensing controlled substances in a group practice. DHH requires a group practice dispensing controlled substances from a commingled inventory must have a clinic registration, which is distinct from the individual veterinarian's controlled substances license. The clinic registration makes clear who is responsible for the clinic's inventory of controlled substances. Dr. Guedry moved to include DHH's position on this issue in the next newsletter, seconded by Dr. Walther, and passed unanimously by voice vote. The Board also reviewed, for informational purposes, the issue of dispensing drugs, controlled or legend, as it may relate to a veterinary facility that also obtains a pharmacy permit; that is, what can the veterinarian who is using a commingled inventory do in the absence of a pharmacist. No conclusions were reached on this

issue except that the veterinarian must follow existing rules related to dispensing, prescribing, and record keeping.

3. Wholesaler Permits: For informational purposes only, the Board was made aware that Dr. Melvin Elliott has obtained a wholesaler's permit from the Board of Pharmacy. The Board reviewed the "Legend Drug Wholesalers" section of the Board of Pharmacy regulations, which states that a permitted wholesaler is authorized by the Board of Pharmacy to procure, possess, and distribute legend prescription drugs to a Louisiana pharmacy permittee or registered wholesaler or distributor or other legally authorized persons or entities.

4. Kent Walker, DVM: The Board reviewed correspondence between Dr. Kent Walker and Mr. Mann related to Dr. Walker's intent to sell legend drugs through a business named MediVet Animal Health Care. The Board of Pharmacy's position on Dr. Walker's actions has been requested. No other action was taken pending the response from the Board of Pharmacy.

5. Professional Veterinary Supply: The Board reviewed correspondence with Professional Veterinary Supply (PVS), which wants to establish a pharmacy to dispense pharmaceuticals to animals by filling prescriptions from veterinarians. PVS was referred to the Board of Pharmacy, except that PVS was advised of the requirements of this Board's rules relating to prescribing and dispensing legend drugs.

6. Pet Med Express: The Board reviewed a letter of complaint received from Dr. James Fletcher concerning Pet Med Express and the sale of a veterinary legend drug without a valid prescription. The matter has been referred to the Board of Pharmacy, which has jurisdiction over this matter. Mr. Mann stated he is maintaining a file on complaints received about Pet Med Express that have been directed to the Board of Pharmacy. The Board was also provided copies of recent *DVM Magazine* articles concerning Pet Med Express.

E. State Exam Revisions Review: This matter was taken up in executive session under La. R.S. 37:1515(E) by motion of Dr. Aycock, second by Dr. Walther, and passed unanimously by voice vote. Dr. Walther moved to exit executive session, seconded by Dr. Aycock, and passed unanimously by voice vote. After review, Dr. Burk indicated that he would continue to work on some of the questions he developed and provide more information to Mr. Mann. The Board will continue to review the state exam. [NOTE: This agenda item was moved and considered with those agenda items identified for executive session consideration.]

F. Animal Behavior Society Program: The Board reviewed the Animal Behavior Society Program for Certification of Applied Animal Behaviorists document that had been provided by Dr. Bonnie Beaver of Texas A&M. This

program was being reviewed to determine if such certification should be required for a non-veterinarian who is providing animal behavior consultations by direct referral from a licensed veterinarian. This matter was deferred until the next regular Board meeting.

G. Zoonoses CE Review: Dr. Walther moved to approve the correspondence course titled "The Zoonoses: A Practitioner's Perspective" offered by INFORM, Inc. for three (3) hours of continuing education credit, seconded by Dr. Guedry, and passed unanimously by voice vote.

H. Newsletter: Mr. Mann asked Board members to supply him with any ideas or items for the next Board newsletter. He also stated that due to personnel and financial constraints, he would like the Board to consider having the newsletter published three times per year, rather than four. It was noted by Dr. Burk and Ms. Anthony that the Board is not mandated to have a quarterly newsletter, but an annual report is required. After discussion, Dr. Guedry moved to publish the newsletter three times per year, seconded by Dr. Walther, and passed unanimously by voice vote.

I. Opinion of Attorney General - Disclosure of Lab Costs: The opinion requested by the Board concerning the disclosure of lab costs statute has not been received.

VI. MISCELLANEOUS MATTERS

A. Board Appointment: The Board had not received any information on the appointment of a new member.

B. Petition - Good Samaritan Animal Hospital, E. Knispel, DVM: Dr. Dennis French, LVMA President, addressed the Board on this issue. He stated that he appreciated the position that the Board was in regarding its duty to regulate veterinary medicine, and that he hoped to avoid an "us" vs. "them" scenario as the issues related to the petition circulated among veterinarians are dealt with. He said that an ad hoc LVMA committee had met with the petitioners' committee. He also said that a survey would be included in the next LVMA newsletter concerning the operation of the Board of Veterinary Medicine, and that subsequent issues would include surveys relating to the LVMA and LSU School of Veterinary Medicine. Dr. Burk stated that he hoped that the lines of communication between the Board of Veterinary Medicine and the LVMA remain open and positive.

C. National (April) Exam Results: The Board reviewed the exam result statistics from the April 1998 NBE and CCT exams.

D. Racing Commission and Veterinarian Ownership of Race Horses: Dr. Gowan reviewed a pending rule review by the Louisiana Racing Commission related to the ownership of race horses by veterinarians. The current rule of the Racing Commission does not allow a practicing veterinarian working with horses racing under the jurisdiction of the commission to obtain an owner's or trainer's license. The commission is reviewing this rule to revise it to allow a veterinarian to have an owner's license, so long as the veterinarian is not practicing veterinary medicine on the race track premises.

E. End of Year Party: The Board discussed the scheduling of an end of year (transition of Board members) party. Dr. Aycock agreed to host it on a date to be scheduled later.

VII. PERSONNEL ISSUES

A. Pay Ranges: The Board reviewed information related to pay ranges for Board staff. The matter was deferred to the next regular Board meeting.

B. Clerk Position: Mr. Mann announced that Kelly Carmouche has been hired as the Clerk on a restricted appointment basis.

VIII. ELECTION OF OFFICERS - 1998-99

Dr. Aycock nominated Dr. Guedry for President for the term beginning August 1, 1998, seconded by Dr. Walther, and passed unanimously by voice vote. Dr. Aycock nominated Dr. Walther for Vice-President for the term beginning August 1, 1998, seconded by Dr. Guedry, and passed unanimously by voice vote. Dr. Walther nominated Dr. Aycock for Secretary-Treasurer for the term beginning August 1, 1998, seconded by Dr. Guedry, and passed unanimously by voice vote. Board positions and duties were also reviewed; President duties include the power to execute contracts and other documents on behalf of the Board.

IX. DISCIPLINARY MATTERS

Update - 97-1010V - A. LaGraize, DVM: Mr. Mann stated that the Order concerning Dr. LaGraize's purported request for rehearing has been sent to Dr. LaGraize. Dr. LaGraize has thirty days from receipt of the Judgment to appeal to district court.

X. EXECUTIVE SESSION

It was moved by Dr. Aycock to enter executive session to discuss licensure issues related to professional competency based on physical health, drug reviews and

complaint cases, including issues that may pertain to litigation, and to seek legal advice concerning the Petition from Good Samaritan Animal Hospital (see item VI.B above) seconded by Dr. Walther, and passed by voice vote. Upon return to the public record by motion of Dr. Walther, seconded by Dr. Aycock, and passed unanimously by voice vote, the following action was reported:

A. Petition Response

Dr. Walther moved to formally approve the Board's response to the petition circulated by Good Samaritan Animal Hospital, seconded by Dr. Aycock, and passed unanimously by voice vote. Mr. Mann was directed to submit a copy of the response to the Office of Inspector General, Office of the Attorney General, and Dr. Dennis French, LVMA President.

B. H. Smith, DVM, Request

Dr. Walther moved to approve a license fee waiver for Dr. Herbert J. Smith based on physical incapacity, seconded by Dr. Guedry, and passed unanimously by voice vote.

C. Drug Reviews

Dr. Gowan reported that he has one case pending. The case itself was not discussed.

D. Complaints - Veterinary

1. Michael Williams, DVM - Case No. 98-0303.1V: Dr. Guedry moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Walther, Complaint Chair in this case, abstained from voting.
2. Laura McElroy, DVM - Case No. 98-0303.2V: Dr. Guedry moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Walther, Complaint Chair in this case, abstained from voting.
3. James Dear, DVM - Case No. 98-0303.3V: Dr. Guedry moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Walther, Complaint Chair in this case, abstained from voting.
4. Lawrence J. Ernst, DVM - Case No. 98-0304V: Dr. Aycock moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr.

Gowan, and passed by voice vote. Dr. Walther, Complaint Chair in this case, abstained from voting; Dr. Guedry recused herself from consideration of this case and did not vote.

5. William French, DVM - Case No. 98-0312V: Dr. Guedry moved to accept the Complaint Review Committee's findings of no violation in this case, seconded by Dr. Aycock, and passed by voice vote. Dr. Walther, Complaint Chair in this case, abstained from voting.

6. Suzanne Boucher (formerly Hernandez), DVM - Case No. 98-0822V: Dr. Aycock moved to accept the Complaint Review Committee's recommendations in this case and the terms of the Consent Order agreed to by Dr. Boucher (formerly Hernandez), seconded by Dr. Walther, and passed by voice vote. Dr. Guedry, Complaint Chair in this case, did not vote.

7. Edgar J. Baronne, DVM - Case No. 97-0604V: Dr. Guedry moved to accept the Complaint Review Committee's recommendations in this case and the terms of the Consent Order agreed to by Dr. Baronne, seconded by Dr. Aycock, and passed by voice vote. Dr. Burk, Complaint Chair in this case, did not vote.

8. Anne Kornak, DVM - Case 98-0108V: Dr. Guedry moved to accept the Complaint Review Committee's recommendations in this case and the terms of the Consent Order agreed to by Dr. Kornak, seconded by Dr. Aycock, and passed by voice vote. Dr. Burk, Complaint Chair in this case, did not vote.

E. Complaints - Non-Veterinary

1. Dusty Day- Case No. 98-0323N: Dr. Gowan moved to accept the Complaint Review Committee's recommendation to close the investigation based on Mr. Day's response to the Board's cease and desist letter; however, the Board found that Mr. Day was in violation of the Veterinary Practice Act and should be advised to correct all future advertisements concerning his services, seconded by Dr. Aycock, and passed by voice vote. Dr. Walther, Complaint Chair in this case, abstained from voting.

2. Case No. 98-0922N: This investigation involves potential litigation. Dr. Guedry moved to refer this case to E. Wade Shows for further legal action, seconded by Dr. Aycock, and passed by voice vote.

F. Court Proceedings - Updates

1. David B. Smythe v. Louisiana Board of Veterinary Medicine - No. 442537: There was no new information to report and no other action was taken.

2. Nicholas J. Milazo v. Louisiana Board of Veterinary Medicine - No. 437496: It was reported that Dr. Milazo had submitted a Petition to Supplement His Appeal Seeking Judicial Review of Adjudication. Mr. Shows will respond for the Board. No other action was taken on this matter.

F. Case 97-0710V - Vernon Pettigrew, DVM - Deliberations

After all other matters were concluded, Dr. Guedry moved for the hearing tribunal (Dr. Walther, Dr. Guedry, Dr. Aycock, and Dr. Gowan) in case 97-0710V to enter executive session to deliberate on the case, seconded by Dr. Aycock, and passed by voice vote. Dr. Burk did not vote in this matter and excused himself from the meeting at this point. All other persons not on the hearing tribunal excused themselves from the deliberations.

XI. ADJOURN

The meeting was adjourned at approximately 5:15 p.m.

APPROVED BY:

Adrienne Aycock, DVM
Secretary/Treasurer (at time of approval on 8/19/98)