

**BOARD MEETING  
LOUISIANA BOARD OF VETERINARY MEDICINE**

**February 3, 2000**

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by the President, Dr. Dick C. Walther.

II. ROLL CALL

Roll call was taken by the Secretary-Treasurer, Dr. George Gowan with the following results:

Those present were:

|                        |                                   |
|------------------------|-----------------------------------|
| Dr. Dick Walther       | President                         |
| Dr. Adrienne Aycock    | Vice-President                    |
| Dr. George Gowan       | Secretary-Treasurer               |
| Dr. Robert Lofton      | Member                            |
| Dr. Edwin David        | Member                            |
| Kimberly Barbier       | Administrative Director           |
| Michael A. Tomino, Jr. | Board General Counsel             |
| Dr. Michael Strain     | State Representative, District 74 |
| Chris LeGrange         | LVMA                              |
| Dr. Allen Sartain      | Board Licensee                    |

*(Note: Dr. Strain and Mr. LeGrange arrived during discussion of item VI.B. and departed after discussion of item IX.A.1. Dr. Sartain arrived just prior to the Hearing and departed as the Tribunal went into executive session for discussion of the case.)*

III. APPEAL - Case No. 99-0813V - T. Geiger, DVM

Mr. Tomino informed the Board that the complainant in this case had withdrawn her request for an appeal at the last minute. After some discussion, the Board authorized Mr. Tomino to send the complainant a letter and bill for the appeals

costs associated with the Board's preparation and to present an update to the Board at the April 2000 board meeting.

IV. HEARING - Case No. 99-1016V - A.Sartain, DVM

*(Items V. through VII. were discussed in open session pending the arrival of Dr. Sartain for the hearing. Upon Dr. Sartain's arrival, Dr. Walther handed over the floor to Dr. Aycock.)*

Dr. Aycock opened the hearing by introducing herself as presiding officer. Dr. Walther, as the investigating officer, recused himself from the hearing. The remaining board members were introduced as the tribunal. Mr. Tomino presented the Board's case and a proposed consent order previously accepted by Dr. Sartain. Dr. Sartain spoke on his own behalf. After some questions and clarification, Dr. Aycock closed the hearing. Dr. Davis moved to go into executive session to discuss the case, seconded by Dr. Lofton, and passed unanimously.

Upon return to public record as moved by Dr. Lofton, seconded by Dr. Davis, and passed unanimously by voice vote. Dr. Aycock stated that the tribunal had accepted the consent order with the finding and recommendations as presented with no changes.

*(The Board continued discussion in open session at item VIII.)*

V. APPROVAL OF MINUTES - December 2, 1999

Minor spelling and grammatical corrections were noted. Dr. Gowan moved to approve the minutes for the December 2, 1999 meeting with the corrections noted, seconded by Dr. Aycock, and passed unanimously by voice vote.

VI. FINANCIAL AND CONTRACT MATTERS

**A. Financial Reports**

The financial reports for October, November, and December 1999 were presented for review by the Board. Dr. Gowan gave an short explanation of the reports and financial situation of the Board. Dr. Aycock moved to accept the financial reports as presented, seconded by Dr. Davis, and passed unanimously by voice vote.

**B. NBEC - North American Veterinary Licensing Exam:**

Ms. Barbier presented the Board with an agreement form received from NBEC for use of the new NAVLE exam. After some discussion, legal issues were raised by Mr. Tomino regarding contracts between boards and examination providers - indemnity, which state courts would have jurisdiction, and whose state laws would govern. The Board had questions relative to where the questions would be coming from and if the test is of good quality for testing candidates for licensure.

*(There was reference to and a brief discussion of item IX.E. regarding the result of the national examinations administered by the Board in December 1999.)*

Dr. Lofton moved that the Board authorize Mr. Tomino to review the agreement and advise the Board, and also to contact the NBEC regarding the questions raised, seconded by Dr. Davis, and passed unanimously. Mr. Tomino will report his findings at the April board meeting.

*(Dr. Strain and Mr. LeGrange joined the meeting.)*

**VII. PERSONNEL MATTERS: Administrative Director**

Ms. Barbier step out of the meeting during discussion of her position and performance. Upon her return to the meeting, Dr. Walther informed Ms. Barbier that the Board had agreed that all was satisfactory and will proceed with the terms previously agreed to at the June 1999 board meeting.

*(The Board returned to Item IV. of the agenda to conduct the scheduled Hearing.)*

**VIII. POLICY, PROCEDURE, AND RULES**

**A. Rule Making**

1. General Update: The Board reviewed the status of proposed rule changes.
2. Adoption of Rules: Dr. Aycock moved to formally adopt the following rules as presented, seconded by Dr. Lofton, and passed unanimously.
  - a. Rule 305 (Renewals and Expired Licenses) - with an effective date of February 20, 2000, the amendments to section 305 previously authorized for promulgation and published in a Notice of Intent in the October 20, 1999, *Louisiana Register*.

b. Rule 704 and Chapter 12, Rule 1200 through 1227 (Certified Animal Euthanasia Technicians) - with an effective date of February 20, 2000, the amendments to section 704 and Chapter 12, sections 1200 through 1227, previously authorized for promulgation and publication in a Notice of Intent in the October 20, 1999 *Louisiana Register*.

c. Rules 1500 through 1519, Chapter 15 (Registered Equine Dentists): in anticipation that no legislative committee actions are taken prior to the time line of February 19, 2000, with an effective date of March 20, 2000, the new rules, sections 1500 through 1519, previously authorized for promulgation and published in a Notice of Intent in the November 20, 1999, *Louisiana Register*.

### 3. Consideration of New Rules

a. Chapter 11 (Preceptorship): Discussion of the proposed amendments to Chapter 11, the preceptorship program, were again deferred until the April 2000 board meeting pending further review by Mr. Tomino and Dr. Walther.

b. Dispensing & Prescribing Drugs: Dr. Lofton asked that this item be deferred until the April 2000 board meeting pending completion by he and Mr. Tomino.

c. Anesthesia/Surgical and Euthanasia Consent Forms: It was confirmed that the Board had previously agreed to require by development and implementation of new rules requiring the use of surgery/anesthetic consent form as well as euthanasia consent forms, and that this would be a required part of recordkeeping. Proposed consent forms were presented for review. Dr. Aycock moved that the Board elect to go with the general form format as presented, seconded by Dr. Gowan, and passed unanimously by voice vote. Dr. Davis moved that the Board require the veterinarian be face-to-face with the client for signing of the euthanasia consent form, seconded by Dr. Aycock, and passed unanimously by voice vote. Dr. Aycock moved to have Mr. Tomino work with Dr. Lofton on the consent anesthesia/surgical and euthanasia forms and proposed new rule language, seconded by Dr. Davis, and passed unanimously by voice vote.

## **B. Policy and Procedure**

### 1. Reinstatement of Canceled Licenses

a. DVMs - General Policy: Ms. Barbier asked the Board for help with a policy for handling licenses that have been voluntarily surrendered if the individual contacts the board office to get re-licensed to practice in Louisiana. The Board agreed to allow the renewal of the surrendered license if the request is prior to the five year period mentioned regarding renewals in statute §1524 of the Practice Act as long as all back renewal and late fees are paid and proof of all CE required is submitted. Those individuals whose licenses were surrendered or expired for non-renewal for more than five years should be required to go through the full application process again.

Another matter for consideration being, once those previously licensed individuals who re-apply for licensure complete the application process should their original license number be re-assigned to them. The Board agreed that in the instance where an individual re-applies for licensure in Louisiana after previously relinquishing a license by voluntary surrender or expiration/ cancellation for non-renewal, the originally held license number should be re-issued to the individual after all requirements have been met for re-licensure.

b. CAETs - L. Callais: The Board reviewed information regarding an individual who had been certified as a CAET in 1991 but did not renew in 1992, and has requested reinstatement of the certificate. Microfilmed records show that the individual had attended the "Animal Control Officer Training Program" presented by and at LSU-SVM in 1985, 1989, and 1990 (this being the program accepted for certification at the time by the Board). The Board reviewed Mr. Tomino's January 12, 2000 letter to Ms. Barbier on the matter. Dr. Lofton moved that the individual be allowed to apply and be issued a temporary certificate upon completion of the requirements, and be required to apply and successfully complete the present CAET course as presented by the Board before re-issuance of full certification, seconded by Dr. Davis, and passed unanimously by voice vote. Upon completion of the application requirements, the original certificate number will be re-instated.

c. RVT Renewals: Ms. Barbier presented information regarding the Board's present rules related to RVT renewals. Ms. Barbier had noted that the RVT rules are not specific on dealing with renewals. The Board agreed that the RVT rules need to be expanded and clarified.

*(Item IX.G. regarding a veterinary technician training program was brought up at this point and discussed.)*

Dr. Walther referenced information recently submitted to the board office by a veterinary clinic in the New Orleans area regarding a five month veterinary technician training program the veterinarians had put together and were

implementing to train their personnel. The veterinarians have requested advise to get their program state certified.

The wording of the Board's present statute only allows for the Board to accept proof of successful completion of a program in veterinary technology that is accredited by the AVMA or the Board could approve a veterinary technician program completed in an accredited institution of higher education plus two years work experience under direct supervision of a licensed veterinarian. The statutes do not allow the Board to approve these types of programs for RVT certification.

**C. Practice Act-Related Inquiries and Reviews**

1. Sub-leasing of Examination Rooms from Non-veterinarians - L.Rai, DVM:  
Ms. Barbier informed the Board that this situation is no longer valid. No discussion was held.

**IX. MISCELLANEOUS MATTERS**

**A. Applicant Issues:**

1. CAET Certification Request - L. Lattimore, LWRA: The Board reviewed information received regarding a request for CAET certification of an individual who does not work for an animal control agency or humane society but for a non-profit wildlife rehabilitation organization. It was found that the statutes and Board's rules does not prohibit this individual from becoming certified as an animal euthanasia technician, but further discussion questioned if there were other state agency laws that would prohibit the individual from practicing as a CAET.

2. DVM Licensure - D. Newcomb: Dr. Newcomb has submitted documents for acceptance to waive retaking of out of date national exams. Referencing statutes §1525 and §1522, it was agreed that Dr. Newcomb was required to re-apply for licensure, and in order to waive retaking of the out-of-date examinations he had to submit acceptable proof of his practice as a licensed veterinarian for the five years preceding his application. Upon reviewing the documentation submitted by Dr. Newcomb, the Board concluded that the documents were not acceptable proof of his having been practicing as a veterinarian. The Board agreed that Dr. Newcomb needs to provide further verification of his full time practice as a licensed veterinarian on the racetracks indicated in his documents.

**B. Licensure Issues**

1. **Refund Request - Late Renewal Fee, J. Parson, DVM:** The Board reviewed file documents and a request from Dr. Parson for refund of the late renewal fee paid to complete his 2000 Louisiana renewal. Dr. Lofton moved to deny the request, seconded by Dr. Aycock, and passed unanimously by voice vote.

**C. AAVSB - 2000 Meeting:** The Board resolved not to attend the upcoming AAVSB annual meeting in July 2000.

**D. Continuing Education - Verification:** Dr. Lofton moved to have Mr. Tomino draft a letter for Dr. Walther's signature to be sent on behalf of the Board to the certifying sponsor that proper verification of attendance at their programs must be handled or the Board would withdraw approval of the agency as accepted CE providers, seconded by Dr. Aycock, and passed unanimously by voice vote.

**E. National Exam Update:** *(This item was briefly reviewed during discussion of item VI.B.)* The Board reviewed the information provided concerning the attendance and scores for the December NBE and CCT.

**F. LACA - Chemical Capture Course:** This item was not discussed. Preliminary information for the proposed Chemical Capture Course had not been received from LACA prior to the board meeting.

**G. Veterinary Technician Training Program:** *This item was discussed as part of item VIII.B.1.c.* In accordance with present statutes, the Board is unable to approve the program.

**H. Customer Service Policy:** The Board reviewed the approved customer service policy with regards to questionnaires to be sent to complainants after completion of disciplinary cases. The Board acknowledged that any unfavorable responses received would be explained in the annual report to the required agency.

## VIII. EXECUTIVE SESSION

It was moved by Dr. Davis to enter executive session to discuss matters of general legal issues and advice as needed; and other items properly brought up, seconded by Dr. Lofton, and passed unanimously by voice vote. Upon return to the public record by motion of Dr. Aycock, seconded by Dr. Davis, and passed unanimously by voice vote, the Board took the following action:

**A. Miscellaneous Legal Issues:** There were no legal issues discussed.

**B. Other Matters Properly Brought Up in Executive Session:**

1. Dispensing of drugs to non-clients.
2. Time factor for dealing with complaint processing.
3. Enforcement of stipulated judgment regarding final payment of investigative costs.

**IX. OTHER BUSINESS**

Wall certificates were signed for new licenses/certificates issued since the December 2, 1999 board meeting.

**X. ADJOURN**

Dr. Lofton moved to close the meeting, seconded by Dr. Aycock, and passed unanimously by voice vote. The meeting was adjourned at approximately 2:30 pm.

APPROVED BY:

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George Gowan, DVM  
Secretary-Treasurer