

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE**

April 5, 2001

I. CALL TO ORDER

The meeting was called to order at 9:12 a.m. by the President, Dr. Adrienne A. Aycock and opened with a prayer lead by Dr. Davis.

II. ROLL CALL

Roll call was taken by the Secretary/Treasurer, Dr. Robert Lofton, with the following results:

Those present were:

Dr. Adrienne Aycock	Board President
Dr. George Gowan	Board Vice-President
Dr. Robert Lofton	Board Secretary/Treasurer
Dr. Edwin Davis	Board Member
Dr. Glenn Walther	Board Member
Kimberly Barbier	Board Administrative Director
Michael A. Tomino, Jr.	Board General Counsel

Guests:

Dr. Ednadeen Corley	President, LVMA
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(The Board moved to agenda item VII.D. and discussed item 1 as presented by Dr. Corley from the LVMA.)

III. ADMINISTRATIVE HEARING – Case No. 00-1208.2V

Dr. Aycock called for a recess at approximately 10:00 am. Upon return to regular session, Dr. Aycock, as Presiding Officer, announced that the hearing scheduled for 9:30 am had been postponed based on a request of the respondent due to medical reasons. The hearing has been rescheduled to 9:30 am on Thursday, June 7, 2001.

IV. APPROVAL OF MINUTES – February 6, 2001

The Board reviewed the minutes from the February 6, 2001 board meeting. Dr. Walther noted some minor typographical corrections. Motion was made by Dr.

Walther to accept the minutes as presented with noted corrections, seconded by Dr. Davis, and passed unanimously by voice vote.

V. FINANCIAL AND CONTRACT MATTERS

A. **Financial Reports – January and February 2001**

Dr. Lofton presented the financial reports for January and February 2001. After review and discussion, motion was made by Dr. Lofton to accept the financial statements, seconded by Dr. Walther, and passed unanimously by voice vote.

B. **Professional Contracts**

1. Accounting – Greg Brown, CPA – Ms. Barbier presented the contract for monthly accounting services for renewal of professional services provided by Mr. Brown. Ms. Barbier noted the only significant change made was to the maximum amount of the contract. In previous years, the maximum amount of the contract has been \$10,000, but the Board only budgets \$5,000 for accounting services annually. Ms. Barbier also noted that Mr. Brown's previous years service costs have been around \$4,500. She related that Mr. Brown has reviewed the proposed contract and verbally accepted the change. Motion was made by Dr. Lofton to accept the modified contract, seconded by Dr. Davis, and passed unanimously by voice vote.

2. ICPA (Auditor) – McRight & Associates – Ms. Barbier requested to add this item to the agenda. Ms. Barbier presented an agreement between the Legislative Auditor's Office and McRight & Associates, who has been awarded the contract, for providing audit services over the next three fiscal years - 2001, 2002, and 2003. The agreement requires signature on behalf of the Board as agreement to compensate the ICPA for audit services over this contract.

VI. POLICY, PROCEDURE, AND RULES

A. **Rule Making**

1. General Update - The Board reviewed information on rule promulgation in progress.

2. Adoption of Rules:

a. Rule 700 and 1101 through 1123 (Chapter 11) – Preceptorship Program – Motion was made by Dr. Lofton to formally adopt these rules as published as a Notice of Intent on December 20, 2000 and to publish the final rule effective April 20, 2001, seconded by Dr. Walther, and passed unanimously by voice vote.

3. Consideration/ Review of New Rules – There were no new rules for consideration or review.

B. Policy and Procedure

1. Revised Renewal Forms for 2002 Renewal – Ms. Barbier presented revised renewal forms to be used for the upcoming 2002 renewal. After review of the forms, motion was made by Dr. Gowan to approve the revised forms, seconded by Dr. Davis, and passed unanimously by voice vote.

C. Practice Act-Related Inquiries/Declaratory Statements

1. New Issues

a. Mr. Tomino presented an inquiry received from Dr. Larry Snyder regarding licensed veterinarians performing euthanasia at a local animal control facility and a draft response. After review and discussion of the inquiry, revisions were made to the draft response. The Board accepted the revised response.

b. Mr. Tomino presented an inquiry received from Dr. R. W. Esquivel regarding selling individual vaccine doses to clients and a draft response. After review and discussion of the inquiry, revisions were made to the draft response. The Board accepted the response as revised.

c. Mr. Tomino presented an inquiry received from Dr. Wesley Lee regarding dispensing Capstar, oral flea control, to a client for use in the client's boarding facility relative to her own animals and her boarding clients' animals and a draft response. After review and discussion of the inquiry, the Board accepted the response as presented.

d. Mr. Tomino presented an inquiry received from Dr. Clay Hodgin regarding opening a facility to provide veterinary biopsy services and the requirement for licensing or limited licensing and a draft response. After review and discussion of the inquiry, the Board accepted the response as presented.

e. Mr. Tomino presented an inquiry received from Dr. R. W. Worley regarding state regulations relative to the use and implantation of microchips for animal identification and a draft response. After review and discussion of the inquiry, the Board accepted the response as presented.

f. Mr. Tomino presented an inquiry received from the LVMA regarding civil and criminal liability of a veterinarian, veterinary technician, or employee for reporting suspected animal cruelty and a draft response. After review and discussion of the inquiry, the Board accepted the response as presented.

g. Mr. Tomino presented an inquiry received from Dr. Violet Nix regarding dispensing Heartguard to a new client for an animal that has never been seen and a draft response. After review and discussion of the inquiry, the Board accepted the response as presented.

h. Mr. Tomino presented an inquiry received from Dr. Suzanne Trosclair regarding a local no-kill shelter providing puppy vaccinations given by lay personnel to puppies adopted out. After review and discussion of the inquiry, the Board recommended a response to be sent by Mr. Tomino after final review and acceptance by Dr. Aycock.

i. Mr. Tomino presented an issue regarding a veterinarian not licensed to practice as a veterinarian in Louisiana that goes to work for a Louisiana clinic as a veterinary technician – what standard of care would this individual be regulated under. After discussion of this issue, the Board agreed that the individual does not qualify to receive certification as an RVT and would then be regulated under Board Rule 704 as a lay technician.

(Mr. Tomino presented three new issue inquiries as agenda items VI.C.2.d, f, and g.)

2. Reviews

a. Mr. Tomino presented for review the draft of the Board's response as discussed at the February 6, 2001 board meeting relative to Dr. Kelly Chapman's inquiry regarding selling Telazol to a client for use on the client's deer farm by the lay person. After review of the response, the Board accepted the response as presented.

b. Mr. Tomino presented a draft response relative Dr. Mike Cummings' inquiry regarding veterinarians employed by animal control facilities as discussed at the February 6, 2001 board meeting. Mr. Tomino had spoken further with Dr. Cummings as requested by the Board at the February meeting and receiving more

information than previously revealed in Dr. Cummings' inquiry. After review, the Board accepted the response as presented.

c. Mr. Tomino updated the Board regarding an inquiry previously received from Dr. Brian Ghere regarding handling feral cat colonies. Mr. Tomino had previously been instructed by the Board to get more information. To date, Dr. Ghere has not responded to Mr. Tomino's request for more information. No further action was taken on this issue.

d. Mr. Tomino presented a new issue inquiry received by the board office regarding maintaining patient records for five years. A clinic is moving and wants to know about keeping old files from as far back as fifteen years. After discussion of this issue, the Board instructed that a response be sent to this inquiry by Mr. Tomino after approval from Dr. Aycock with relation to Board Rule 701.B.1.

e. Mr. Tomino presented for review and as information to the Board a response that had been approved by Dr. Lofton and sent out in response to a verbal inquiry to Mr. Tomino from Dr. Lonnie Randall relative to a veterinarian's responsibility in reporting wrongdoing by another veterinarian.

f. Mr. Tomino presented a new issue inquiry received by the board office from Dr. Michael Whitlock regarding (1) his participation in a commercial for a local health fitness center that he uses. The Board agreed that participating in a commercial endorsing products or services that are not related to the veterinary profession is not a violation of the Practice Act. (2) The legality or ethics regarding an ex-associate sending vaccination reminders from his new clinic to the clients of his old employing clinic. The Board agreed that in general it could possible be a violation of the Practice Act since the AVMA's Codes of Ethics has been adopted by the Board. Mr. Tomino was instructed to prepare and send a response to this inquiry upon the approval of Dr. Aycock.

Motion was made by Dr. Walther to break for lunch at 12:07 pm, seconded by Dr. Lofton, and passed unanimously by voice vote. Motion was made by Dr. Walther to returned from lunch at 12:47 pm, seconded by Dr. Lofton, and passed unanimously by voice vote. Upon return to regular session, the Board continued with item under agenda item VI.C.

g. Mr. Tomino presented the generic issue regarding the closing of a veterinary clinic and what should be done with the patient records if the veterinarian is moving out of the area. After discussion, the Board was in agreement that at present Rule 701.B.1 covers the issue in stating that patient records have to be kept for a period of five years and are the property and responsibility of the veterinarian. Motion was made by Dr. Lofton to table further

discussion of this issue to the June 7, 2001 board meeting and allow any response to stand with Rule 701.B.1, seconded by Dr. Walther. Dr. Gowan proposed an amendment to the motion that any response should include that patient records should be readily available to the client. After discussion, the Board agreed that there was no reasonable definition of what “readily available” would mean; no second was made for the motion amendment, the amendment did not pass. The original motion passed by voice vote as follows: FOR – Dr. Gowan, Dr. Lofton, Dr. Walther, and Dr. Aycock; OPPOSED – Dr. Davis.

Dr. Lofton proposed that the Board appoint Dr. Davis to work with Mr. Tomino to develop suggested guidelines for handling of patient records when a clinic closes to be reviewed by the full Board at the June 7, 2001 board meeting.

D. Review of Draft LBVM Newsletter Items

Ms. Barbier presented a draft version of the April 2001 LBVM newsletter with items she had in file to be published. Ms. Barbier presented an article submitted from Mr. Steve Erwin of the DHH-CDS Program and Mr. Erwin’s request for the article to be published in the next LBVM newsletter to licensees. The Board approved the DHH-CDS article for publication. After discussion and revisions to the draft, the Board approved the publishing and mailing of the April 2001 newsletter.

VII. MISCELLANEOUS MATTERS

A. Applicant Issues

1. DVM – Dr. Robert Holmes - The Board reviewed application information regarding Dr. Holmes’ type 3 application and his request to waive retaking out-of-date national examinations and waive the preceptorship requirement based on employment qualifications as an Associate Professor at LSU-SVM. After discussion, motion was made by Dr. Gowan to deny the request to waive retaking out-of-date national examination based on the present Board Rule 303.B.4, and that Dr. Holmes’ employment at LSU-SVM is not being equivalent to the required of being employed as a licensed veterinarian in a full-time private practice, seconded by Dr. Davis, and passed unanimously.

2. DVM – Dr. Randall C. Barron – The Board reviewed Dr. Barron’s general inquiry for waiver of the preceptorship requirement based on employment qualifications with the USDA, Food Safety Inspection Service. Motion was made by

Dr. Davis to deny this request, seconded by Dr. Walther, and passed unanimously by voice vote.

B. Continuing Education

1. CAET – LA SPCA In-house Programs - The Board reviewed and discussed information regarding an instruction program on basic animal control issues to be presented in-house to LA SPCA CAETs presented by a Louisiana licensed veterinarian and registered CAET employed at the LA SPCA. Motion was made by Dr. Lofton to approve this program, seconded by Dr. Davis, and passed unanimously by voice vote.

2. CAET – Ouachita Parish Animal Control - The Board reviewed and discussed information submitted regarding two programs on animal cruelty investigation basics and cat behavior and handling to be presented to registered CAETs employed by the Ouachita Parish Animal Control facilities by a local Louisiana licensed veterinarian . Motion was made by Dr. Walther to approve the programs, seconded by Dr. Lofton, and passed unanimously by voice vote.

C. Proposed Web Site

Ms. Barbier presented cost proposals and general information she had gathered regarding the initial development and maintenance of a web site for the Board. The Board reviewed the presented information. After discussion of the proposals and information and verification by the Board of the information to be put on the website, motion was made by Dr. Gowan to authorize Ms. Barbier to begin working with Onesimus to develop the website, seconded by Dr. Davis, and passed unanimously by voice vote.

D. Other matters Properly Brought Before the Board

(Agenda item VII.D.1 was discussed by the Board prior to agenda item III.)

1. Transdermal Delivery System (Fentanyl Patches): The LVMA has asked that the Board revisit this issue. The Board responded to a licensee inquiry at the February 6, 2001 board meeting. The Board's previous response/opinion has brought up other questions mainly regarding liability. The Board reviewed a letter recently submitted by Dr. Steven Marks of LSU-SVM regarding this issue.

Dr. Aycock explained the history of this issue. Dr. Corley presented the views and concerns presented to the LVMA by members regarding the Board's previous statement on this issue. After discussion, an amendment of the Board's previous response was presented to clarify its intent and will be sent to all inquirers

regarding this issue by Mr. Tomino after approval by Dr. Aycock. Motion was made by Dr. Davis to accept the amendment to the previous response as presented, seconded by Dr. Gowan, and passed unanimously by voice vote.

(The Board returned to agenda item III.)

VIII. OTHER BUSINESS

Wall certificates were presented for signature for the following new licenses/certificates issued since the February 6, 2001 board meeting:

<u>DVM License No.</u>		<u>Issued</u>
2329	John R. Cummins, DVM	2/7/2001
2330	Sophia Papageorgiou, DVM	2/8/2001
2331	Kevin John Stachowiak, DVM	3/5/2001
2332	Rhonda Ann O'Rourke, DVM	3/8/2001
2333	Stacey Anne Eiland, DVM	3/27/2001
2334	Alison Kammer, DVM	4/4/2001
<u>RVT Certificate No.</u>		<u>Issued</u>
8093	Mary Anne Barnett, RVT	2/12/2001

IX. EXECUTIVE SESSION

It was moved by Dr. Lofton to enter executive session to discuss matters relative to miscellaneous legal issues and advice, personnel issues, and any other matters properly brought up, seconded by Dr. Walther, and passed unanimously by voice vote. Upon return to the public record by motion of Dr. Gowan, seconded by Dr. Walther, and passed unanimously by voice vote, the Board took the following action:

1. Personnel Annual Merit Review – Kimberly Barbier, Administrative Director

After review and evaluation of Ms. Barbier performance, motion was made by Dr. Gowan to complement Ms. Barbier on her good work and offer her a merit raise increase of 7%, seconded by Dr. Davis, and passed unanimously by voice vote.

X. ADJOURN

There being no further business before the Board, the meeting was adjourned at approximately 3:30 pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD ON JUNE 7, 2001.

Robert Lofton, DVM
Board Secretary/Treasurer