

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE**

June 6, 2002

I. CALL TO ORDER

The Board President, Dr. George Gowan, called the meeting to order at approximately 8:40 a.m.

II. ROLL CALL

Roll call was taken by the Board President, Dr. George Gowan, with the following results:

Those present were:

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

Absent:

None

Guests:

None

III. FORMAL ADMINISTRATIVE HEARING

[Agenda item III.A. and B. were scheduled for 9:00 and 10:00 am. Until that time, the Board continued with agenda item IV.A. Upon arrival of all parties, the Board returned to agenda item III.A after agenda item V.E.1.]

A. Case No. 02-1218.1VA - Dr. Michael Roberson

Dr. Walther was introduced as Presiding Officer for the Hearing. Dr. Lofton recused himself from the Hearing Panel due to association with the respondent and knowledge of the facts of the case. Dr. Randall recused himself from the Hearing Panel as Investigating Board Member in the case. The members of the Hearing Panel consisted of Dr. Gowan, Dr. Davis, and Dr. Walther. Dr. Roberson was not represented at the Hearing by counsel but had had legal representation during the informal resolution

process. Mr. Tomino presented, on behalf of the State (Board), the facts of the case, submitted exhibits for review, and presented a proposed Consent Order agreed to by the State and Dr. Roberson. Dr. Roberson presented his statement. The Hearing Panel asked questions related to the case. Upon conclusion of the presentations and questions, motion was made by Dr. Davis to enter executive session for deliberation of the facts presented in the case, seconded by Dr. Gowan, and passed unanimously by voice vote. The executive session was closed to the public and only those Board Members on the panel were present for deliberation.

Motion was made by Dr. Davis to return to open session, seconded by Dr. Gowan, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was made by Dr. Gowan to accept the Consent Order as presented for this case, seconded by Dr. Davis, and passed unanimously by voice vote.

B. Case No. 01-0925V - Michael Williams, DVM

Dr. Walther was introduced as Presiding Officer for the Hearing. Dr. Davis recused himself from the Hearing Panel as Investigating Board Member in the case. The members of the Hearing Panel consisted of Dr. Gowan, Dr. Lofton, Dr. Walther, and Dr. Randall. Dr. Williams was not represented at the Hearing by counsel. Mr. Tomino presented, on behalf of the State (Board), the facts of the case, submitted exhibits for review, and presented a proposed Consent Order agreed to by the State and Dr. Williams. Dr. Williams presented his statement. The Hearing Panel asked questions related to the case. Upon conclusion of the presentations and questions, motion was made by Dr. Randall to enter executive session for deliberation of the facts presented in the case, seconded by Dr. Lofton, and passed unanimously by voice vote. The executive session was closed to the public and only those Board Members on the panel were present for deliberation.

Motion was made by Dr. Randall to return to open session, seconded by Dr. Lofton, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was made by Dr. Gowan to accept the Consent Order as presented for this case, seconded by Dr. Lofton, and passed unanimously by voice vote.

[Upon conclusion of agenda item III.B., the Board returned to agenda item VI.A.]

IV. APPROVAL OF MINUTES - April 4, 2002

The Board reviewed the minutes from the April 4, 2002 board meeting. Motion was made by Dr. Walther to accept the minutes as presented, seconded by Dr. Randall, and passed unanimously by voice vote.

V. FINANCIAL AND CONTRACT MATTERS

A. **Financial Reports – March and April 2002**

Dr. Davis and Ms. Barbier presented the financial reports for March and April 2002 for review. General discussion of the financial reports was held. Discussion regarding legal fees was held. It was noted that although it appears legal fees may be going over the budgeted amount for the fiscal year, the collection of cost recovery and generation of fines collected for disciplinary cases during the fiscal year offsets the total legal costs bringing the total spent on legal fees under the budgeted amount. The financial reports were found to be acceptable. No motions were made.

B. **Budget Forecast – FY 2002**

Ms. Barbier presented a forecast of the budget for the end of the fiscal year. Most expense items appear to be coming in under the budgeted amounts. The overall expenses are anticipated to be under budget. General discussion of legal fees and cost recovery and fines collected was held. No motions were made.

C. **Investments**

1. CD Update FY 2002 – Ms. Barbier presented an update of the Certificates of Deposit purchased on behalf of the Board during FY 2002. It was noted that a large return on the CDs was not expected because of the lower interest rates given on the CDs. No motions were made.

2. CD Authorization FY 2003 – Motion was made by Dr. Lofton to authorize Ms. Barbier, Administrative Director, in association with the Board Secretary/Treasurer-elect, Dr. Walther, to make internal fund transfers for the purchase of certificates of deposit (CDs) and to set a maximum money balance limit of \$275,000 to be held in CDs at any time during the fiscal year, 2003.

D. **Audit FY 2002**

1. Compliance Questionnaire – The Board reviewed the compliance questionnaire for the engagement of the auditors for the FY 2002 audit to be performed after June 30, 2002. The compliance questionnaire answers general questions relative to the Board's actions during the fiscal year. Motion was made by Dr. Walther to approve the

compliance questionnaire as represented, seconded by Dr. Randall, and passed unanimously by voice vote.

E. Professional Service Contracts

1. Professional Examination Services (PES) - Ms. Barbier presented the renewal contract for Professional Examination Services (PES) to provide services to the Board relative to the Veterinary Technician National Examination (VTNE). Ms. Barbier noted that the renewal contract had been submitted by the contractor and that upon her review, there were no changes to the contract from the previous year's contract except for related dates.

Ms. Barbier briefly explained the use of the VTNE for registration of veterinary technicians. General discussion was held regarding the veterinary technician program requirements and the education programs available.

Motion was made by Dr. Walther to approve the contract as presented, seconded by Dr. Randall, and passed unanimously by voice vote.

[After agenda item V.E.1., the Board returned to item III.A. Upon conclusion of item III.B., the Board returned to item VI.A.]

VI. POLICY, PROCEDURE, AND RULES

A. Rule Making

1. General Update - The Board reviewed the schedule of rule promulgation in progress. Ms. Barbier presented an update on the emergency rule in effect as of April 4, 2002. No action was taken.

2. Adoption of Rules

a. LAC 46:LXXXV.403 - Continuing Education - The Board reviewed the Notice of Intent published in February 2002.

b. LAC 46:LXXXV.1103 and 1115 - Preceptorship Program - The Board reviewed the Notice of Intent published in February 2002.

Motion was made by Dr. Walther to adopt the rule amendments published as NOIs in February 2002 for final rule publication, seconded by Dr. Lofton, and passed unanimously by voice vote.

3. Consideration/ Review of Proposed Rules/ Amendments - There were no proposed rules or amendments for consideration or review presented.

B. Policy and Procedure

1. Application Procedure

a. Revised Application Forms - Ms. Barbier presented application forms for veterinary licensure, veterinary technicians, and euthanasia technicians revised as instructed at the April 4, 2002 Board meeting. After review of the revised forms, motion was made by Dr. Walther to approve the forms for use in application for licensure/ certifications, seconded by Dr. Lofton, and passed unanimously by voice vote.

b. Revised Reference of Character Forms - Ms. Barbier presented reference of character forms for veterinary licensure, veterinary technicians, and euthanasia technicians revised as instructed at the April 4, 2002 Board meeting. After review of the revised forms, motion was made by Dr. Walther to approve the forms for use in application for licensure/ certifications, seconded by Dr. Davis, and passed unanimously by voice vote.

C. Practice Act-Related Inquiries/Declaratory Statements

1. New Issues

a. Client Notification of Drug Manufacturer's Claim - An inquiry from Dr. Siegfried Mayer was presented regarding whether a veterinarian is legally required to notify a client that the manufacturers of certain drugs may not stand behind the product if the product is not purchased from a veterinarian. In the inquiry, Dr. Mayer mentions no compensation for writing prescriptions. After discussion of the inquiry, Mr. Tomino was instructed to send a response letter upon approval by the Board President that reasonable compensation for writing prescriptions may be collected from clients and that the notification of his clients relative to drug manufacturer's claims is not a Board issue but is the veterinarian's decision.

b. Emergency Clinic Referrals - An inquiry from Dr. Robert Gros was presented regarding notification to clients by a veterinarian that the veterinarian is part-owner of an emergency clinic in which said veterinarian is referring the client to. Mr. Tomino was instructed to look into Louisiana laws and to work with Dr. Lofton on this issue.

c. Charging Consultation Fee to Pharmacies - An inquiry from Dr. Clayton Pfister was presented regarding charging a pre-paid veterinary/pharmacy consultation

fee to internet pharmacies for writing prescriptions. After discussion of the inquiry, Mr. Tomino was instructed to send a response letter upon approval by the Board President that reasonable compensation for writing prescriptions can be collected from the client and that the Board has no restrictions on veterinarians charging a consultation fee to internet pharmacies.

2. Reviews - The Board reviewed a response sent to Dr. Dennis Stelly by the Board office regarding a sponsorship, endorsement and solicitation issue, specifically sponsorship of a T-ball team by the veterinary clinic. No other action was taken.

VII. MISCELLANEOUS MATTERS

A. **CAET Issues**

1. LACA - Chemical Capture Course - The Board reviewed information submitted for the upcoming chemical capture course to be presented by LACA. Motion was made by Dr. Walther to approve the program for CAET Lead designation and field officer training and as acceptable continuing education, seconded by Dr. Davis, and passed unanimously by voice vote.

2. Continuing Education Programs for Approval

a. The Board reviewed information submitted for the annual academy to be presented by LACA. Motion was made by Dr. Walther to approve the program for continuing education, seconded by Dr. Davis, and passed unanimously by voice vote.

b. The Board reviewed information submitted by Dr. Clark Cooper, a licensed veterinary in north Louisiana, for a program he is to present to area CAETs. After review of the outline submitted, Ms. Barbier was instructed to request Dr. Cooper send in more detail regarding the types of capture techniques, anesthesia drugs, and what in regards to wildlife capture is to be discussed. The additional information requested is to be reviewed by Dr. Randall for approval upon receipt.

c. The Board reviewed an outline submitted by Caddo Parish Animal Control for a program to be presented by Dr. Michael Dale, a local licensed veterinarian, to CAETs at the facility. After review of the outline, Ms. Barbier was instructed to request more detail specifically what exactly will be presented for three hours relative to how to help prevent the spread of disease. The additional information requested is to be reviewed by Dr. Randall for approval upon receipt.

d. The Board reviewed information submitted by Caddo Parish Animal Control for a program to be presented by Mr. Carnie Burcham of the Agriculture & Forestry division regarding search and arrest. Motion was made by Dr. Walther to approve the program for continuing education, seconded by Dr. Randall, and passed unanimously by voice vote.

B. DVM Issues

1. Pamela Potter, DVM – CE Consideration - *[Agenda item VII.B.1. was moved to executive session for discussion.]*

2. Applicants

a. Dr. Robert Doak – Waive Retaking National Examination – The Board reviewed the employment documentation submitted by Dr. Doak to waive retaking the national examination. Motion was made by Dr. Walther to accept Dr. Doak's employment information and waive retaking the national examination, seconded by Dr. Davis, and passed unanimously by voice vote.

Mr. Tomino presented a response he had received from Dr. Scott Campbell regarding the Board's April 2002 response to Dr. Campbell's inquiry regarding charges and detailing of lab fees on client bills. No action was taken.

b. Dr. Alexandra Niemantsverdriet – Waive Preceptorship and Retaking National Examination – The Board reviewed the request and employment information submitted by Dr. Niemantsverdriet for waiver of the preceptorship requirement and retaking of the national examination. After review and discussion of the submitted information, the Board took no action on the issue. Ms. Barbier was instructed to request that Dr. Niemantsverdriet attend the August 2002 Board meeting to answer some questions the Board has regarding her situation.

C. RVT Issues

1. Kimberly Dowden – Reinstatement of Cancelled Certificate – The Board reviewed the request of Ms. Dowden for reinstatement of her RVT certificate which expired and was cancelled for non-renewal on September 30, 2000. Motion was made by Dr. Davis to allow reinstatement of the cancelled certificate upon payment of the delinquent renewal fees accrued and the appropriate late renewal fees due with no additional penalty, seconded by Dr. Lofton, and passed unanimously by voice vote.

D. AVMA - ECFVG Update

The Board reviewed information received from the AVMA regarding the ECFVG program. No action was taken.

Ms. Barbier was instructed to contact the AVMA to see if it would be possible for an applicant (Dr. A. Niemantsverdriet) for licensure who is not a foreign school graduate to participate in the CPE portion of the ECFVG for verification of clinical proficiency.

E. AAVSB Annual Conference

Ms. Barbier announced that Dr. Walther would be attending the Delegate's Assembly session of the AAVSB Annual Conference with her. The Board reviewed changes to the Constitution and By-Laws proposed by AAVSB. No objections were noted regarding the proposed changes. No motions were made.

F. Website

Ms. Barbier presented revisions to the Board's website including the addition of two new web pages: (1) a searchable database of veterinary licensee information and (2) a searchable database for applicants to use to find the pass/fail result of examinations taken. After discussion, the Board decided not to add the two proposed databases.

[The Board broke for lunch after item VII.F. at approximately 12:00 noon. The Board returned from lunch at approximately 12:30 pm and continued with agenda item VII.G.]

G. Annual Meeting Items

1. Election of Officers – Nominations were taken as follows: Dr. Robert Lofton – Board President; Dr. Edwin Davis – Board Vice-President; Dr. Glenn Walther – Board Secretary/Treasurer. Motion was made by Dr. Davis to close nominations, seconded by Dr. Randall, and passed unanimously by voice vote.

Election of officers was held. Motion was made by Dr. Randall to install Dr. Robert Lofton as the Board President, Dr. Edwin Davis as the Board Vice-President, and Dr. Glenn Walther as the Board Secretary/Treasurer for fiscal year 2003, seconded by Dr. Gowan and passed unanimously by voice vote.

2. Authorization of New Board President – Motion was made by Dr. Walther to afford Dr. Robert Lofton, Board President-elect, all the powers associated with the office of the President of the Board including the power to execute contracts and other

documents and conduct business on behalf of the Board, seconded by Dr. Randall, and passed unanimously by voice vote.

3. Authorization to Sign Check – Authorization to sign checks drawn on the Board’s account was given to Dr. Robert Lofton, Board President-elect; Dr. Glenn Walther, Board Secretary/Treasurer-elect; and Ms. Barbier, Administrative Director effective August 1, 2002.

4. Review of Board Member Positions and Duties – The Board reviewed the current chart of Board positions and duty assignments. No changes were made.

H. Other Matters Properly Brought Before the Board

Mr. Tomino presented a review of miscellaneous investigative cases that had been recently closed. No actions were taken.

VIII. OTHER BUSINESS

A. Wall certificates were presented for signature for the following new licenses/certificates issued since the April 4, 2002 board meeting:

<u>DVM License No.</u>		<u>Issued</u>
2376	Christopher Wayne France, DVM	4/10/2002
2377	Kimberly Maddox Bonaventure, DVM	5/8/2002
2378	Anne Elizabeth Laurent, DVM	5/21/2002
2379	Tisha Anne McClure Cutrer, DVM	5/28/2002
2380	Amos Stanley Deinard, DVM	5/28/2002
2381	Randall Clay Barron, DVM	5/28/2002
2382	Jason Patrick Farrell, DVM	5/29/2002
2383	Linnea C. Gilmore, DVM	5/31/2002
2384	Michelle Hebert Traylor, DVM	5/31/2002
2385	Kristin Barbera, DVM	6/4/2002
2386	Nydia M. Perez, DVM	6/5/2002
2387	Tracey R. Pierce, DVM	6/5/2002

IX. EXECUTIVE SESSION

Motion was made by Dr. Davis to enter executive session to discuss personnel matters, miscellaneous legal issues, and any other matters properly brought up, seconded by Dr. Walther, and passed unanimously by voice vote. Motion was made by Dr. Walther to return to open session, seconded by Dr. Davis and passed unanimously by voice vote. Upon return to open session the following action was taken:

1. Clerk Position - The Board authorized the administrative assistant, Ms. Tisha Tillman, to work two hours of overtime per standard work days (Monday through Friday) during the upcoming renewal period in lieu of the hiring of a temporary clerk.

Ms. Barbier was instructed to check into a time-clock computer program.

2. Pamela Potter, DVM - CE Consideration - *[This item was moved from open meeting session, agenda item VII.B.1., to executive session.]* The Board reviewed the request of Dr. Potter for an extension to obtain CE. Motion was made by Dr. Davis to approve the request and allow Dr. Porter an extension for obtaining CE and renewal to December 30, 2002, seconded by Dr. Lofton, and passed unanimously by voice vote.

X. ADJOURN

There being no further business before the Board, motion was made by Dr. Davis to adjourn, seconded by Dr. Walther, and passed unanimously by voice vote. The meeting was adjourned at approximately 2:00 pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD ON AUGUST 1, 2002.

Glenn Walther, DVM
Board Secretary/Treasurer