

**BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE**

January 30, 2003

I. CALL TO ORDER

Board President, Dr. Robert Lofton, called the meeting to order at approximately 8:30 a.m.

II. ROLL CALL

Roll call was taken by the Board Secretary-Treasurer, Dr. Glenn Walther, with the following results:

Those present were:

| | |
|------------------------|-------------------------------|
| Robert Lofton, DVM | Board President |
| Edwin Davis, DVM | Board Vice President |
| Glenn Walther, DVM | Board Secretary-Treasurer |
| Lon Randall, DVM | Board Member |
| Patrick Bernard, DVM | Board Member |
| Michael A. Tomino, Jr. | Board General Counsel |
| Wendy Parrish | Board Administrative Director |

Absent: None

Guests:

Gary Basalmo, DVM, MHP, TM, La DHH, Office of Public Health (11:00 a.m.)
Randall Toney, DVM, and Mrs. Randall Toney (9:30 a.m.)

III. FORMAL ADMINISTRATIVE HEARING

(Agenda item III was scheduled for 9:30 a.m. Until that time, the Board continued with agenda item IV and V.A, B, C and D. Upon arrival of all parties, the Board returned to agenda item III after agenda item V.D.)

A. Case No. 02-0313V - Randall Toney, DVM

Dr. Walther was introduced as Presiding Officer for the Hearing. Dr. Randall recused himself from the Hearing Panel as investigating Board Member in the case. The members of the Hearing Panel consisted of Dr. Lofton, Dr. Davis, Dr. Walther, and Dr.

Bernard. Dr. Toney's legal counsel waived his appearance for the scheduled hearing and presentation of a proposed consent order. Mr. Tomino presented, on behalf of the State, the facts of the case, submitted exhibits for review, and presented the proposed Consent Order for consideration by the Board. Dr. Toney 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 review of the consent order presented in the case, seconded by Dr. Bernard, and passed unanimously by voice vote. The executive session was closed to the public and only those Board Members on the panel were present.

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

(Upon conclusion of agenda item III, the Board returned to agenda item VI.)

IV. APPROVAL OF MINUTES - December 3, 2002

The Board reviewed the minutes from the December 3, 2002 Board meeting. Motion was made by Dr. Walther to accept the minutes as presented with one amendment noted regarding FY2004 Proposed Budget language, seconded by Dr. Bernard, and passed unanimously by voice vote.

V. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports - November and December 2002

Dr. Walther and Ms. Parrish presented the financial reports for November and December 2002 for review. General discussion of the financial reports was held. It was noted that revenues obtained during cases settlements from disciplinary fines (\$7,650.00) and cost recovery (\$4,655.65) have increased, offsetting increases in general legal fees. The financial reports were found to be acceptable. Motion was made by Dr. Walther to accept the financial statements as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

B. Investments

CD Update FY2003

Ms. Parrish presented information regarding investments at BankOne. Ms. Parrish reported that according to the Collateral Operations Coordinator at BankOne, the LBVM accounts which are public funds, are secured up to \$100,000.00 in interest-bearing accounts (savings, certificates of deposits/CDs), and up to \$100,000.00 in

non-interest bearing accounts (checking account). Monies above the secured amount are secured by collateral pledge agreements. BankOne can only use federal eligible securities for public accounts (i.e., home mortgage accounts), no municipal bonds. Collateral pledge holdings reports are mailed to LBVM monthly from BankOne. Current renewal of CDs interest rates are quoted at 1% and .075% as compared to 3% and 2.75% last year. No action was taken on this issue.

C. Insurance Policy Coverage

Ms. Parrish presented information regarding the annual insurance premium coverage from Louisiana Office of Risk Management. The coverage, mandated by ORM each year based upon risk factors of exposure, covers automobile liability, bonds, building and property, tort liability, crime, personal injury and workers compensation.

D. Fee Reduction Impact Study for Renewal Year 2004

Dr. Walther and Ms. Parrish presented information and spreadsheets outlining the financial impact of a proposed fee reduction of \$25.00 per renewal for Renewal Year 2004. Projected figures show a revenue decrease of approximately \$30,075.00 per year should a reduction be approved. General discussion of the financial impact and projected expenditures was held. Motion was made by Dr. Walther to table the proposed fee reduction, but to revisit the issue again in October 2003 during new fiscal budget proposals. Motion was seconded by Dr. Randall, and approved unanimously by voice vote.

VI. POLICY, PROCEDURE, AND RULES

A. Rule Making

1. **General Update** - There was no rule promulgation in progress.
2. **Adoption of Rules** - There were no rules presented for adoption.
3. **Consideration/Review of Proposed Rules/Amendments**
 - a. **Amended Rules Chapter 4, Continuing Veterinary Education.**
Amended Rule 405. Exceptions and Exemptions.

Mr. Tomino presented proposed Amended Rules on retirement which consisted of a waiver of continuing education and fees for qualified licensees. Rule 405.C.2 is added to address long term disability retirement of a licensee wherein the licensee is required to submit a notarized affidavit of retirement for

purposes of a waiver of continuing education if he reaches 65 years of age or submits an affidavit of incapacity of permanent and total disability without probability of return to practice. Provisions for reinstatement and costs incurred were outlined, including retirement of less than five years, and reinstatement provisions for more than five years. Motion was made by Dr. Bernard to accept the proposed amended rule as presented to be effective upon completion of promulgation of rule amendments, seconded by Dr. Walther, and passed unanimously by voice vote.

B. Policy and Procedure - There were no new policies and procedures presented.

C. Practice Act-Related Matters/Declaratory Statement Requests

1. New Issues - Mr. Tomino discussed a query from Kami Guy, CVT, regarding delineation of approved procedures veterinary technicians at an animal boarding business in Louisiana. Request was made for Ms. Guy to attend the April 2003 Board meeting for responses to her query. Ms. Parrish is to extend an invitation to her to attend the meeting.

2. Reviews -

a. Amended Rule 1201A. Application for Certificate of Approval.

Proposed Amended Rule on CAET minimum age requirement as presented by Mr. Tomino and approved by the Board during the December 3, 2002 meeting was reviewed for publication.

b. New Rule 714. Student Extern.

Proposed new rules regarding student externs as presented by Mr. Tomino and approved by the Board during the December 3, 2002 meeting was reviewed for publication.

VII. MISCELLANEOUS MATTERS

A. DVM Issues

1. Elizabeth Cochran, DVM - request to waive retaking out-of-date exam and waiver of preceptorship requirement. Further information was submitted regarding Dr. Cochran's medical condition and previous preceptorship during junior and senior year of veterinary school. Motion was made by Dr. Randall to deny request to waive preceptorship and retaking of national examination based on Board Rule 303.B.4, seconded by Dr. Walther. Motion passed unanimously by voice vote. Ms. Parrish was instructed to draft a letter to Dr. Cochran to this effect.

2. Vicky Grumman, DVM – Update on 2nd request for licensure consideration. Mr. Tomino responded by letter to Dr. Grumman delineating the reasons for denial of the request by the Board during the December 3, 2002 meeting. Dr. Grumman has indicated to Mr. Tomino that she may return to Wisconsin and resume her practice. No further word has been received on her decision to relocate. No further action was taken at this time.

B. DVM Application Issues

1. Gary Sod, DVM – Request to waive preceptorship requirements. Motion was made by Dr. Davis, seconded by Dr. Bernard, to table decision on approving waiver of preceptorship requirements. Mr. Tomino was asked to investigate rules and past decisions regarding reciprocity of DVM with less than 5 years of current full-time practice who are licensed in another state, have no pre-approved preceptorship and are requesting Louisiana licensure. The motion passed unanimously by voice vote.

2. Evan S. Caplis, DVM - request to waive renewal fee and CE hours requirements during the two years Dr. Caplis is serving in the Peace Corps in Africa. Motion was made by Dr. Walther and seconded by Dr. Davis to grant waiver of CE requirements, but not waiver of renewal fee. Motion passed unanimously by voice vote.

3. Santos Ramirez, DVM – request to waive taking out-of-date national examination and preceptorship requirements. Motion was made by Dr. Walther and seconded by Dr. Bernard to table consideration of request until April 2003 Board meeting at which time more information on previous cases can be examined. Motion was passed unanimously by voice vote. Ms. Parrish was requested to review previous decisions on similar requests made of the Board in the past.

4. Ronald Harrist, DVM - request to waive preceptorship requirements and taking out-of-date national examination for licensure. Ms. Parrish was instructed to request further information and clarification from Dr. Harrist regarding 2002 employment, in particular, specifics on when, where, number of hours, scope of duties as relief veterinarian, and contact references. Motion was made by Dr. Davis, seconded by Dr. Bernard to consider the request during the April 2003 Board meeting upon receipt of the requested information and documentation.

(Agenda Item VII.E was scheduled for 11:00 a.m. Upon arrival of all parties, the Board moved to agenda item VII.E.)

C. Expired DVM Licenses

A list of all DVM licenses that have expired on September 30, 2002 was reviewed. No action was taken on this item.

D. CAET Issues

1. **CAET CE Approval Request** – Bossier City Animal Control, The NACA 100 – Motion was made to approval CE credits for CAET by Dr. Walther, seconded by Dr. Davis and approved unanimously by voice vote.
2. **CAET CE Approval Request** – LSU School of Veterinary Medicine, Alternative Trapping and Nuisance Wildlife. Motion was made to approve CE credits for CAET by Dr. Walther, seconded by Dr. Davis, and approved unanimously by voice vote.

E. Gary Basalmo, DVM, MPH, TM, La DHH, Office of Public Health. – Presentation by Dr. Basalmo regarding reportable disease website for veterinarians. Request for DVM CE approval for presentation to be given to various veterinary associations around the state, including Louisiana Veterinary Medical Association. Motion was made by Dr. Walther to approve DMV CE credits for Dr. Basalmo’s presentation, seconded by Dr. Bernard and approved unanimously by voice vote.

(Upon conclusion of agenda item VII.D, the Board returned to agenda item VII.C)

VIII. OTHER BUSINESS

A. New Licenses Issued

Wall certificates were presented for signature for the following new licenses/certificates issued since December 3, 2002 Board meeting.

| <u>Number</u> | <u>Licensee</u> | <u>Issued</u> |
|---------------------------------|-------------------------|---------------|
| <u>DVM Licenses</u> | | |
| 2427 | Adrian T. Garritty | 12/06/02 |
| 2428 | Evan S. Caplis | 12/16/02 |
| 2429 | Kirby Dean Stringfellow | 12/16/02 |
| 2430 | Richard Griffith Allen | 12/23/02 |
| 2431 | Keith Stephen Berley | 01/09/03 |
| <u>RVT Certificates</u> | | |
| 8104 | Jennifer Marie Puckett | 01/06/03 |
| <u>CAET Certificates</u> | | |
| 9290 | David Bergmark | 12/30/02 |

IX. EXECUTIVE SESSION

Motion was made Dr. Davis to enter executive session for discussion of miscellaneous matters properly brought before the Board, seconded by Dr. Bernard, and passed unanimously by voice vote. The executive session was closed to the public. Motion

was made by Dr. Bernard to return to regular session, seconded by Dr. Walther, and passed unanimously by voice vote.

A. Case 02-0605D - A written request for records in this matter was made by a member of the public. A copy of the Consent Order, effective October 10, 2002, was timely submitted in response. Thereafter, the person requested additional information by telephone regarding the impairment issue. It was suggested that the supplemental request be submitted in writing for the Board to properly understand the request. As of the date of this Board meeting, a supplemental request had not been received.

Motion was made by Davis, seconded by Dr. Bernard, that if a written request for additional information is received, no further information would be provided due to the law and confidential nature of this matter beyond disclosure of the October 10, 2002 Consent Order; and, Dr. Walther was authorized to direct Mr. Tomino in responding to a request for additional information in keeping with the Board's decision. Motion passed unanimously by voice vote. A special meeting may be requested by Dr. Walther if, in his discretion, such a meeting is necessary to address issues not covered by the Board's decision.

B. Declaratory Statement Request Regarding Franchise Agreement - Motion was made by Dr. Walther, seconded by Dr. Bernard, to request the opinion of the Attorney General on the issue of veterinary franchising in reference to the Louisiana Veterinary Practice Act, Board Rules and state law. Motion was passed unanimously by voice vote. Mr. Tomino was asked to prepare the request for an opinion by the Louisiana Attorney General.

Dr. Randall was excused at this time for a personal appointment.

C. Declaratory Statement Request on Written Prescription vs. Oral Prescription - Motion was made by Dr. Davis, seconded by Dr. Bernard to approve the declaratory statement regarding prescription requests as submitted by general counsel. Motion was approved unanimously by voice vote.

D. Declaratory Statement Request on Faxed Prescriptions vs. Hand Distribution Charges - Motion was made by Dr. Davis, seconded by Dr. Bernard to approve the declaratory statement concerning faxing and charges for prescription requests as submitted by general counsel. Motion was approved unanimously by voice vote.

E. Declaratory Statement Request Regarding Animal Chiropractic Care - Motion was made by Dr. Davis, seconded by Dr. Bernard to approve the declaratory statement concerning animal chiropractic care by unlicensed practitioners. Motion was approved unanimously by voice vote.

D. Declaratory Statement Request Concerning Radiograph/Splint Standard of Care
- Discussion was made of the proposed declaratory statement requiring radiographs following application of splint to assure alignment as a standard of care. Mr. Tomino was requested to redraft the declaratory statement in accordance with the Board's discussion and decision. Motion was made to submit the revised statement to Dr. Walther for his review and approve on behalf of the Board by Dr. Davis, seconded by Dr. Bernard, and approved 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. Bernard, and passed unanimously by voice vote. The meeting was adjourned at approximately 2:22 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD ON April 3, 2003.

Glenn Walther, DVM
Board Secretary-Treasurer