

**LOUISIANA BOARD OF VETERINARY MEDICINE  
BOARD MEETING  
April 8, 2004**

**Minutes**

**I. CALL TO ORDER -**

Board President, Dr. J. Edwin Davis, called the meeting to order at 8:25 a.m.

**II. ROLL CALL -**

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

Those present:

J. Edwin Davis, DVM	Board President
Glenn Walther, DVM	Board Vice President
Lon Randall, DVM	Board Secretary-Treasurer
Patrick Bernard, DVM	Board Member
Brent Robbins, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy Parrish	Board Administrative Director

Absent:       None

Guests:       (11:00 a.m.) Representative Michael Strain, DVM, Patrick Thistlethwaite, DVM for LVMA, Paul DaCosta, DVM, David Senior, DVM for LSU-SVM, Eric Storey, DVM for LSU-SVM.

**III. APPROVAL OF MINUTES**

A.     February 5, 2004

The Board reviewed the minutes from the February 5, 2004 Board meeting. Motion was made by Dr. Walther to accept the minutes as presented, seconded by Dr. Robbins, and passed unanimously by voice vote.

**IV. FINANCIAL MATTERS AND CONTRACTS**

A.     **Financial Reports -**

1.     January 2004 and February 2004

Dr. Randall and Ms. Parrish presented the financial reports for January and February 2004 for review. Ms. Parrish updated the Board as to the current budgeted items. Motion was made by Dr. Walther to approve the financial reports as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

B.     **FY2005 Contract Proposals -**

1.     Onesimus Internet Solutions, Inc. - Ms. Parrish presented the contract for website and internet services for review. No changes were noted from the previous

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fiscal year contract. Motion was made by Dr. Walther, seconded by Dr. Robbins, to accept the proposed contract as presented. Motion passed unanimously by voice vote.

2. Gregory Brown, CPA – The contract for accounting services was presented for review by Ms. Parrish. No changes were noted from the previous fiscal year contract with a ceiling of \$5,000.00 per year. Motion was made by Dr. Walther, seconded by Dr. Robbins, to accept the contract as presented. Motion passed unanimously by voice vote.

3. Professional Examination Services (PES) for VTNE – The renewal contract for the examination services for the Veterinary Technician national examination was presented by Ms. Parrish for review. There were no changes noted from the previous fiscal year contract with a ceiling of \$25,000. Motion was made by Dr. Bernard, seconded by Dr. Robbins, to accept the contract as presented. Motion passed unanimously by voice vote.

4. Michael Tomino, Attorney at Law – Ms. Parrish presented the proposed three-year contract for legal services for review, along with statistics on volume and frequency of complaint cases over the past five years. Mr. Tomino summarized the current status of legal issues facing the Board, processes in place for handling the various issues, and the volume of work performed. No changes were made to the current hourly rate for services at this time. Following discussion, motion was made by Dr. Walther, seconded by Dr. Robbins, to accept the proposed contract as presented. Motion passed unanimously by voice vote.

### **C. Letter of Agreement**

1. National Board of Veterinary Medical Examiners (NVBME) for NAVLE – Ms. Parrish presented the renewal agreement of the NBVME for the national veterinary licensing examination for review. Changes regarding lead time prior to examination dates, tiered increases for the examination fee, and score reporting time requirements were noted. Motion was made by Dr. Walther, seconded by Dr. Robbins, to accept the agreement as presented. Motion passed unanimously by voice vote.

## **V. ADMINISTRATIVE HEARING**

*(Item V. was scheduled for 1:30 p.m. Until that time, the Board continued with Item VI. through XI.F. Upon arrival of all parties, the Board returned to agenda item V.)*

**A.** Case 04-0205D, Larry L. Findley, Sr., DVM (1:30 p.m.) – Dr. Randall was introduced as presiding officer for the hearing. Dr. Walther recused himself as investigating Board member in the case. The members of the Hearing Panel consisted of Dr. Davis, Dr. Randall, Dr. Bernard and Dr. Robbins. Dr. Findley waived appearance at the hearing. Mr. Tomino presented, on behalf of the State, the facts of the case, submitted exhibits for review, and a proposed Consent Order for consideration by the Board. Upon conclusion of the presentations and questions, motion was made by Dr. Davis, seconded by Dr. Robbins, to enter into executive session for deliberation of the facts and the proposed consent order presented in the case. Motion 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. Bernard to return to open session, seconded by Dr. Robbins, and passed unanimously by voice vote. The meeting was reopened to the public.

Motion was made by Dr. Davis, seconded by Dr. Robbins to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.

## VI. POLICY, PROCEDURE, AND RULES

### A. **Rule Making**

#### 1. **General Update**

There were no updates presented.

#### 2. **Adoption of Rules -**

##### **Fees; Prescribing and Dispensing Drugs**

Amendments to Rule 501 (fees) and Rule 705.O (prescribing and dispensing drugs to deer farmers) will become Rule effective April 20, 2004. Request was made to include the rule changes in the upcoming April 2004 newsletter.

#### 3. **Consideration/Review of Proposed Rules/Amendments**

There were no proposed rules or amendments presented.

### B. **Policy and Procedure**

There were no policies or procedures presented.

### C. **Practice Act-Related Matters/Declaratory Statements**

Proposed responses to declaratory statement questions were presented during executive session under IX due to legal advice presented for consideration by the Board regarding potential issues.

### D. **Requested amendment to Practice Act** regarding progressive use of human medical technology and services (appearance 11:00 a.m. - Paul DaCosta, DVM, David Senior, DVM of LSU-SVM, Patrick Thistlethwaite, DVM of LVMA, Representative Michael Strain, DVM, Eric Storey, DVM of LSU-SVM).

Representative Michael Strain, DVM, discussed current legislative bills related to veterinary medicine and state boards, as well as processes and procedures involved in the legislative arena. Paul DaCosta, DVM, presented background information regarding the utilization of a physician specializing in retinal surgery to train a veterinary ophthalmologist on live animals. David Senior, DVM of LSU-SVM, presented case examples wherein physicians in other states in the educational environment were instrumental in teaching groundbreaking human medical technology to veterinarians based upon the laws in those states. Mr. Tomino advised on current Louisiana law and limitations under the Veterinary Practice Act. Following discussion and questions by all parties present, the Board will investigate the possibility of a rule amendment whereby LSU-SVM may legally offer limited instruction by specialized physicians to veterinary

ophthalmologists with regard to retinal surgery procedures which are not otherwise taught at accredited veterinary medical schools and that would not be in violation of the Veterinary Practice Act under its current wording. All parties present will be advised of the Board's conclusion at the appropriate time in the future.

## **VII. DVM APPLICANT ISSUES**

**A. Javier Nevarez, DVM - Request for waiver of preceptorship requirement -** LSU-SVM 2001 graduate, currently intern at LSU-SVM. Following review of documents submitted by Dr. Nevarez and employment history within the 90 day period prior to application, motion was made by Dr. Walther, seconded by Dr. Bernard, to request more detailed information regarding Dr. Nevarez's employment as an intern at LSU-SVM for one year in conjunction with the Baton Rouge Zoo. Motion passed unanimously by voice vote.

**B. Elizabeth Kergosien, DVM, ACVIM - Request for waiver of out-of-date examination and preceptorship requirement.** - licensed in Ohio since 2000, veterinary oncologist since 2000, university veterinary resident and intern for two years. Following review of documents submitted by Dr. Kergosien and employment history, experience and status as a diplomate of the American Board of Veterinary Internal Medical Oncologists, Dr. Kergosien's particular employment history and experience were found to be equivalent to full time active practice for five years immediately prior to application with the Board. Motion was made by Dr. Walther, seconded by Dr. Bernard, to waive retaking the national examination and preceptorship requirements. Motion passed unanimously by voice vote.

**C. David Kergosien, MS, DVM - Request for waiver of preceptorship requirement** - licensed in Ohio since 2000, currently employed as a surgical resident with MedVet. Following review of documents submitted by Dr. Kergosien and employment history within the 90 day period prior to application, motion was made by Dr. Walther, seconded by Dr. Bernard, to waive the preceptorship requirements. Motion passed unanimously by voice vote.

**D. Marilyn Roane, DVM - Request for waiver of out-of-date examination and preceptorship requirement.** - licensed in Virginia and previously licensed in Georgia since 1972. Following review of documents submitted by Dr. Roane and employment history and experience, Dr. Roane's particular employment history and experience were found to be equivalent to full time active practice for five years immediately prior to application with the Board. Motion was made by Dr. Walther, seconded by Dr. Bernard, to waive retaking the national examination and preceptorship requirements. Motion passed unanimously by voice vote.

## **VIII. RVT ISSUES**

**A. Mary-Luise DeHart, RVT - Request for waiver of out-of-date examination.** Louisiana RVT certificate expired 9/30/2000, licensed in two other states, and request made upon return to Louisiana to waive re-taking national examination. Ms. Parrish was requested to review history of previous RVT candidates with expired certificates and continued licensure in other states during lapse who have been relicensed in Louisiana. The matter was deferred to the June 2004 Board meeting.

#### **IX. PRECEPTORSHIP ISSUES**

**A. West Esplanade Veterinary Clinic, Metairie, LA** - update for preceptorship facility approval status, full vs. limited approval (exotic/avian). Motion was made by Dr. Walther, seconded by Dr. Robbins, to approve West Esplanade Veterinary Clinic as a limited preceptorship facility. Motion passed unanimously by voice vote.

**B. Marathon Veterinary Hospital, Marathon, FL** - review status for preceptorship facility approval, full vs. limited approval (referral, surgery). Following review of initial preceptorship application and recent preceptee evaluation which indicated no hands-on surgery experience, motion was made by Dr. Bernard, seconded by Dr. Walther, to remove Marathon Veterinary Hospital as a preceptorship facility. Motion passed unanimously by voice vote. Ms. Parrish is to notify Marathon Veterinary Hospital of the change, as well as LSU-SVM for future preceptee requests by the students.

**C. Equine Medicine & Surgery, Bossier City, LA** - review status for preceptorship facility approval, full vs. limited approval (track veterinarian, surgery). Following review of initial preceptorship application indicating minimal (>10% ) surgical experience, motion was made by Dr. Walther, seconded by Dr. Robbins, to change Equine Medicine & Surgery to a limited preceptorship facility. Motion passed unanimously by voice vote.

**D. LSU-SVM, Baton Rouge, LA** - request for preceptorship facility approval. Following consideration of the application submitted by LSU-SVM, motion was made by Dr. Randall, seconded by Dr. Bernard, to deny LSU-SVM as a preceptorship facility in that the facility did not meet criteria required for an approved preceptorship program (i.e., management, finances, personnel supervision and housekeeping as found in an actual clinical practice setting). Motion passed unanimously by voice vote.

#### **X. CONTINUING EDUCATION ISSUES**

**A. CAET CE** - Request for approval of National Cruelty Investigations School, Level I (Bossier City Animal Control) - March 2004, Grand Prairie, TX. Motion was made by Dr. Walther, seconded by Dr. Bernard, to deny approval of the course based on the material as not relevant within the scope of CAET duties. Motion passed unanimously by voice vote.

**B. CAET CE** - Request for approval of National Animal Control Association Level II (Bossier City Animal Control) - April 2004, New Orleans, LA. Motion was made by Dr. Walther, seconded by Dr. Robbins, to approved 6 hours of CE credit for CAETs. Motion passed unanimously by voice vote.

**XI. MISCELLANEOUS MATTERS**

- A. DVM National Examination Score Transfer** – Review processes for veterinary scores 5+ years and licensed in another state. No changes to require transfer of DVM national scores 5+ years and licensed in another state.
- B. AVMA Survey on ECFVG and Specialty** – Following review of the AVMA survey and the Louisiana Veterinary Practice Act, motion was made by Dr. Walther, seconded by Dr. Bernard, to respond to the AVMA regarding the prohibition of adding board certification in an AVMA-recognized veterinary specialty organization as an option for completing Step 4 of the ACFVG certification program. Motion passed unanimously by voice vote.
- C. Dachsund Orthopedic Disc Group Email Resource (Dodger)** – request for response. Ms. Parrish was directed to forward the request by Dodger to LVMA for a response as the subject matter is within the scope of the association rather than the Board.
- D. Board Member Nominations** – Ms. Parrish distributed a list of the nominees from the LVMA winter meeting for the upcoming Board position.
- E. April 2004 Newsletter** – Motion was made by Dr. Walther, seconded by Dr. Bernard, to approve the April newsletter as presented with the addition of an introduction paragraph by Mr. Tomino regarding the Rule 705.O amendments addressing deer farmers and capture drugs, a listing of the amendment, and two typographical corrections in the Board’s draft. Motion passed unanimously by voice vote.
- F. New Licenses and Certificates Issued:**  
Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:  
**DVM**  
2504 Harold Vernon Traxler, III  
2505 Normie Marian Miller  
2506 Harriett McFall Latkovich  
2507 Tracy Michelle Drost  
2508 Stephen Paul Hadley  
2509 Mandi Jean Lopez
- G. AAVSB Annual Conference** – Scheduled September 17-19, 2004, Kansas City, MO. Ms. Parrish will be unable to attend. Motion was made by Dr. Walther, seconded by Dr. Bernard, to allow Dr. Robbins to attend the meeting. Motion passed unanimously by voice vote.

**XII. EXECUTIVE SESSION**

*Motion was made by Dr. Walther to go into executive session to discuss issues and receive legal advice regarding potential contested matters, seconded by Dr. Robbins, and passed unanimously by voice vote. Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Walther, seconded by Dr. Bernard, and approved unanimously by voice vote.*

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A. **Case 03-0205D - Amendment to 4/3/03 Agreement** - Mr. Tomino presented a proposed amendment to the April 2003 agreement in the referenced case as suggested by Dr. Walther and Board counsel. Motion was made by Dr. Bernard, seconded by Dr. Robbins, to approve the amendment as presented by Mr. Tomino. Motion passed unanimously by voice vote.

B. **Case 81-0114V** - Motion was made by Dr. Walther, seconded by Dr. Bernard, to allow the veterinarian to maintain currently held stock shares in Lafayette Animal Emergency Clinic as stipulated in a letter dated April 7, 2004 by Mr. Tomino to Ms. Ednadeen Corley regarding same. Motion passed unanimously by voice vote.

C. **SNIP Van/William Marcello, DVM Query** - Motion was made by Dr. Walther, seconded by Dr. Bernard, that Mr. Tomino respond to Dr. Marcello's query that it is the responsibility of the SNIP vans and the attending veterinarian to provide follow-up care on patients for the procedures provided by the program and that a local veterinarian who did not perform or assist in the particular procedure and program at issue, is not legally obligated to provide follow-up care. Motion passed unanimously by voice vote.

## **XII. ADJOURN**

There being no further business before the Board, motion was made by Dr. Walther, seconded by Dr. Bernard, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 1:55 p.m.

MINUTES REIVEWED AND APPROVED BY FULL BOARD ON June 3, 2004.

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Lon Randall, DVM, Board Secretary-Treasurer