

**LOUISIANA BOARD OF VETERINARY MEDICINE  
BOARD MEETING  
August 5, 2004**

**Minutes**

**I. CALL TO ORDER -**

Board President, Dr. Glenn Walther, called the meeting to order at 8:35 a.m.

**II. ROLL CALL -**

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

Those present:

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

Absent: None

Guests: Kenneth Clay Witt, (10:30 a.m. appearance)  
Javier Nevarez, DVM (1:30 p.m. appearance)

**III. APPROVAL OF MINUTES**

A. June 3, 2004

The Board reviewed the minutes from the June 3, 2004 Board meeting. Motion was made by Dr. Bernard to accept the minutes as presented, seconded by Dr. Davis, and passed unanimously by voice vote.

**IV. FINANCIAL MATTERS AND CONTRACTS**

A. **Financial Reports -**  
May 2004 and June 2004

Dr. Bernard and Ms. Parrish presented the financial reports for May and June 2004 for review. Following review motion was made by Dr. Davis to approve the financial reports as presented, seconded by Dr. Randall, and passed unanimously by voice vote.

B. **FY2004 Final Accounting-**

Ms. Parrish presented financial spreadsheet reports outlining expenses, revenue and budgeted amounts for FY2004. It was noted that total income and total expenses were both higher than the budgeted amounts. Ms. Parrish advised the Board of the upcoming detailed fiscal presentation at the October 2004 Board meeting by the new Legislative Auditor, Eric Vicknair. No action was taken on this item.

**C. CD Investments -**

Ms. Parrish presented a spreadsheet listing purchases of certificates of deposit (CDs) for FY2005. Board monies are currently invested with Concordia Bank and BankOne, both approved entities by State contracting, in order to realize maximum interest rates for long-term and short-term investments. No action was taken on this item.

**D. Contract - Investigations Unlimited, Inc. -**

The contract for investigation 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. Davis, seconded by Dr. Bernard, to accept the contract as presented. Motion passed unanimously by voice vote.

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

**V. ADMINISTRATIVE HEARING**

**Case #03-1031.2V - J. L. Garrett, DVM (9:30 a.m.)** - Dr. Walther was introduced as presiding officer for the hearing. Dr. Randall recused himself as investigating Board member in the case. The members of the Hearing Panel consisted of Dr. Walther, and Dr. Bernard and Dr. Davis. Dr. Garrett 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. Bernard, 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. 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. Bernard, seconded by Dr. Davis to accept the Consent Order as presented for this case, with one change regarding payment dates to be added as directed by the Board. Motion passed unanimously by voice vote.

**VI. POLICY, PROCEDURE, AND RULES**

**A. Rule Making**

**1. General Update**

Notice of Intent for Rule 1015 Amendment (franchise arrangements) was posted in the Louisiana Register on April 20, 2004. The Notice of Intent was reviewed by Board members.

**2. Adoption of Rules -**

There were no rules presented for adoption.

**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**

Act-related matters/declaratory statements presented during executive session (Item XIII).

**VII. DVM ISSUES**

**A. Richard Perkins, DVM - Request for status change** - Following review of affidavit and supporting documentation provided by Dr. Perkins, motion was made by Dr. Bernard, seconded by Dr. Davis to approve request for status change to Inactive Retired. Motion passed by voice vote.

**B. Stacey E. Mayfield, DVM - Request for Extension and/or Waiver of CE Requirements.** Discussion of documentation submitted by Dr. Mayfield regarding extenuating circumstances was made. Motion was made by Dr. Davis, seconded by Dr. Bernard to allow extension of time to obtain CE credits for renewal year 2005 through December 30, 2004, and to allow waiver of late renewal fee and late CE fee. Motion passed unanimously by voice vote.

**C. Pamala Coker, DVM - Request to Waive CE Requirements (Active Military).** Following review of request and in accordance with Senate Concurrent Resolution 104 and Rule 405, motion was made by Dr. Davis, seconded by Dr. Bernard, to waive CE requirements for renewal year 2005. Motion passed unanimously by voice vote.

**D. Alvin Paillet, DVM - Special Request -**

*Motion was made by Dr. Bernard to go into executive session to discuss character and professional reputation issues of the licensee, seconded by Dr. Davis, and passed unanimously by voice vote.*

*Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Davis, seconded by Dr. Bernard, and approved unanimously by voice vote.*

Motion was made by Dr. Bernard, seconded by Dr. Davis, for Mr. Tomino to respond to Dr. Paillet's special request by letter as instructed by the Board. More particularly, an Inactive license status does not legally permit prescriptive authority. Motion passed unanimously by voice vote.

**E. Joseph Strother, Jr., DVM - Request for status change**

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*Motion was made by Dr. Bernard to go into executive session to discuss character and professional reputation issues of the licensee, seconded by Dr. Davis, and passed unanimously by voice vote.*

*Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Davis, seconded by Dr. Bernard, and approved unanimously by voice vote.*

Motion was made by Dr. Davis, seconded by Dr. Randall to accept the affidavit and supporting documents submitted by Dr. Strother and approve status change to **Inactive Incapacitated**. Motion passed unanimously by voice vote.

### **VIII. DVM APPLICANT ISSUES**

**A. Stacy VanHorn, DVM – Request for waiver of out-of-date examination**  
– 1991 graduate of Illinois School of Veterinary Medicine, licensed (and previously licensed) in numerous other states.

*Motion was made by Dr. Bernard to go into executive session to discuss potential personal matters of the applicant, seconded by Dr. Randall, and passed unanimously by voice vote.*

*Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Bernard, seconded by Dr. Davis, and approved unanimously by voice vote.*

Motion was made by Dr. Davis, seconded by Dr. Randall to accept the additional documentation of work history and professional references submitted by Dr. VanHorn to be equivalent to full time active practice for five years immediately prior to application with the Board. Motion passed unanimously by voice vote.

**B. Javier Nevarez, DVM – Request for waiver of preceptorship requirement** – LSU-SVM 2001 graduate, currently intern at LSU-SVM. Dr. Nevarez was introduced to the Board at 1:30 p.m. Discussion was held regarding Dr. Nevarez's particular employment history, duties and experience. Upon departure Dr. Nevarez was advised that the decision of the Board would be forthcoming.

Motion was made by Dr. Davis, seconded by Dr. Bernard to accept Dr. Nevarez's employment history and experience to be equivalent to full time active practice for five years immediately prior to application with the Board. Motion passed unanimously by voice vote.

**C. Bart Halsbergh, DVM – Request for temporary license and/or extension of preceptorship.** – 2003 graduate of University Gent in Belgium, participant in the ECFVG program. Following review of documents submitted by Dr. Halsbergh regarding education and current incomplete status with ECFVG, motion was made by Dr. Randall, seconded by Dr. Davis, to deny request as insufficient in meeting criteria for temporary licensure and/or extension of preceptorship. More particularly, the

granting of a temporary permit cannot be legally considered until satisfactory completion of the ECFVG, or PAVE, program as determining educational equivalency to a domestically educated graduate from an accredited institution; and there is no legal authority to extend a completed preceptorship program. Motion passed by majority with the following voice vote: Dr. Randall – yea, Dr. Davis – yea, Dr. Bernard – abstain.

**D. Peter Bondy, DVM – Request for waiver of out of date examination –**

2000 graduate of Columbia College of Veterinary Medicine, licensed in Florida in 2004 and in Missouri since 2003. Following review of documents submitted by Dr. Bondy, employment history, experience and status as a diplomate of the American College of Veterinary Internal Medical, Dr. Bondy’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. Randall, seconded by Dr. Davis, to waive retaking the national examination. Motion passed unanimously by voice vote.

**E. Barbara L. Reitz, DVM – Request for waiver of out-of-date examination by informal letter –** Motion was made by Dr. Bernard, seconded by Dr. Davis, to defer decision on waiver request until receipt of formal application by Dr. Reitz. Motion passed unanimously by voice vote.

**IX. RVT/CAET/RED ISSUES**

**A. Tanya Juban – Request for reinstatement of RVT certificate –** Following review of documentation/letter request and employment history provided by Ms. Juban, motion was made by Dr. Bernard, seconded by Dr. Davis to allow reinstatement of Ms. Juban’s RVT certificate provided she submit payment of all past renewal fees and late fees. Motion passed unanimously by voice vote.

**B. Kenneth Clay Witt – Application for RED certification –** Currently licensed in Arkansas as an Assistant to the Veterinarian, and previously licensed as an “equine dentist” with the Louisiana Racing Commission as per the 1999 amendment to the Veterinary Practice Act regarding certification of equine dentists by the Board. Mr. Witt was introduced to the Board at 10:30 a.m. Motion was made by Dr. Randall, seconded by Dr. Davis to move to executive session for questions regarding Mr. Witt’s application. Motion passed unanimously by voice vote. Following discussion regarding fulfillment of requirements for RED certification in Louisiana, motion was made by Dr. Davis, seconded by Dr. Bernard to return to regular session. Upon departure, Mr. Witt was advised that consideration would be given and the decision of the Board would be forthcoming.

Motion was made by Dr. Randall, seconded by Dr. Davis to accept the documentation and information provided by Mr. Witt as meeting the requirements for RED certification in Louisiana. Motion passed by majority with the following voice vote: Dr. Randall – yea, Dr. Davis – yea, Dr. Bernard – nay.

**X. PRECEPTORSHIP ISSUES**

**A. Fort Worth Zoo, Fort Worth, TX** - Request for consideration for preceptorship facility limited approval status. Consideration was given to documentation provided. Motion was made by Dr. Davis, seconded by Dr. Bernard, to approve Fort Worth Zoo as a limited preceptorship facility. Motion passed unanimously by voice vote.

**XI. CONTINUING EDUCATION ISSUES**

**A. CAET CE** - Request for approval of full day seminar on anesthesia drugs/capture drugs and handling/euthanasia techniques presentation by Clark Cooper, DVM and Chris Candella, CVT, (Cooper Veterinary Hospital) - August 2004, 6 credit hours. Motion was made by Dr. Davis, seconded by Dr. Randall, to approve the course for 6 hours of CAET CE credits. Motion passed unanimously by voice vote.

**XII. MISCELLANEOUS MATTERS**

- A. Board Member Changes** - Ms. Parrish presented information regarding the departure of Dr. Robbins from the Board effective June 23, 2004 and case reassignments. No action was taken on this item.
- B. AAVSB Annual Meeting** - Ms. Parrish requested interest by Board members to attend the September 2004 annual meeting in Kansas City. No members were available to attend. No action was taken on this item.
- C. AAVSB Update on PAVE/ECVFG Proposal** - Ms. Parrish presented memorandum from AAVSB regarding the inability of both entities to reach an agreement on consolidation of the programs. No action was taken on this item.
- D. August Newsletter Draft** - Ms. Parrish presented a draft of the proposed August newsletter for review. Following review, motion was made by Dr. Davis to approve the newsletter pending insertion of an article by Mr. Tomino with final approval by Dr. Davis. Motion was seconded by Dr. Randall and passed unanimously by voice vote.
- E. Renewal Process Update** - An update on staffing and renewal processes was given by Ms. Parrish. No action was taken on this item.
- F. New Licenses and Certificates Issued:**  
Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

**DVM**

2523	Christine Durr McHughes
2524	Misty Lynn Caillouet
2525	Jena Marie Troxler

2526	Patience Kathleen Newman
2527	Katy Anne Parr
2528	David Hunter Kergosien
2529	Elizabeth Ahaus Kergosien
2530	Marilyn Juliet Roane
2531	Marlowe Amanda Ward
2532	Patricia Ann Marquis
2533	Kerri Lee Anders
2534	Susan Masson Delatte
2535	Timothy Mark Delatte
2536	Allison Almand Dees
2537	Deirdre Vaughan Smith
2538	Cynthia Alana Benbow
2539	Daryl Paul Haydel
2540	Emily Louise Medici
2541	Oliver Lee Underwood, III
2542	Raina Anne Perez
2543	Domini McKeithen Cooper

### **XIII. EXECUTIVE SESSION**

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

**A. Registered Equine Dentists Rule Amendments** – Motion was made by Dr. Davis, seconded by Dr. Bernard for Mr. Tomino and Dr. Bernard to present proposed rule amendments as directed by the Board regarding REDs more specifically clarifying proper training, direct supervision and other pertinent matters. Motion passed unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

**B. Clinical Practice Oversight at LSU-SVM** – Motion was made by Dr. Davis, seconded by Dr. Randall that based on the current wording of the Louisiana Veterinary Practice Act, the Board does not have regulatory authority over the clinical aspects of LSU-SVM as it comprises part of the educational arena of the school of veterinary medicine. Motion was approved unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

**C. Alternative Therapies** – Motion was made by Dr. Bernard, seconded by Dr. Davis, that employees of veterinarians, including laypeople and Registered Veterinary Technicians, cannot perform rehabilitation and alternative therapies, even under the direct supervision of the veterinarian, due to the ongoing evaluation or diagnosis

during such procedures. Motion passed unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

**D. Prescribing Controlled Substances (Refills) by Second Veterinarian** – Motion was made by Dr. Bernard, seconded by Dr. Davis to respond to Dr. Melancon's query regarding prescriptions for controlled substances by a second veterinarian in a group practice setting by stating that a second veterinarian in a group practice may legally write or refill a prescription for a controlled substance for an animal in the absence of the attending veterinarian, if he complies with the requirements set forth in Rule 700 and 705J regarding the Veterinarian-client-patient relationship, as well as a veterinarian must possess a valid DEA registration in order to legally write a prescription or refill for a controlled substance for an animal. Motion passed unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

**E. Rabies Vaccination/Adverse Reaction** – Motion was made by Dr. Davis, seconded by Dr. Randall, to respond to Dr. Eades' query regarding adverse reaction to rabies vaccination by stating that pursuant to Louisiana Sanitary Code, only a veterinarian can vaccinate an animal for rabies prevention, however, it is the obligation of the owner to have his animal vaccinated as per Rule 705B, a veterinarian must comply with all state and federal laws regarding maintaining, dispensing and prescribing drugs, including rabies vaccines. Rule 705G2 does not require a veterinarian to administer rabies vaccinations to a dog which in his professional opinion will have an adverse reaction. The veterinarian will be advised that he document the medical record of the animal at issue and confirm the client/owner's knowledge and prior consent of the action suggested and taken in a given case, as well as confer with the local health authority and State Veterinarian's office in each particular case in order to comply with any requirement they may have under the circumstances. Motion passed unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

**F. Wolf and Wolf-Dog Hybrid Treatment** – Motion was made by Dr. Davis, seconded by Dr. Bernard, to respond to Ms. Wilson regarding the treatment of wolves and wolf-dog hybrids by stating that, as required by the Louisiana Veterinary Practice Act, anyone who practices veterinary medicine on an animal in Louisiana be licensed by the Board as a veterinarian. Animal is defined very broadly as any animal, other than human, and includes wild or domestic species. It will also be suggested that she contact the Louisiana Department of Wildlife and Fisheries and the local health officer in her area for any additional information that may be pertinent to her inquiry. Motion passed unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

**G. Equine Research Project Proposal** – Motion was made by Dr. Davis, seconded by Dr. Randall, to instruct Mr. Tomino to obtain additional information from Dr. Cohen which will confirm that the project is a bona fide research program as required by law,



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with the final approval of the program to be reviewed by Dr. Bernard. Motion passed unanimously by voice vote.

**H. Progressive Use of Human Medical Technology** - Motion was made by Dr. Davis, seconded by Dr. Randall to respond to Dr. DaCosta's request for approval of training/education in retinal surgery by a qualified physician in human medicine under the guidelines of continuing education, and to direct Mr. Tomino and Dr. Walther to propose amendments to Rule 509 to clarify the acceptable parameters for veterinary continuing education presentations approved by the Board. Motion passed unanimously by voice vote. Legal counsel was directed to prepare written response as approved by a Board member.

#### **XIV. ADJOURN**

There being no further business before the Board, motion was made by Dr. Davis, seconded by Dr. Randall, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 3:58p.m.

MINUTES REIVEWED AND APPROVED BY FULL BOARD ON October 7, 2004.

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Patrick Bernard, DVM, Board Secretary-Treasurer