

Minutes Insertions for Oct. 2016 Meeting.

I will call shortly with certain changes, but the following is being sent to you via email:

X. Policy, Procedure, and Rules

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C. Practice Act, Rules/Related Matters/Declaratory Statements.

1. Mr. Tomino updated the Board on the status of Task Force/SCR 65 recommending to the Senate Committee on Health & Welfare proposed solutions and potential items to be considered by the Legislature in 2017 General Session regarding the effects of the *N.C. Dental* case. There is no anticipated recommendation by the Task Force to amend the definitions of any professional practice, nor change the composition of the state boards comprised of active market participants. LVMA representatives were present during the update.
2. Mr. Tomino updated the Board on its emergency-rule protocol, if necessary, and outcome of the recent Declaration of Emergency regarding the recent flooding in South LA. Pursuant to Rule 309, Dr. Robbins was contacted with regards to any need for out-of-state veterinarians. The Board was informed there was no such need, and that the LDAF, LaSART, and volunteer LA veterinarians' emergency response satisfactorily provided veterinary medical care for during the event/aftermath.
3. Mr. Tomino updated the Board on the status of the review of the requested revisions to Rule 712 (Alternative Therapy and Collaborative Practice) as it relates to chiropractors as presented by Jon E. Zeagler, DC, LA Board of Chiropractic Examiners; Bob Willard, DVM, American Veterinary Chiropractic Association; and Gene Giggelman, DVM, Parker University, at the July 2016 Board meeting. Mr. Tomino contacted Dr. Zeagler regarding the current legal inability to even consider the restriction to educational certification only by the American Veterinary Chiropractic Association pending the 2017 Legislature addressing the *N.C. Dental* case. In addition, it is noted that the Board of Chiropractic Examiners is also represented on the Task Force/SCR 65 considering the effects of *N.C. Dental*.
4. Amanda Lluvera submitted a request for approval of the equine massage therapy program (certification/diploma or evidence of graduation) from Meredith Manor International Equestrian Centre per Rule 712 on Alternative Therapy/Collaborative Practice education. The Board approved the educational program, and instructed the Board office to place this program on its website for future reference.

5. The Board reviewed materials originally submitted to LDAF Commissioner Strain by Bob Kunst with Fischer Environmental regarding his organization's proposed Veterinary Entomology Certification. After consideration, while the Board reserves the right to further comment regarding this program in operation, it is of the initial opinion that such does not violate the LA Veterinary Practice Act, nor the Board's Rule, as long as there is no practice of veterinary medicine, i.e, diagnosis, surgery, prescribing of treatment or medications, or providing such advices, or representing oneself as providing such veterinary services. There is an exemption to licensure in the Practice Act for "any person selling or applying any pesticide, insecticide, or herbicide." In addition, the Board can only grant "certification" (right to practice) per stated authority in the Practice Act. There is no certification to practice, or recognition of a certification (diploma/evidence of graduation) from a private program, in the Practice Act regarding this subject matter. There is generally a concern regarding any potential misunderstandings by consumers and/or program participants regarding a proposed program's status as qualifying as a Louisiana (Board or other state agency) approved "certification" when it is not. Commissioner Strain was directly informed of the Board's review and response.

6. Dr. Diane Stacy with LDAF submitted a query regarding Dr. Dale Paccamonti/LSU-SVM's inquiry on the issuance of health certificates by staff veterinarians who hold newly issued Faculty Licenses. Drs. Stacy and Paccamonti were provided with a copy of the string of emails regarding USDA accreditation and the new Rule on Faculty Licensure. As shown, the Board previously communicated with the pertinent USDA and LDAF persons on the issue (prior to the effective date of Oct 1 of the new Rule). It is noted that a Faculty Licensed Veterinarian can only issue a certificate on an animal as defined within the scope of his license. They were also advised to have the Faculty Licensed Veterinarians use the number assigned to him on the respective license as issued by the Board for the USDA certificate.

7. Dr. Robert Guillory submitted a request for approval to donate oxygen masks to the Alexandria Fire Department and to train EMTs to intubate dogs involved in fires. The Board carefully reviewed applicable legal authority as well as the practical aspects involving the totality of this matter. The main concern is the protection of the animals which necessarily encompasses the accountability of those providing veterinary services. The Board has held that general first aid can be administered to the animals by lay persons (EMTs in this matter) until appropriate veterinary care can be administered by a licensed veterinarian. Therefore, it is permissible to donate oxygen masks to the Alexandria Fire Department for use on animals involved in fires, as such is analogous to rendering first aid. However, for EMT's to intubate animals, even if trained by a veterinarian, such is not legally permissible in that it is the practice of veterinary medicine for which a license issued by the Board is required. The Board is concerned that a person not licensed as a veterinarian would be determining the animal's medical condition (diagnosis) and the appropriateness of treatment (intubation), as well as ancillary care issues. In

short, intubation is beyond the lawful scope of providing emergency first aid by a lay person (non-licensed veterinarian).

8. Jennifer Irvin submitted a query regarding a question on the tasks which a Registered Veterinary Technician in Louisiana can lawfully perform. Rule 702.D addresses the tasks an RVT can legally perform and whether or not direct supervision is required. More particularly, with regards to administration of drugs, the RVT must be functioning under the supervision of a veterinarian (and whether directly or indirectly depends on the actual facts of the situation). However, the initial legal requirement which must be met is the prior establishment of a veterinary-client-patient relationship (VCPR) by the veterinarian. Rule 705A(1) and (2) provides that no legend drug or controlled substance, respectively, shall be administered, prescribed, dispensed, delivered to, or ordered for animals with which the veterinarian has not established a veterinarian-client-patient relationship as a primary care provider. The VCPR is defined and the criteria addressed in Rules 700 and 702.

In summary, a VCPR must be first established by the veterinarian with regards to the animal at issue, and other circumstances and factors must be considered if an RVT is allowed to even possess, and then, administer drugs to the patient. Under no circumstances may the RVT act in a sole capacity without the veterinarian who is ultimately responsible for the animal/patient.

At the present time, the Board has the issues of the lawful tasks/duties of a LA registered veterinary technician (RVT) and the lawfully delegated tasks/duties of a lay person under review and consideration. In the future, a rule-making effort will be conducted by the Board to implement its conclusions regarding this subject matter. However, the law does not allow an RVT or lay person to perform animal diagnosis, the prescribing of treatment or medications, or any surgical procedures. Furthermore, only a LA licensed veterinarian may administer a rabies vaccination. Such cannot be lawfully delegated to an RVT or lay person under any circumstances.

In concluding, the LA licensed, supervising veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the tasks/duties delegated to the RVT or lay person, and will be held accountable by the Board. The RVT is also personally responsible for her own acts/omissions in the practice pursuant to her RVT registration issued by the Board.

9. Tya Soileau submitted a query regarding the issue of suturing after surgery by an RVT, RVT student, and/or lay person. After careful consideration, pursuant to the LA Veterinary Practice Act and the Board's authority, it concludes that a registered veterinary technician (RVT) and/or a lay person/veterinary tech/assistant/student cannot legally close a surgical incision as this constitutes an integral part of surgery which only a LA licensed veterinarian may perform.

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