

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
August 2, 2012**

Minutes

I. CALL TO ORDER

Board President, Dr. Gary T. Levy, called the meeting to order at 8:37 a.m.

II. ROLL CALL –

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

Those present:

Gary T. Levy, DVM	Board President
William H. Green	Board Vice President
Steven V. Slaton, DVM	Board Secretary-Treasurer
Patrick R. Bernard, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

None.

Guests:

Micah Brodsky, VMD
Bland O'Connor, LVMA (8:50-10:00am)
Peter F. Haynes, DVM, LSU-SVM (11:00am-12:00pm)
David Senior, DVM, LSU-SVM (11:00am-12:00pm)

III. APPROVAL OF MINUTES

A. Board Meeting June 7, 2012

The Board reviewed the minutes from the June 7, 2012 Board meeting. Motion was made by Dr. Bernard to accept the minutes as presented, seconded by Dr. Slaton, and passed unanimously by voice vote.

IV. Administrative Proceedings

A. Case 11-1101V – Proposed Consent Order (9:00am) – Dr. Green was introduced as presiding officer for the proceeding. Dr. Levy was recused as investigating Board member in the case. The respondent waived appearance at the hearing. Mr. Tomino presented 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. Bernard, seconded by Dr. Slaton, to enter into executive session for consideration of 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 (Drs. Green, Slaton, and Bernard).

Motion was made by Dr. Bernard to return to open session, seconded by Dr. Slaton, and passed unanimously by voice vote. The meeting was reopened to the public. Motion was

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

B. Case 06-1026D – (10:00am) – Respondent was introduced to the Board. *Motion was made by Dr. Bernard to go into executive session to discuss the character and professional reputation issues of the licensee, seconded by Dr. Slaton, and passed unanimously by voice vote.*

Upon conclusion of executive session, motion was made to return to regular session by Dr. Slaton, seconded by Dr. Bernard, and approved unanimously by voice vote.

V. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – May and June 2012

Board Secretary-Treasurer Steven Slaton, DVM and Ms. Parrish presented the financial reports for the months of May and June 2012 for review. Motion was made by Dr. Bernard to approve the financial reports as presented, seconded by Dr. Slaton, and passed unanimously by voice vote.

B. Contract Renewal FY2013 – Investigations Unlimited – Ms. Parrish presented the proposed contract with Corporate Security Consultants d/b/a Investigations Unlimited for investigation services for review. No changes were made from previous FY contract, with a ceiling of \$5,000.00 per year. Motion was made by Dr. Bernard, seconded by Dr. Slaton to approve renewal of the contract. Motion passed unanimously by voice vote.

VI. POLICY, PROCEDURE, AND RULES

A. Rule Making –

1. **Final Rule effective July 20, 2012** - Rules 303, 400, 405, 500, 503 Licensure Procedures, Continuing Veterinary Education, Fees

B. Policy and Procedure

1. None presented.

C. Practice Act and Rules/Related Matters/Declaratory Statements -

1. **LSU-SVM and USDA Accreditation (D. Stacy, DVM, Asst. State Veterinarian) (10:00am)** – Shortly before the scheduled meeting, Dr. Diane Stacy, Office of State Veterinarian/LDAF, submitted a question and related matters regarding USDA accreditation for the veterinarians working at LSU. She expressed a sensitive time line for an answer to her query based on the upcoming registration deadline. The matter was timely and properly added to the Agenda. Dr. Stacy could not be present at the meeting for discussion. Drs. Haynes and Senior were introduced to the Board members and provided information regarding the LSU-SVM veterinarians employed by the school, more particularly, varying licensure status and qualifications. The attendees were advised that the Board earlier considered the primary question and responded to Dr. Dale Paccamonti/LSU-SVM by letter, dated April 6, 2009. A copy of the April 6, 2009 letter, and the Board's Minutes for the April 2009 meeting, were provided to Drs. Haynes and Senior. Questions and discussion ensued. Drs. Haynes and Senior left the meeting advised that a written response from the Board to Dr. Stacy's query would be forthcoming after further consideration by the Board.

2. **Walmart/Dispensing Pharmacy and Prescription Form/Pad** - David James, DVM submitted a query regarding whether WalMart (as a dispensing pharmacy) can require a veterinarian to fax a prescription to it on a personal prescription pad, rather than WalMart faxing a generic "fill-in-the-blank" form to the veterinarian with the proper information, etc. for return fax. It is clearly understood that the client, by directly requesting the prescription from the veterinarian, is entitled to the prescription and can have it filled by any authorized entity at his discretion. After discussion, the Board concluded that the obligation between the prescribing veterinarian and his client is of a personal nature. But, from the Board's perspective, it is not a personal obligation between the prescribing veterinarian and the dispensing pharmacy. Should the veterinarian and the dispensing pharmacy not agree upon a generic form/faxing protocol, the veterinarian is still obligated to provide the prescription (on his personal prescription form/pad) directly to the client as requested. The Board has stated in the past that the veterinarian is not required to fax the prescription to the dispensing pharmacy. Board Rule 705.G addresses "prescriptions," including telephone communication when applicable with the pharmacy. Motion was made by Dr. Bernard, seconded by Dr. Slaton, for Mr. Tomino to prepare a response to Dr. James reflecting the Board's decision, as well as informing Dr. James that the prescribing veterinarian is also required to abide by the rules and regulations of all other federal and state agencies regarding drug and related matters, for Board review and approval. Dr. James will also be advised to contact the LA Board of Pharmacy and DEA regarding the prescription form/pad and its proper storage/security by the prescribing veterinarian and veterinary facility.

VII. DVM and RVT ISSUES

- A. **Christopher Gorencel, DVM – Request for Military Status and Waiver of Renewal Fees and CE Requirement** – Following review of the documentation provided by Dr. Gorencel of his contractual employment with various military entities abroad, motion was made by Dr. Green, seconded by Dr. Bernard, to deny waiver of renewal fees and the CE requirement based on lack of active military service status. Motion passed unanimously by voice vote.
- B. **April Ulmer, DVM – Request for Military Status and Waiver of Fees/CE** – Following review of the documentation provided by Dr. Ulmer of current active military status, motion was made by Dr. Bernard, seconded by Dr. Slaton, to approve Military Status and waiver of renewal fees and the CE requirements for Renewal Year 2012-2013. Motion passed unanimously by voice vote.
- C. **John L. Parsons, DVM – Request for Military Status and Waiver of Renewal Fees, Late Renewal Fees, and CE Requirement** – Dr. Parsons did not submit renewal applications nor current evidence of military status for the last three renewal periods. His Louisiana DVM license expired September 30, 2008. Motion was made by Dr. Bernard, seconded by Dr. Slaton, to deny military status, waiver of renewal fees, late renewal fees and the CE requirements at this time, until renewal application for the pertinent period has been submitted and waiver request will then be considered. Motion passed unanimously by voice vote.

D. Jessica Miller Thompson, DVM – Request for Waiver of CE Requirement – Following review of the documentation provided by Dr. Miller Thompson, motion was made by Dr. Bernard, seconded by Dr. Slaton, to deny waiver of the CE requirements for Renewal Year 2012-2013. Motion passed unanimously by voice vote.

E. Deborah A. Freed, RVT – Request for Waiver of Cap of Online CE – Following review of the documentation provided by Ms. Freed, motion was made by Dr. Bernard, seconded by Dr. Slaton, to deny waiver of cap on online CE for Renewal Year 2012-2013. Motion passed unanimously by voice vote.

VIII. DVM APPLICANT ISSUES

A. Jennifer M. Lang, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement – 2003 graduate of Ohio State University, licensed in Ohio, New York and Virginia. Following review of the documentation submitted by Dr. Lange, motion was made by Dr. Slaton, seconded by Dr. Green, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application. Motion passed unanimously by voice vote.

B. Michael W. Baird, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement – 1997 graduate of Texas A&M School of Veterinary Medicine, licensed in Texas, Oklahoma and Kansas. Following review of the documentation submitted by Dr. Baird, motion was made by Dr. Slaton, seconded by Dr. Bernard, to deny waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided did not meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application. Motion passed unanimously by voice vote.

C. Astrid Bigio, DVM – Request for Waiver of Preceptorship Requirement – 2009 graduate of LSU School of Veterinary Medicine, licensed in Missouri. Following review of the documentation submitted by Dr. Bigio, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application. Motion passed unanimously by voice vote.

D. Elsburgh O. Clark, III, DVM – Request for Waiver of Preceptorship Requirement – 2008 graduate of Ross University School of Veterinary Medicine, licensed in Virginia. Following review of the documentation submitted by Dr. Clarke, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of preceptorship requirement as the documents meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

E. Craig Cassell Easley, DVM – Request for Waiver of Preceptorship Requirement – 2007 graduate of Mississippi State University College of Veterinary

Medicine, licensed in Mississippi. Following review of the documentation submitted by Dr. Easley, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of preceptorship requirement as the documents meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

F. Wesley L. Lee, DVM – Request for Waiver of Preceptorship Requirement - 2008 graduate of LSU School of Veterinary Medicine, licensed in Georgia (Faculty). Following review of the documentation submitted by Dr. Lee, motion was made by Dr. Bernard, seconded by Dr. Slaton, to approve waiver of preceptorship requirement due to his eligibility for a license without examination (NAVLE score less than five years old), and the documents he submitted meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

G. Kimberly Gusman, DVM – Request for Waiver of Preceptorship Requirement - 2010 graduate of LSU School of Veterinary Medicine, licensed in California. Following review of the documentation submitted by Dr. Gusman, motion was made by Dr. Slaton, seconded by Dr. Bernard, to approve waiver of preceptorship requirement as the documents meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

IX. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued:

Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

DVM

3045	John William	Guidry
3046	Elliot Buck	Brumfield
3047	Denise Lynne	Isralson
3048	Clara Marie	Scott
3049	Christine Whatley	Salvo
3050	Timothy James	Leonards
3051	Whitney Hovland	Reed
3052	Amanda Kaye	Pittman
3053	Madelyn Malinda	Goocher
3054	Erica Remsberg	Brasher
3055	Sarah Elizabeth	Day
3056	Sarah Elizabeth	Lyles
3057	Jay	Deluhery
3058	Rachel Anne	Kobe
3059	Brian Wayne	Bufkin
3060	Stephen Gavin	Carroll
3061	Heather Elizabeth	Stelly
3062	Alexandra Cole	Amster
3063	Kerry Lacey	Hawthorne
3064	Christopher Lee	Montgomery

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3065	Julie Montgomery	Schexnider
3066	Jennifer Elliott	Bruno
3067	Anna Marie	Ozio
3068	Randee Carlson	Monceaux

CAET

9611 Mark D'Angelo Below

9612 Kimberly Marie Chiasson

B. CAET Program October 12, 2012 Training – Ms. Parrish provided an update on the next training program has been scheduled for Friday, October 12, 2012. Dr. Bernard volunteered to train at the site, Lafayette Parish Animal Control. No action was taken on this item.

X. EXECUTIVE SESSION

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

No action taken.

XI. LSU-SVM and USDA Accreditation – Time permitting, the Board revisited Agenda Item VI.C.1 regarding Dr. Stacy's query on LSU-SVM faculty and USDA Accreditation. After discussion, motion was made by Dr. Slaton, seconded by Dr. Bernard, to reassert the Board's previous April 6, 2009 response, and rationale, that the "faculty exception to licensure" (inaccurately referred to by the school as an umbrella license), a "faculty license," and/or an "inactive license" are not an active license or other legal authority for purposes of USDA accreditation to issue a health certificate and/or a Coggin's test in Louisiana. Motion passed unanimously by voice vote. Mr. Tomino was directed to prepare the Board's response to Dr. Stacy and interested persons subject to Board review and approval.

XII. ADJOURN

There being no further business before the Board, motion was made by Dr. Slaton, seconded by Dr. Bernard, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 3:06 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on October 4, 2012.

Steven V. Slaton, DVM, Board Secretary-Treasurer