

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
December 3, 2015**

Minutes

I. CALL TO ORDER

Board President, Dr. Patrick Bernard, called the meeting to order at 8:32 a.m.

II. ROLL CALL –

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

Those present:

| | |
|-------------------------|---------------------------|
| Patrick R. Bernard, DVM | Board President |
| John S. Emerson, DVM | Board Vice President |
| Fenton Lipscomb, DVM | Board Secretary-Treasurer |
| J. Edwin Davis, DVM | Board Member |
| William H. Green, DVM | New Board Member |
| Michael Tomino, Jr. | Board General Counsel |
| Wendy D. Parrish | Board Executive Director |

Absent:

None.

Guests:

Bland O'Connor, LVMA (9:00am – 10:15am)

III. APPROVAL OF MINUTES

A. Board Meeting October 1, 2015

The Board reviewed the minutes from the October 1, 2015 Board meeting. Motion was made by Dr. Lipscomb to accept the minutes as presented, seconded by Dr. Green, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

- A. Ms. Parrish and Dr. Lipscomb presented the financial reports for the month of August, September and October 2015 for review. Following discussion and questions, motion was made by Dr. Emerson to approve the financial reports as presented, seconded by Dr. Davis, and passed unanimously by voice vote.
- B. **FY 2017 Proposed Budget** – Ms. Parrish presented proposed budget for FY2017 for review. Following discussion of income and expenditure projections, motion was made by Dr. Emerson, to accept the proposed budget as presented seconded by Dr. Lipscomb and passed unanimously by voice vote.

V. ADMINISTRATIVE PROCEEDINGS

- A. **Case 15-0212 V – Gregory Ford, DVM (9:00am) – Consent Order** – Dr. Emerson was introduced as presiding officer for the proceeding. Dr. Bernard 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 Consent Order for consideration by the Board. Upon conclusion of the presentation and questions, motion was made by Dr. Lipscomb, seconded by Dr. Emerson to accept the Consent Order as presented for this case. Motion passed unanimously by voice vote.

VI. DVM ISSUES

Motion was made by Dr. Lipscomb to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law in VI. DVM ISSUES and VII. DVM APPLICANT ISSUES, seconded by Dr. Emerson, and passed unanimously by voice vote.

Upon conclusion of executive session to review and consider all items in VII. DVM APPLICANT ISSUES and VII. DVM APPLICANT ISSUES, motion was made to return to regular session by Dr. Emerson, seconded by Dr. Lipscomb, and approved unanimously by voice vote, to specifically address each item in the respective sections as follows:

- A. George Arnold, DVM – Request for Waiver of Late Renewal Fee** – Following review of the request and information submitted, motion was made by Dr. Lipscomb, seconded by Dr. Green, to deny the request for waiver based on Rule 305D and that there is no mechanism in the Practice Act or by Rule to waive the late fee. Motion passed unanimously by voice vote.

- B. Ashley Prejean, DVM – Request for Inactive Status/Active Military and Waiver of Fees** – Following review of the documentation provided by Dr. Prejean of current active military status, motion was made by Dr. Lipscomb, seconded by Dr. Green, to approve Inactive Status/Active Military and waiver of renewal fees for Renewal Year 2015-2016. Motion passed unanimously by voice vote.

VII. DVM APPLIANT ISSUES

- A. Gregory Ford, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2004 graduate of Kansas State University, licensed in Texas, Oklahoma, Alabama, Arkansas, Mississippi and Kentucky. Following review of the documentation submitted by Dr. Ford, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, 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 period of time immediately prior to application. Motion passed unanimously by voice vote.

- B. Marc Tran Valitutto, DVM – Request for Waiver of Preceptorship Requirement** – 2006 graduate of University of Pennsylvania, licensed in New York, Connecticut and Pennsylvania. Following review of the documentation submitted by Dr. Valitutto, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided 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.

- C. Tamarah Lynn Gillon, DVM – Request for Waiver of Preceptorship Requirement** – 2006 graduate of University of Minnesota School of Veterinary Medicine, licensed in Kentucky. Following review of the additional documentation submitted by Dr. Gillon, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to defer approval of the waiver request due to insufficient and incomplete documentation regarding employment. Dr. Gillon is to be contacted for additional information and documentation to be provided within the next 30 days for approval prior to the February 2016 Board meeting. Motion passed by majority vote – Yeas – Drs. Bernard, Emerson, Lipscomb, Green, Nay – Dr. Davis.

VIII. RVT/CAET/RED ISSUES

- A. Michael Douglas Bridges – Request for Waiver of Accredited Veterinary Technology Degree Requirement** – 1987 graduate of US Army Medical Department as an Animal Care Specialist (68T Veterinary Technician). Following review of the documentation submitted by Mr. Bridges, motion was made by Dr. Emerson, seconded by Dr. Davis, to accept his military training as a U.S. Army 68T Veterinary Technician, as the Board determined that the training and years of service are compliant with the requirements of the law and to issue an expedited registration as an RVT necessitating successful passage of the next scheduled VTNE to maintain active registration as an RVT pursuant to Rule 307. Motion passed unanimously by voice vote.

IX. POLICY, PROCEDURE, AND RULES

- A. General Update – None.**

- B. Policy and Procedure – None.**

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

1. **Rule on Faculty License and USDA accreditation.** - Query by Dr. Diane Stacy/LA Department of Agriculture and Forestry regarding new rule on faculty license and USDA accreditation. Forwarded recent reply, August 20, 2015, to Deb Hicks/USDA as follows: At present (and prior to the effective date of October 1, 2016), an “active license” issued by the LBVM is required for a faculty veterinarian to issue a health certificate and perform a Coggins test. Again, after October 1, 2016 (the effective date of the proposed rule) and with the possession of a “faculty license,” under the new rule (Rule 303, as amended) the holder may issue a health certificate and perform a Coggins test on an animal owned by a member of the public whether by referral from a private practice veterinarian, or by direct patient solicitation/access without referral, as part of his employment at the school. However, an “Active license” is, and will continue to be, required for the provision of veterinary care on animals owned by the public outside of the school employment arena, including the issuance of a health certificate and performance of a Coggins test.

2. **Query regarding a “Store Front” Seasonal Immunization Program.** The LBVM approved the “store front” provision of seasonal immunization by a contract veterinarian licensed by the LBVM. Such is based on the LBVM’s understanding of an arm’s length transaction between the principal/store owner and the Louisiana licensed veterinarian in which the veterinarian determines the proper veterinary care and provides the veterinary services. However, the “seasonal immunization program” clearly falls within the definition of “wellness and preventative services” which constitutes the practice of veterinary medicine as defined in the Practice Act and Rule 700. Furthermore, the veterinarian will be held accountable by the LBVM for compliance with the standards of proper veterinary practice at the site, including Rule 715.E (wellness and preventative services) the text of which can be found on the LBVM’s website.

3. Query from a foreign educated and licensed veterinarian who is actively practicing in Germany regarding fulfilling an alternative pathway residency in Louisiana for 48 weeks under the direct supervision of a licensed veterinarian. The LBVM responded that under Louisiana law, it is required that he/she obtain veterinarian licensure in this state to practice veterinary medicine in the referenced residency.

4. Query from a veterinarian (who graduated in Brazil in 2009, where he owned his own practice and has experience with small domestic animals) regarding a question on what is needed for him to practice as a “veterinary technician” in Louisiana. The LBVM responded that in Louisiana, there are two types of “veterinary technician” recognized in the law. First, there is Registered Veterinary Technician (RVT) who must have successfully completed an accredited program in veterinary technology as a lawfully required prerequisite. Accordingly, a doctorate in veterinary medicine (foreign or domestic), which is required to obtain a license to practice veterinary medicine, does not satisfy the criteria established by law for registration as a veterinary technician (RVT). These two legal entities’ (veterinarian and RVT) functions are separate and distinct. Therefore, he cannot lawfully practice as a registered veterinary technician (RVT) without first having successfully completed an accredited program in veterinary technology, as well as satisfying the other criteria necessary for registration.

Second, there exists the status of a lay person who is loosely referred to as a veterinary technician or assistant. This status of veterinary technician is not required to obtain registration as an RVT.

The LBVM has the issues of the lawfully tasks/duties of a Louisiana registered veterinary technician (RVT) and the lawfully delegated tasks/duties of a lay person under review and consideration at the present time. In the future, a rulemaking effort will be conducted by the LBVM to implement its conclusions regarding this subject matter. However, at present, the law permits the lawful delegation of tasks/duties to a lay person under 1) the "direct supervision" by the supervising veterinarian who must be "on the premises"; and 2) the supervising veterinarian must be licensed by the LBVM (Active license).

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 Louisiana licensed veterinarian may administer a rabies vaccination. Such cannot be lawfully delegated to an RVT or lay person under any circumstances.

There does exist a concern regarding the ability to perhaps restrain the application of his knowledge and education as a veterinarian when performing as a veterinary technician. Please be advised that the Louisiana licensed, supervising veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the tasks/duties delegated to the RVT and/or lay person, and will be held accountable by the LBVM. In addition, an RVT and/or lay person are also subject to legal repercussions should he violate the law.

X. CONTINUING EDUCATION ISSUES

A. Parker University Animal Chiropractic Program (M Rumbaugh, DVM) – Following review of the query regarding CE subject matter, presenters and modality, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve CE credits for LA DVMs for participation in the program, considered online/compendium CE with a maximum of 10 approved credits per annual renewal period. Motion passed unanimously by voice vote.

XI. 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

| | | |
|------|----------------------|-----------|
| 3338 | Megan Louise | Kerford |
| 3339 | Jessica Laura | Shepherd |
| 3340 | Richard Maury | Baessler |
| 3341 | Jasmine | Cavallaro |
| 3342 | Julie Ann | Smith |
| 3343 | Martin Houston | Caldwell |
| 3344 | David William | Cradic |
| 3345 | Stephanie Caroline | Craft |
| 3346 | Andrea Michelle | Dedeaux |
| 3347 | Dana Elizabeth | Thomas |
| 3348 | Rachel Colleen | Wier |
| 3349 | Robert Shannon | Jennings |
| 3350 | Brady James | Jorth |
| 3351 | Timothy Brendan | Batt |
| 3352 | Geoffrey Worthington | Tucker |

RVT

| | | |
|------|----------------|----------|
| 8339 | Heather Nicole | Hebert |
| 8340 | Ashley Jane | Ryland |
| 8341 | Ashley Louise | Cornwell |
| 8342 | Kara Airell | Presley |

8343 Mary Helen Madrigal

CAET

| | | |
|------|-----------------|------------|
| 9745 | David Kelly | Jackson |
| 9746 | DeShawn Lethia | Boies |
| 9747 | Rachel Anne | Eure |
| 9748 | Christlyn Fay | Martin |
| 9749 | Brandi Angelle | Thibodeaux |
| 9750 | Jessica Lynn | Milstead |
| 9751 | Nicki Marie | Breaux |
| 9752 | Josh Michael | Hamilton |
| 9753 | Andrea Marie | Lormand |
| 9754 | Kristian DeeAnn | Parsons |
| 9755 | LaToya Tanay | Brown |

B. Winter 2015-2016 Newsletter – A proposed newsletter draft containing topics and statistics to be included in the Winter 2015-2016 newsletter was presented. Motion was made by Dr. Green, seconded by Dr. Davis, to approve the newsletter as presented. Motion passed unanimously by voice vote.

C. Customer Satisfaction Questionnaire – Ms. Parrish presented a summary of the customer service questionnaire comments from October 2014 through October 2015. The majority of the responses were positive and the results will be mailed to the appropriate state agency for reporting purposes. No action was taken on this item.

D. Non-Renewed DVM Listings with Louisiana Address – Ms. Parrish presented summary of non-renewed DVM licensees with Louisiana addresses for review. No action was taken on this item.

XII. EXECUTIVE SESSION

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

No action taken.

XII. ADJOURN

There being no further business before the Board, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:50 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on February 4, 2016.