

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
February 4, 2016**

Minutes

I. CALL TO ORDER

Board President, Dr. Patrick Bernard, called the meeting to order at 8:30 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:

None.

III. APPROVAL OF MINUTES

A. Board Meeting December 3, 2015

The Board reviewed the minutes from the December 3, 2015 Board meeting. Motion was made by Dr. Emerson to accept the minutes as presented with two typographical changes, seconded by Dr. Lipscomb, 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 November and December 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. **Legal Services Contract Amendment FY2014-FY2016 – Michael A. Tomino, Jr., Attorney at Law** – Ms. Parrish presented the proposed contract amendment for legal services for review. Amendment is required to fulfill the projected legal expenses through the end of the 3-year contract. Motion was made by Dr. Emerson, seconded by Dr. Lipscomb to approve amendment of the contract as proposed. Motion passed unanimously by voice vote.
- C. **Legal Services Contract FY2017-FY2019 – Michael A. Tomino, Jr., Attorney at Law** – Ms. Parrish presented the proposed 3-year contract with Mr. Tomino for legal services for review. No changes were noted from the previous fiscal year

contract. Motion was made by Dr. Davis, seconded by Dr. Lipscomb to approve renewal of the contract for FY2017-FY2019. Motion passed unanimously by voice vote.

V. DVM APPLIANT ISSUES

A. Barbara S. Fields, DVM – Request Waiver of Preceptorship

Requirement – 2012 graduate of University of Edinburgh, UK, licensed in California. Following review of the documentation submitted by Dr. Fields, 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.

B. Christopher J. Leonard, DVM – Request for Waiver of Preceptorship

Requirement – 2012 graduate of Ross University of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Leonard, motion was made by Dr. Lipscomb, seconded by Dr. Green, 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. Mikala Mayers Leonard, DVM – Request for Waiver of Preceptorship

Requirement – 2013 graduate of Ross University of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Leonard, motion was made by Dr. Lipscomb, seconded by Dr. Green, 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. .

VI. POLICY, PROCEDURE, AND RULES

A. General Update – None.

B. Policy and Procedure – None.

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

1. Query was submitted regarding a disciplinary case report in Board newsletter and comments to the Board regarding the potential existence of alternative methodology. The Board recognizes that there may exist different schools of thought on any given issue or veterinary procedure, however, it is its obligation to determine the proper standard of veterinary care based on a totality of facts and applicable law in the case. When a reader singles out an issue (or phrase in brief explanation in a newsletter) in a complex case such is not completely reflective of what occurred and the Board's jurisdiction, including maintaining due process standards for the accused.

Generally speaking, asserted “progressive surgical techniques” and “new and novel approaches” are not new as defenses presented to formal charges to avoid accountability. The Board is well aware of the continued advancements in the practice of veterinary medicine and strives to keep abreast of these advancements as board members, as well as practicing veterinarians. It is also aware of, and grateful for, educators and researchers pursuing such advancements.

In discharging its mandate of regulating the veterinary profession in Louisiana, the Board will continue to be receptive to any purported advancements in the practice. However, again, the Board is exclusively mandated to determine the proper standard of veterinary care in a given case based on a totality of the facts presented. In the subject case, the alternative methodology referenced by the inquiring party does not alter the improperly performed surgical procedure nor lack of proper aftercare.

2. Query was submitted regarding artificial insemination (AI) by a non-veterinarian (person not licensed by the Board as a veterinarian). While the question is somewhat specific on advertising, in order to properly respond, it is necessary to address legally permissible parameters of artificial insemination (A.I.) of livestock by a lay person in Louisiana.

Pursuant to the Practice Act, the Board promulgated Rules addressing “accepted livestock management practices.” Board Rule 707(1) states that “the artificial insemination (A.I.) and the non-surgical impregnation (with frozen embryo) of livestock to include that performed for a customer service fee or that performed on individually-owned animals” is an accepted livestock management practice.” “Livestock” is defined in Rule 700 as “domestic animals to include only cattle, hogs, sheep, and goats, bred or kept on a farm for use or commercial profit.”

Accordingly, a person not licensed as a veterinarian in Louisiana may perform the collection of semen for quality evaluation for processing/freezing and the non-surgical impregnation with frozen embryos on livestock owned by another person for a fee. There is no required certification by the Board to perform this specific accepted livestock management service. However, please be advised that “palpation” for reproductive purposes is a diagnostic procedure which must be performed by a veterinarian licensed by the Board. Palpation for reproductive purposes is not defined as an accepted livestock management practice. Only a veterinarian licensed in Louisiana by the Board shall be legally allowed to perform palpation for reproductive purposes on an animal owned by another person.

As an aside, Section 1514(6) of the Practice Act exempts the license requirement for the owner of an animal, or the owner’s full-time regular employee, for caring for or treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the law. Therefore, the owner of livestock, or the owner’s full-time regular employee, caring for or treating the livestock belonging to such owner, may legally perform

artificial insemination and palpation for reproductive purposes on livestock owned by the owner/employer, but neither the subject owner, nor his full-time regular employee, can legally perform palpation for reproductive purposes on an animal belonging to another person.

In concluding, the unlicensed person may advertise that he performs legal services which are compliant with the law set forth in the law and the Board's response; however, such advertisement cannot contain a false, deceptive, or misleading statement or claim. A violation of this standard may result in civil and/or criminal penalties for the offender.

3. Query was submitted regarding an out-of-state veterinarian interpreting radiographs taken of a patient in Louisiana. There is no dispute that the interpretation of radiographs taken of an animal constitutes the practice of veterinary medicine in Louisiana for which a license issued by the Board is required after the establishment of the veterinarian-client-patient relationship. However, even though the inquiring veterinarian is not a veterinarian licensed by the Board to practice veterinary medicine in Louisiana, Section 1514(4) of the LA Veterinary Practice Act states that the law "should not be construed to prohibit a veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state."

Therefore, a person may, however, if licensed in another state to practice veterinary medicine, consult with a veterinarian licensed in Louisiana with two provisos. First, the veterinarian licensed in Louisiana must have established the veterinary-client-patient-relationship. Second, even under this scenario, an out-of-state consulting veterinarian may not perform any "hands-on" services to the patient. In summary, the "consultant" must be a licensed veterinarian and, if he is not licensed by the LBVM, but rather by a sister state, he cannot perform "hands-on" services to the patient. The interpretation of radiographs as described in the scenario does not constitute the prohibited "hands-on" conduct. Please be advised that the interpretation and direct consultation with the owner of the animal, or his representative, in Louisiana, also including an animal shelter scenario, is the unlawful practice of veterinary medicine.

4. Information was submitted regarding a purported national movement of re-naming a Registered Veterinary Technician (RVT) as a "Nurse." Such would entail a legislative amendment to the Practice Act. The Board has the issues of better defining and delineating the tasks and duties which can be performed by an RVT and a lay person (commonly referred to as a veterinary technician or veterinary assistant) under review. The tasks and duties will be addressed by the Board through the rule-making procedure at some point in the future. The Board is aware that at present there are not enough RVTs in Louisiana to properly address and fulfill the practical aspect of the subject matter.

You are invited to read Section 1543.A(3)(b) and (c) of the Practice Act regarding the alternative educational requirements for an RVT in Louisiana. The Board has consistently concluded that a bachelor of science degree does not qualify as a

“two year AVMA accredited program in veterinary technology,” nor does it qualify as a “board approved program in veterinary technology at an accredited institution of higher education.” In addition, there is also the requirement of the two years actual experience working under the direct supervision of a licensed veterinarian.

In concluding, there are online programs in veterinary technology which would comply with the educational criteria of the Practice Act’s alternative avenue to registration. Also please keep in mind that there are, of course, other standard requirements for registration consistent with those for AVMA accredited graduates, such as successful passage of the national examination (VTNE).

VII. 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

3353	Boudreaux	Bonnie Brugmann
3354	Ford	Gregory Alan
3355	Valitutto	Marc Tran
3356	Gillon	Tamarah Lynn

RVT

8344	King	Chelsea Lynn
8345	Bridges	Michael Douglas
8346	Howard	Brianna Lynn
8347	Hughes	Brittney Meagan
8348	Perissutti	Sarah Mathis
8349	Jang	Alex Seungjin
8350	Dupaquier	Brittany Ann
8351	Brooks	Brittany Jade
8352	Hanna	Angela Charlene

CAET

9756	Llewellyn	Courtney Leigh
9757	Ballard	Tara Young
9758	George	Shuntrell Evette- Marie
9759	Henderson	Sean Aldon

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,

February 4, 2016

Page 6

motion was made to return to regular session by Dr. Lipscomb, seconded by Dr. Davis, and approved unanimously by voice vote.

No action taken.

XII. ADJOURN

There being no further business before the Board, motion was made by Dr. Green, seconded by Dr. Davis, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:48 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on April 7, 2016.

Fenton Lipscomb, DVM, Board Secretary-Treasurer