

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
April 6, 2017**

Minutes

I. CALL TO ORDER

Board President, Dr. John Emerson, called the meeting to order at 8:30 a.m.
Statement of Board obligation was included in the Board book.

II. ROLL CALL –

Roll call was taken by Board Vice President, Dr. Fenton Lipscomb, with the following results:

Those present:

John S. Emerson, DVM	Board President
Fenton Lipscomb, DVM	Board Vice President
James R. Corley, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

William H. Green, DVM	Board Secretary-Treasurer
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Guests:

LVMA - Marion Sewell, DVM, and Stephanie Karaty
Kathryn R. Sykes, DVM (10:30am)

III. APPROVAL OF MINUTES

A. Board Meeting February 2, 2017

The Board reviewed the minutes from the February 2, 2017 Board meeting. Motion was made by Dr. Lipscomb to accept the minutes as presented, seconded by Dr. Corley, and passed unanimously by voice vote.

B. Board Meeting June 2017 Date Change – Upon request by Dr. Emerson, motion was made by Dr. Corley, seconded by Dr. Lipscomb, to move the June 2017 Board meeting date to June 8, 2017. Motion passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Ms. Parrish presented the January 2017 financial report. The February report was not timely completed by the CPA and there are open questions on the January report not yet clarified by the CPA. Motion was made by Dr. Lipscomb to defer review to the next Board meeting of the financial reports as presented, seconded by Dr. Corley, and passed unanimously by voice vote.

B. North American Veterinary Licensing Examination (NAVLE) – Motion was made by Dr. Lipscomb, seconded by Dr. Corley to approve the use of the NAVLE and

to again adopt passage of the NAVLE as a requirement for Louisiana veterinary licensure. Motion passed unanimously by voice vote.

- C. Veterinary Technicians National Examination (VTNE)** – Motion was made by Dr. Lipscomb, seconded by Dr. Corley to approve the use of the VTNE and to again adopt passage of the VTNE as a requirement for Louisiana veterinary technician certification. Motion passed unanimously by voice vote.
- D. Accounting Services Contract FY2018 – Pinell & Martinez, LLC** – Ms. Parrish presented the proposed contract for accounting services with a new CPA corporation for review. No changes were noted from the previous fiscal year contract for accounting services with a ceiling of \$5,000.00 per year. Motion was made by Dr. Corley, seconded by Dr. Lipscomb to approve renewal of the contract. Motion passed unanimously by voice vote.

V. DVM APPLICANT 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 V. DVM ISSUES, seconded by Dr. Corley, and passed unanimously by voice vote.

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

- A. Christal L. Broomhall, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2010 graduate of LSU School of Veterinary Medicine, licensed in Pennsylvania. Following review of the documentation submitted Dr. Broomhall, motion was made by Dr. Lipscomb, seconded by Dr. Corley, to approve waiver of retake of the national examination and 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. Anne-Marie Burge (Wiest), DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2008 graduate of University of Tennessee, licensed in Oregon, Washington, California, Tennessee and Nevada. Following review of the additional documentation submitted by Dr. Burge, motion was made by Dr. Lipscomb, second by Dr. Corley, to approve waiver of retake of the national examination and 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. Kathryn R. Sykes, DVM – (Appearance 10:30am) Reconsider Request Waiver of Retake of National Examination** – Dr. Sykes was introduced to the Board and presented her employment history and goals. Dr. Sykes is a 2008 graduate of Atlantic Veterinary College - UPEI, licensed in Nova Scotia, New York and Connecticut. The Board informed Dr. Sykes that the matter would be taken under

advisement and a decision in written form would be forthcoming. Dr. Sykes left the meeting.

Following review of the discussion and documentation submitted Dr. Sykes and after such reconsideration, motion was made by Dr. Lipscomb, seconded by Dr. Corley, to **deny** waiver of retake of the national examination as the documents provided did not 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. Waiver of Preceptorship requirement was previously granted by the Board.

D. Adam Christopher Caro, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement – 2010 graduate of LSU School of Veterinary Medicine, licensed in Pennsylvania. Following review of the documentation submitted Dr. Caro, motion was made by Dr. Corley, seconded by Dr. Lipscomb, to approve waiver of retake of the national examination and 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.

E. Joshua Nelson Harvey, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement – 2006 graduate of Auburn University, licensed in Texas, Arkansas, Nevada and Oklahoma. Following review of the documentation submitted Dr. Harvey, motion was made by Dr. Lipscomb, seconded by Dr. Corley, to **defer** consideration of the waiver requests due to insufficient and incomplete documentation regarding employment, until additional information is submitted. Dr. Harvey will be notified of request for additional information. Motion passed unanimously by voice vote.

F. Alison D. Marsh, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement – 1999 graduate of Texas A&M College of Veterinary Medicine, licensed in Texas, Oregon, Washington, Indiana, Colorado and Arizona. Following review of the additional documentation submitted by Dr. Marsh, motion was made by Dr. Corley, seconded by Dr. Lipscomb, to approve waiver of retake of the national examination and 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.

G. Lillian Claire Barber, DVM – Request Waiver of Preceptorship Requirement – 2016 graduate of LSU School of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Barber, motion was made by Dr. Lipscomb, seconded by Dr. Corley, to defer consideration of the waiver request due to insufficient and incomplete documentation regarding employment and application update, until additional information is submitted. Dr. Barber will be notified of request for additional information. Motion passed unanimously by voice vote.

H. Laura De La Prida, DVM – Request for Waiver of Preceptorship Requirement – 2012 graduate of Tuskegee University, licensed in Iowa and Texas.

Following review of the documentation submitted by Dr. De La Prida, motion was made by Dr. Lipscomb, seconded by Dr. Corley, 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.

- I. James Paul Pendergraft, DVM – Request for Waiver of Preceptorship Requirement** – 2015 graduate of Texas A&M College of Veterinary Medicine, previously licensed in Texas. Following review of the documentation submitted by Dr. Pendergraft, motion was made by Dr. Corley, seconded by Dr. Lipscomb, to **deny** waiver of preceptorship requirements as the documents provided did not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Dr. Pendergraft is to meet the preceptorship requirement following submission to legal counsel of previously requested documents regarding application issues. Motion passed unanimously by voice vote.
- J. Kacy Kristin Riley, DVM - Request for Waiver of Preceptorship Requirement** – 2016 graduate of Auburn University, licensed in Texas. Following review of the documentation submitted by Dr. Riley, motion was made by Dr. Lipscomb, seconded by Dr. Corley, 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.
- K. Morgan Taylor Solomon, DVM – Request Waiver of Preceptorship Requirement** – 2016 graduate of LSU School of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Solomon, motion was made by Dr. Corley, seconded by Dr. Lipscomb, 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.
- L. Will Clay Werner, DVM – Request Waiver of Preceptorship Requirement** – 2014 graduate of Ross University School of Veterinary Medicine, licensed in New York, Oklahoma, Florida and New Mexico. Following review of the documentation submitted by Dr. Werner, motion was made by Dr. Lipscomb, seconded by Dr. Corley, to **defer** consideration of the waiver request due to insufficient and incomplete documentation regarding employment and application update, until additional information is submitted. Dr. Werner will be notified of request for additional information. Motion passed unanimously by voice vote.

VI. POLICY, PROCEDURE, AND RULES

A. General Update-

1. February 7, 2017, and April 2, 2017, Declarations of Emergency by Governor Edwards regarding tornado and rain damages. Standard protocol was successfully implemented with contact to State Veterinarian. No need for out-of-state veterinarians and/or RVTs in either instance.

2. Senate Resolution #10 from Senator Fred Mills regarding monies/financial matters of health care boards.
3. No word on any legislative effort on *NC Dental* and/or Task Force recommendations made to Senate Health & Welfare as requested by Senator Mills.

B. None.

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

1. Informational emails/queries were submitted regarding upcoming issues on telemedicine and biosecurity. After discussion, no action taken at this time regarding rule-making on these matters. Will monitor.
2. General query was submitted regarding proposed blood bank by veterinarian/facility for other veterinarians. Additional information regarding proposed program to be submitted for by inquiring veterinarian. No action taken at this time.
3. Query was submitted regarding a veterinarian's professional obligations regarding whether a positive titer for rabies would be considered "vaccinated" if the dog bites someone. The Board has been consistent with its response and again reviewed the Practice Act and its Rules, as well as the State Sanitary Code and the Compendium of Animal Rabies Prevention Control (2016) which states that "rabies virus antibody titers are indicative of an animal's response to vaccine or infection. Titers do not directly correlate with protection because other immunologic factors also play a role in preventing rabies and our abilities to measure and interpret those other factors are not well developed. Therefore, evidence of circulating rabies virus antibodies in animals should not be used as a substitute for current vaccination in managing rabies exposures or determining the need for booster vaccination."

Accordingly, based on the legal authority, a positive titers test is not the same as "vaccinated" against rabies. In the event a particular animal demonstrates a problem with rabies vaccine, it is strongly suggested that the veterinarian document the medical records 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. Such a suggestion may play a pivotal part in defense of a complaint if the animal should thereafter bite a person or animal, or if euthanasia is ultimately required at a later date. In addition, it is highly recommended that the veterinarian confer with the local health authority in each particular case in order to comply with any requirements it may have under the circumstances. However, it is

doubtful that a local governmental entity will approve the issuance of a rabies tag based on the results of a titers test. Per Board Rule 705.B, any violation of state or local legal authority is also sanctionable by the Board against its licensee.

With regards to any liability in a civil court, the Board must defer to the court's jurisdiction and application of civil law on such issues. The Board does not have the authority to legally decide on whether the statute's acceptance of 3 year or 1 year rabies vaccine legally primes the statute's deference given to local government on rabies vaccination. It is respectively suggested that the local veterinarians interface with the parish government on the subject matter of the query.

4. Query was submitted regarding permissible tasks/duties of an RVT. The following questions and Board responses were approved and provided:

Question 1. Assuming an individual has graduated from an accredited technician program and passed the National and State licensing exams, is the term RVT interchangeable with CVT or LVT? Or is there a distinction made between these groups?

Response. The law only recognizes the nomenclature of Registered Veterinary Technician or RVT in Louisiana. The other references do not legally or permissibly denote a Registered Veterinary Technician in Louisiana in the scope of practice.

Question 2. Assuming they are not dual-licensed as a CAET, are RVTs legally able to perform euthanasia?

Response. Only a veterinarian or CAET can legally performed euthanasia within the scope of their respective license or certification. Such cannot be lawfully delegated to an RVT or lay person under any circumstances.

Question 3. Are RVTs allowed to administer Rabies vaccines under the direct guidance and supervision of a licensed veterinarian? What about lay staff (veterinary assistants)?

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

Question 4. Are RVTs allowed to "close" a surgery (i.e.: suture skin)?

Response. Pursuant to Louisiana legal authority, a registered veterinary technician (RVT) and/or a lay person/veterinary

tech/assistant cannot legally close a surgical incision as this constitutes an integral part of surgery which only a LA licensed veterinarian may perform. The law does not allow an RVT or lay person to perform animal diagnosis, the prescribing of treatment or medications, or any surgical procedures.

In closing, what may be taught in school does not change the law on its prohibition in actual practice. Phrasing this principle another way, the law controls what is legally permissible (or prohibited) in practice, not the other way around. This also holds true for veterinarians in the practice of veterinary medicine.

5. Query was submitted regarding the creation of a pet crematory by a lay person. A pet crematorium can be owned and operated by a person not licensed as a veterinarian in LA. However, it cannot be involved in any services which constitute the practice of veterinary medicine, or the appearance that it is even involved with the practice of veterinary medicine. The practice of veterinary medicine comprises "living and dead" animals. Accordingly, no necropsy (autopsy services) or forensic services may be provided if such were even considered. Veterinarians are under certain legal obligations regarding euthanasia practice, necropsy, and the release of carcasses all with client consent required. Referral by a veterinary practice to the pet crematorium is valid. Also, any animal owner that wants to present his deceased animal directly to the crematorium is valid.

However, the name and advertisement of the business/facility cannot be misleading. So any name one could reasonably identify or associate with the practice of veterinary medicine, such as veterinary, clinic, hospital, etc. is prohibited. Animal or Pet can be used in the name at first glance, but again depends on the total name/advertisement. Also, with regards to any other permits or licenses required, the LBVM must defer to any other local or state governmental agencies with jurisdiction for the proposed business to exist and operate.

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

3447	Anderson	Lauren Michelle
3448	Akers	Susan Kathleen
3449	Torres	Victoria Lorin Rumble
3450	Serrano-Laureano	Yaritza Emarie
3451	Aldridge	Charles Fulton
3452	Mesman	Mollie L.
3453	Torres	Jamie Mitchell

3454	Clark	Miranda Kaye
3455	Venable	Crystal Patin
3456	Mayer	Megan Ann
3457	Payne	Gregory Scott
3458	Dadhwal	Poonam
3459	Martinson	Jennifer Marie

Faculty DVM

FAC 077	Austin	Brenda
FAC 078	Peiffer	Robert Louis
FAC 079	Rankin	Amy Jo
FAC 080	Heil	Babiche Alida
FAC 081	Smith	Annette Noel
FAC 082	Husnik	Roman
FAC 083	Coffman	Elizabeth Ann
FAC 084	Lauer	Susanne Katja
FAC 085	Gionfriddo	Juliet R.
FAC 086	Ben-Shlomo	Gil

RVT

8382	Yepson	Lauren Ashley
8383	Hernandez	Tanner Dwayne
8384	Braswell	Bryanna Michelle
8385	Powell	Jared Luke
8386	Carroll	Shanna Cecelia
8387	Aguilera	Jessica Niquelle

CAET

9818	Duplantier	Jarren J.
9819	Berry	Darryl Lee

- B. Annual Statistics Report** – Ms. Parrish presented annual statistics report per R.S. 49:968(K) for review. No action was taken on this item.

VIII. EXECUTIVE SESSION

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

No action taken.

IX. ADJOURN

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There being no further business before the Board, motion was made by Dr. Corley, seconded by Dr. Lipscomb, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:25 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on June 8, 2017.

William H. Green, DVM, Board Secretary-Treasurer