

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
April 5, 2018**

Minutes

I. CALL TO ORDER

Board President, Dr. Fenton Lipscomb, called the meeting to order at 8:30 a.m.

II. ROLL CALL –

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

Those present:

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

Absent:

William H. Green, DVM	Board Vice President
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Guests:

LVMA – Bland O'Connor (8:30am)
Stephen Vogt, Attorney at Law (11:30am)

III. APPROVAL OF MINUTES

A. Board Meeting February 1, 2018

The Board reviewed the minutes from February 1, 2018 Motion was made to accept the financial reports as presented by Emerson, as presented, seconded by Dr. Cataldo, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

- A.** Ms. Parrish and Dr. Corley presented the financial reports for the months of January and February 2018 for review. Motion was made to accept the financial reports as presented by Emerson, seconded by Dr. Cataldo, and passed unanimously by voice vote.

A second motion was made by Dr. Corley, seconded by Dr. Emerson, to extend the current CPA contract for FY 2019 and FY 2020. Motion passed unanimously by voice vote.

- B.** North American Veterinary Licensing Examination (NAVLE) – Motion was made by Dr. Cataldo, seconded by Dr. Emerson to approve the use of the NAVLE and to again adopt passage of the NAVLE as a requirement for Louisiana veterinary licensure, with the inclusion of new language in response to IVCA's demand that decisions for testing accommodations be exclusively conducted by IVCA, to wit:

“ICVA will defend and indemnify the Board in any claim, suit, or cause of action regarding ICVA's decision on any American's with Disability Act (ADA) accommodation request brought by, or on behalf, of a candidate against the Board, unless such accommodation request was previously approved by the Board.” Motion passed unanimously by voice vote of the quorum. The Board and its staff were further advised by its legal counsel to carefully monitor any ADA accommodation decisions made by IVCA and timely notify it of any decisions of which the Board may disagree.

- C. **Veterinary Technicians National Examination (VTNE)** – Motion was made by Dr. Corley, seconded by Dr. Cataldo 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. **Update Office Equipment & Vendor Contracts** – Ms. Parrish presented updates on office equipment acquisitions (phone system, filing system, desktop computer replacements, UPS replacement), as well as search for IT services vendor in light of recent acquisition of current IT services vendor. Further information will be shared with the Board for any changes to systems and procedures. No action was taken on this item.

V. DVM APPLICANT ISSUES

- A. **Rachel A. Currie Admire, DVM – Reconsider Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2010 graduate of University of Missouri, licensed in Arkansas, and previously licensed in Louisiana. Following review of the additional documentation submitted by Dr. Admire, motion was made by Dr. Emerson, seconded by Dr. Cataldo, to **deny** consideration of the waiver requests as the documents provided do 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.
- B. **Amanda Kathryn Beck, DVM – Reconsider Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2007 graduate of LSU-SVM, licensed in South Carolina, North Carolina, and previously licensed in Virginia. Following review of the additional documentation submitted by Dr. Beck, motion was made by Dr. Cataldo, seconded by Dr. Emerson, 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. **Seth A. Koch, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1970 graduate of University of Pennsylvania School of Veterinary Medicine, previously licensed in numerous other states. Following review of the documentation submitted by Dr. Koch, motion was made by Dr. Corley, seconded by Dr. Emerson, to **deny** consideration of the waiver requests as the documents provided do 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.

- D. John H. Price, III, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2006 graduate of Auburn University, licensed in Alabama. Following review of the documentation submitted Dr. Price, motion was made by Dr. Corley, seconded by Dr. Emerson, 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. Carrie Anne Strickland, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2010 graduate of Washington State University College of Veterinary Medicine, licensed in California and previously licensed in Florida and Virginia. Following review of the documentation submitted Dr. Strickland, motion was made by Dr. Emerson, seconded by Dr. Cataldo, 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.
- F. Katie Lee Voitier Crabbe, DVM – Request for Waiver of Preceptorship Requirement** – 2011 graduate of LSU-SVM, licensed in Texas. Following review of the documentation submitted by Dr. Voitier, motion was made by Dr. Emerson, seconded by Dr. Cataldo, to **approve** waiver of retake of preceptorship requirement 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. Lindsey Ann Hone, DVM – Request for Waiver of Preceptorship Requirement** – 2016 graduate of Colorado State University, licensed in Texas and Colorado. Following review of the documentation submitted by Dr. Hone, motion was made by Dr. Corley, seconded by Dr. Cataldo, to **defer** consideration of the waiver request due to insufficient and incomplete documentation regarding employment, until additional information is submitted. Dr. Hone will be notified of request for additional information. Motion passed unanimously by voice vote.
- H. Erin R. Rogers, DVM – Request for Waiver of Preceptorship Requirement** – 2016 graduate of Oklahoma State University, licensed in Texas and Missouri. Following review of the documentation submitted by Dr. Rogers, motion was made by Dr. Emerson, seconded by Dr. Cataldo, to **approve** waiver of preceptorship requirement 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. Maedbh Megan Ryan, DVM – Request for Waiver of Preceptorship Requirement** - 2017 graduate of St. George's University, licensed in California. Following review of the documentation submitted by Dr. Ryan, motion was made by Dr. Corley, seconded by Dr. Cataldo, to **approve** waiver of preceptorship requirement 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.

J. Amanda T. Walkenhorst, DVM – Request for Waiver of Preceptorship Requirement – 2017 graduate of LSU-SVM, licensed in Texas. Following review of the documentation submitted by Dr. Walkenhorst, motion was made by Dr. Corley, seconded by Dr. Cataldo, to **approve** waiver of preceptorship requirement 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. Brittany Nicole Walraven, DVM – Request for Waiver of Preceptorship Requirement – 2016 graduate of LSU-SVM, licensed in North Carolina. Following review of the documentation submitted by Dr. Walraven, motion was made by Dr. Cataldo, seconded by Dr. Corley, to **approve** waiver of preceptorship requirement 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 – Various bills filed in the 2018 Regular Legislative Session potentially affecting the regulatory authority of administrative boards in general, and the Board in specific, were discussed. The pending bills will be monitored by legal counsel with status reports/comments being made to the Board members/staff.

B. Policy and Procedure - Pursuant. Pursuant to the Declaration of Emergency called by Governor Edwards on or about February 27, 2018 regarding potential flooding/river issues in certain central LA parishes, the protocol established by State law and Rule 309 was followed and Dr. Robbins, State Veterinarian, was contacted with the inquiry regarding any need for out-of-state veterinarians to address the need for veterinary care. Dr. Robbins responded that none are needed at this time, and that he would further contact the LBVM if such changed. No further contact was received. No action taken.

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

1. The Rules' changes regarding: 1) CE for CDS holders (Veterinarians-403 and Lead CAETs-1227) per Act 76 of the 2017 General Session, and 2) Rules 1015.A and B on Non-veterinarian Ownership, and 1019.A Employment, were officially promulgated in the Register and made effective on February 20, 2018.

With the pursuit of SB 28 (as amended) by Senator Mills which, if passed in the 2018 Regular Session, will exempt veterinarians from the CDS/CE requirement mandated by Act 76 of the 2017 Regular Legislative Session, motion was made by Corley, seconded by Emerson, regarding the Board not enforcing the CDS/CE requirement as established by new Rules 403 and 1227, effective February 20, 2018. Motion passed by unanimous vote of the quorum.

2. Inquiry from Dr. James Corley regarding whether a digitally recorded voice message is permissible as part of the "medical record." Motion was made by Emerson, and seconded by Cataldo, that a digitally recorded voice message is

properly part of the medical record, but it must be transcribed in medical record format to comply with the standards of proper records and record-keeping. Motion passed by unanimous vote of the quorum.

3. Inquiry from Dr. Michael Thomas regarding his difficulty in obtaining liability insurance for the preceptees in his preceptorship program. Motion was made by Corley, and seconded by Emerson, that while the Board recommends the procurement of liability insurance regarding a preceptee as stated in the Preceptor's Information Sheet, such coverage is not required by the Board, just as there is no requirement for such insurance for actual licensure/practice of a veterinarian at this time. Also, while the preceptorship program is required of a preceptee, an interested preceptor and/or his facility are not mandated/pre-selected by the Board, but rather is based on voluntary participation, if requested by the veterinarian/facility and certain requirements are met. Therefore, should a veterinarian/facility be interested in being a preceptor/preceptorship program, the issue of liability insurance and the amount of coverage rests within his/its business discretion. Perhaps, the preceptor (or the preceptee) may wish to contact other liability insurance carriers regarding the coverage question. Motion passed by unanimous vote of the quorum.

4. Further confirmation/inquiry from Dr. Jenny Breaux regarding the question of rabies vaccination without an examination. The following quoted response was provided in December 2016 and again February 2017, and also referenced in the Minutes of the Board Meetings, as approved, and earlier provided to Dr. Breaux.

"It is the Board's position that a physical examination prior to administering a rabies vaccination is the required proper standard of veterinary practice. When a strong biological agent, such as a rabies vaccine, is given to an animal, an examination is needed to determine if the animal appears to be healthy enough to safely receive the product and that the animal's body may hopefully respond correctly to the product."

In short, the veterinarian must provide a sufficient examination to feel confident that the animal is healthy enough to receive a vaccination.

5. Inquiry/concern from a consumer regarding otherwise fractious horses that are tranquilized prior to/at the time of private sale by a horse trader (seller) to the buyer. Upon speaking with the consumer, based on the facts he presented, there is no veterinarian (nor the practice of veterinary medicine) involved in this private sale. He was advised that the Board regulates veterinarians/practice of veterinary medicine. He was further advised that the local sheriff's department be notified of a potential fraudulent sale. The consumer suggested that in the future "blood work/drug screen" be done on the horse at the time of the sale, such as done for a Coggins test and health certificate. Such a mandate would fall within the jurisdiction of an agency other than the Board. The Board cannot speak for the LDAF regarding its respective jurisdiction. John Walther, Animal Health and Food Safety with LDAF, advised that his office concurred with the Board's legal opinion that such subject matter is within the realm of local criminal enforcement regarding an act of fraud in the sale. Senate legal counsel was also informed of the status of this matter which initially began with the constituent contacting a State Senator with his inquiry/concern which was then referred to the Board for response.

6. The Board was advised of various inquiries received and addressed regarding non-veterinary ownership of a practice with the mandate that a LA licensed veterinarian must actually practice veterinary medicine per Rule 1015, effective February 20, 2018. Included in the inquiries received was that of a surviving spouse (non-veterinarian) of a recently deceased veterinarian, in a closely-held, small practice. No action taken.

7. A matter arose regarding possible “veterinarian shopping” by a client between two or more veterinarians (of differing practices) concerning the same patient and a prescribed controlled drug. Veterinarian (A) apparently became concerned after speaking with a prior veterinarian (B). Upon learning of the concern and communication, the client wished to pursue a civil defamation suit against the veterinarians, but is unaware of the identity of the prior veterinarian(s). The client requested that the Board pursue A, which would assist her in identifying and confirming the relationship/improper communication between the veterinarians, and then she could proceed against A and B in civil court. The client was advised that the matter was not ripe for administrative action. The Board will not be used as a discovery mechanism for a civil suit. The laws and procedures for a civil claim for defamation is available to the client, who had previously retained legal counsel for such. Depending on what happens in court (or information gained through civil discovery) such may dictate whether, and against whom, an action for “unprofessional conduct” by the Board may be appropriate. It is noted that participation in the Prescription Monitoring Program by the veterinarians (currently exempted by statute) would have provided a legal avenue for A to obtain information reported to the program without any communications of such a sensitive nature with the other veterinarian(s).

8. The Board was apprised of the Federal criminal conviction of Dr. Kyle Hebert for conspiracy and receiving adulterated and misbranded drugs (a synthetic form of the drug Dermorphin--“frog juice”) which was given to racehorses to improve their performance. On February 28, 2018, Dr. Hebert was sentenced to serve a period of confinement for fifteen (15) months (four counts each to run concurrently) in a Federal facility and pay a \$10,000 fine. The report date for his confinement is March 26, 2018. Dr. Hebert was not actively practicing and surrendered his DVM license (March 20, 2018), as well as his LSRC registration and his DEA registration. It is likely he will appeal his conviction. Regardless of whether or not he is vindicated by the decision of the Appeals Court, the Board sitting at the time of any future request for re-licensure will have to review such request at that time and make its decision under applicable law, including the issue of continued competency, etc. No action taken at this time.

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

3539	Dodds	Lauren Elizabeth
3540	Lee	Rachel Guzman
3541	Muresan	Visarion Cornel

3542	Odenheimer	Ariel Marie
3543	Saunders	Alexander Christian
3544	Oswalt	Amy Catherine
3545	Sykes	Kathryn Rowena
3546	Marshall	Jennifer Gieg
3547	Lee	Christopher Edward
3548	Belair	Alexandra Catherine
3549	Shafer	Elizabeth Lynn

Faculty DVM

118	Clapp	Kemba Shani
119	Johnson	Kim Danett
120	Veir	Julia Kristine
121	Braun	Christina
122	Lewin	Andrew Christopher

RVT

8412	Reitenour	Megan Michelle
8413	Richie	Sarah Marie

CAET

9853	Bourgeois	Brooke Lauren
9854	Cortez	Amber Lynn
9855	Prestwood	Jessica Mae

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

There was no action taken.

IX. ADJOURN

There being no further business before the Board, motion was made by Dr. Corley, seconded by Dr. Emerson, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:20 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on June 7, 2018.

James Corley, DVM, Board Secretary-Treasurer