

DECLARATION OF EMERGENCY

Department of Health and Hospitals

Board of Veterinary Medicine

Veterinary Practice

(LAC 46:LXXXV.311)

The Department of Health and Hospitals, Board of Veterinary Medicine (Board) has adopted this Emergency Rule, effective May 4, 2010, in accordance with the provisions of the LA Administrative Procedure Act, R.S. 49:950 et seq., and the LA Veterinary Practice Act, R.S. 37:1518A(9). The Emergency Rule is to remain in effect for a period of 120 days (or until such maximum time as allowed by LA law), or until adoption of the final Rule, whichever occurs first.

The Board has developed and adopted this emergency rule clarifying and implementing the regulatory requirements for the issuance of temporary registrations to qualified out of state veterinarians with unique veterinary expertise in the care of free-ranging migratory birds, marine mammal, sea turtles, and other unspecified animals affected by the recent oil spill in Louisiana in keeping with its function as defined by the State Legislature in the Veterinary Practice Act.

The immediate clarification and implementation of the requirements for qualified out of state veterinarians who are operating as agents of the US Fish and Wildlife Service and/or National Oceanic and Atmospheric Administration, or their affiliated organizations, under the Federal permits issued by these respective agencies, regarding free-ranging migratory bird rehabilitation, marine mammals, sea turtles, and other unspecified animals, and related matters, are in the best interest for the protection of the public health and safety.

This emergency rule does not allow out of state veterinarians, who do not meet the specific and express qualifications set forth in the rule, to provide veterinary services in Louisiana at this time.

This emergency rule does not limit or adversely impact the practices of Louisiana veterinarians to provide veterinary services pursuant to their licensed authority in this state.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarian

Chapter 3. License Procedures

Rule 311 (2010 Deepwater Horizon - ER #1). Temporary Registration During Oil Spill.

A. The Governor of Louisiana issued a Declaration of a Public Emergency (effective on or about April 29, 2010) regarding the Deepwater Horizon oil spill in the Gulf of Mexico and its imminent effect. The oil is migrating towards Louisiana and is anticipated to have a devastating impact on the coastal parishes of our state, as well as the shoreline of other Gulf states.

B. This emergency rule is necessary to address the needs of the particular declared emergency or disaster at issue.

C. The LBVM exercises its legal authority pursuant to the LA Veterinary Practice Act, R.S. 37:1518A(9), and adopts this emergency rule thereby granting temporary registration for a period of time not to exceed a period of 120 days (or until such maximum time as allowed by LA law), or until adoption of the final Rule, whichever occurs first, to out of state veterinarians who meet the specific and express qualifications set forth in this rule.

D. Accordingly, the following requirements and/or any other requirements required by the Board for temporary registration of qualified out of state veterinarians are imposed which more properly address the needs of the particular declared emergency or disaster as set forth herein.

E. A veterinarian not licensed in Louisiana, but currently licensed, in good standing, in a state jurisdiction of the United States may provide veterinary services needed in response to the oil spill if:

1. the veterinarian has a current permit with the US Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration, or is operating under a Federal permitted affiliated organization, regarding free-ranging migratory bird rehabilitation, marine mammals, sea turtles, and other unspecified animals, affected by the recent oil spill in Louisiana;
2. the veterinarian has photo identification and a license to verify a current license in a state jurisdiction of the United States;
3. the veterinarian properly registers with the LA Board providing the documentation set forth in 1 and 2 above;

4. the veterinarian is engaged in a legitimate relief effort during the emergency period at sites specified by the LA Department of Wildlife and Fisheries, and/or the LA Department of Agriculture, Office of the State Veterinarian (LA Incident Command Central), and provides satisfactory documentation to the Board that he will be providing veterinary services at such sites specified by these State agencies; and

5. the veterinarian shall comply with the LA Veterinary Practice Act, Board's Rules, and other applicable laws, as well as practice in good faith, and within the reasonable scope of his skills, training, and ability.

F. All out of state veterinarians licensed, in good standing, in other state jurisdictions of the United States shall submit a copy of their respective license, photograph identification, and current permit issued by the US Fish and Wildlife Service and/or National Oceanic and Atmospheric Administration as required by this emergency rule, as well as other requested information, to the LA Board of Veterinary Medicine office for registration with this agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 36:____ (____ 2010).

Wendy Parrish
Executive Director