

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Veterinary Medicine

The Department of Health and Hospitals, Board of Veterinary Medicine (Board) adopts this Emergency Rule, effective September 1, 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). This Emergency Rule shall remain in effect for a period of 120 days (or until such maximum time as allowed by LA law).

The Board has developed and adopted this emergency rule 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 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 mammal, sea turtles, and other unspecified animals, and related matters, are in the continued best interest for the protection of the public health and safety.

An earlier and similar emergency rule (which expires September 1, 2010) was adopted by the Board to address the subject matter of the exigent circumstances created by the BP oil spill. It is not disputed that an unfortunate and unforeseen delay in capping/stopping the unabated flow of oil existed during the vast majority of time the earlier emergency rule was in effect. There continues to exist the vast cleanup effort and its effect subsequent to the recent capping/plugging of the well. Due to the unanticipated and continuing devastating impact the oil is having on free-ranging migratory birds, marine mammal, sea turtles, and other unspecified animals, it is necessary to further address the need for qualified specialized veterinarians to be able to continue to assist the people and animals of Louisiana during the cleanup effort.

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 312 (2010 Deepwater Horizon-ER #2). Temporary Registration During Oil Cleanup.

- 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. The effect of the spill, including the unfortunate and unforeseen delay in capping/stopping the unabated flow of oil, continues to have an adverse impact on the coastal parishes of our state. More specifically, the residual effect of the oil spill, even after the very recent capping/plugging of the well, is an unanticipated and continuing devastating impact on free-ranging migratory birds, marine mammal, sea turtles, and other unspecified animals.
- 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) 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 mammal, 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.

- G. All temporary registrations issued to qualified out of state veterinarians by the Board as per earlier Rule 311 (2010 Deepwater Horizon-ER #1) shall remain in effect during the period of time of this emergency rule without the need for re-application to the Board.

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