

Report to Licensees

of the

LOUISIANA BOARD OF VETERINARY MEDICINE

Volume 14, No. 1

August 2004



Don't Be Late...Check Renewal Date

Currently held licenses will expire unless renewed by September 30, 2003. The renewal period for the 2005-year licensing period began on July 1, 2004. Renewal packets were mailed to licensees the last week of June 2004. If you have not received a renewal packet, please contact the Board office via telephone 225-342-2176, fax 225-342-2142, or email lbvm@eatel.net to check the address on file and request another packet. General renewal information and a generic renewal form are available on the Board's website, www.lsbvm.org.

✓ Renewal Checklist

1. **Renewal Form** – Information correct and complete, signed (all questions answered on page 2)
2. **CE** - Copies of acceptable proof of attendance for no less than sixteen (16) hours of approved continuing education
3. **Payment** of all applicable fees to LBVM (Louisiana Board of Veterinary Medicine)
License Fee - Active DVM \$225, Inactive DVM \$100
Late CE Fee - \$25 Late Renewal Fee - \$125 (if postmarked after 9/30)

Rehabilitation and Alternative Therapies: Who can lawfully perform these services on animals?

by Michael Tomino, Board Counsel

As I have referenced in past articles, the Louisiana Board of Veterinary Medicine (the "Board") is mandated by law to license and regulate the practice of veterinary medicine in Louisiana so as to insure the health, safety and protection of the animals which receive such services, the animals' owners and the public. The Board has the exclusive jurisdiction to regulate the practice of veterinary medicine and those services performed on animals which fall within its scope as defined by the LA Veterinary Practice Act and the Board's Rules.

The Board has received several requests regarding the legality to a non-veterinarian performing rehabilitation and alternative therapies on animals, including chiropractic treatment, physical therapy and massage. The Board has carefully reviewed these inquiries and responded accordingly. It is the purpose of this article to review the law, and the Board's clear interpretation of the law, regarding rehabilitation and alternative therapies as performed on animals. At the outset, it must be stated that the Board's opinion on this topic is based on who is qualified, and recognized by law, to make an on-going diagnosis or evaluation regarding an animal's medical condition.

LSA R.S. 37:1513 (4) (a) of the Louisiana Veterinary Practice Act defines "practice of veterinary medicine" to mean:

to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic apparatus, application, anesthetic, or therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for

testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above. (Underscore added for emphasis.)

The Board's main concern with respect to any procedure performed by someone on the animals of another, is whether that person has sufficient education and training not only to protect the animal and hence the owner and the public, but also to prevent adverse effects, and more important, the possible spread of illness and disease. Such concern also applies to the "rendering of advice or recommendation" regarding the provision of rehabilitation and alternative therapies on animals which is also specifically included in the definition of the practice of veterinary medicine.

The application of rehabilitation and alternative therapies, including chiropractic treatment, physical therapy and massage, to an animal would involve treating, correcting, changing, relieving, or preventing animal disease, deformity, defect, injury, or other physical conditions which by its very nature defines the practice of veterinary medicine. Furthermore, during the provision of rehabilitation and alternative therapies there is an on-going evaluation or diagnosis of the animal's condition which may require further medical treatment.

Another question which has arisen is whether or not the provision of rehabilitation and alternative therapies can lawfully be performed by an employee under the direct supervision of a licensed veterinarian pursuant to Rule 702. Rule 702A2 provides, in pertinent part, the following:

Treatment is being performed on the order or prescription of the licensed, supervising veterinarian, except that no unlicensed person may perform...diagnosis....(Underscore added for emphasis.)

Furthermore, Rule 712, which specifically addresses alternative therapies provides, in pertinent part, that:

Alternative therapies including, but not limited to, ultrasonography, magnetic field therapy, holistic medicine, chiropractic treatment, acupuncture, and laser therapy shall be performed only by a licensed veterinarian or under the direct supervision of a licensed veterinarian, except that no unlicensed person may perform ...diagnosis....(Underscore added for emphasis.)

Therefore, based upon the Section 1513(4)(a) of the LA Veterinary Practice Act, as well as the exception provision in Rules 702A2 and 712, it is the Board's opinion that the provision of rehabilitation and alternative therapies are clearly included within the scope of practice of veterinary medicine which is regulated by the Board. In addition, the provision of rehabilitation and alternative therapies on animals, including chiropractic treatment, physical therapy and massage, necessarily involve an on-going diagnosis or evaluation which prevents any unlicensed person from performing such procedure, even under the direct supervision of a veterinarian.

In other words, the provision of rehabilitation and alternative therapies, including chiropractic treatment, physical therapy and massage, to non-human animals by an individual not licensed by the Board to practice veterinary medicine would be a violation of the Louisiana Veterinary Practice Act and the Board's Rules.

As an aside, the Board has recently addressed inquiries in which the concept of "consultant" was raised. More specifically, the question presented was whether or not a health care

professional, not licensed by the Board, may lawfully act as a consultant to a veterinarian licensed by the Board. With regards to “consultant,” Section 1514(4) of the Practice Act also 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, 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 lawfully 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 Board, but rather by a sister state, he cannot perform “hands-on” services to the patient.

Should you have any additional questions or comments regarding the content of this article, or the Board’s opinion on the topic it covers, please do not hesitate to contact the Board office.

Rules Update

A Notice of Intent dated July 20, 2004 was posted in the Louisiana Register regarding the following rule amendment:

Rule 1015.B – Corporations, Partnerships, and Limited Liability Companies – proposed rule amendment clarifies legal guidelines and specifics for franchise arrangements regarding veterinary practices in Louisiana.

Please call or write the Board office for a copy of any Notice of Intent or Rules described above.



Disciplinary Cases

Case No. 04-0205V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526(14) and Board rules, specifically Title 46, part LXXXV,

Section 705A3 and 1001 et seq., in that the respondent ordered and prescribed drugs for use of or by a human being. Respondent was placed on probation for one year and fined the amount of cost recovery for the proceedings.

Special Note - *Report to Licensees of the Louisiana Board of Veterinary Medicine* is considered a method of communication to veterinarians licensed by the Board. These reports may be used in administrative hearings as proof of notification. Please read them carefully. We encourage you to keep them in the back of your Louisiana Practice Act Book for future reference.

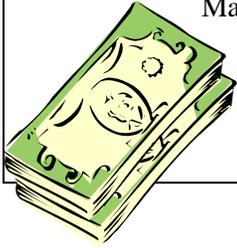
Comfort and Communication

Some complaints are filed simply because the pet owner did not get a compassionate word and/or an explanation regarding the sudden and unexpected death of an animal following treatment and/or surgery. Such complaints allege lack of compassion by the treating veterinarian. Comments such as “He never said he was sorry”, “She never called to explain how and why it happened”, “He ignored me and didn’t want to talk

with me about my pet’s death”, are often heard. The complainant usually seeks solace and an understanding word directly from the veterinarian. Staff members can help console the client, but it is the direct communication with the veterinarian that is desired. With the devastating feeling from the announcement that one has unexpectedly lost a pet, a person may turn to anger and file a complaint

based solely on emotion when the event is not handled with compassion.

ABC...XYZ... LBVM ...LVMA... Fees ...Dues... Licensure ...Membership...



Many times the Board staff receives questions about exemption of dues and lifetime membership.

Please remember that the Board (LBVM) receives fees for the veterinary license, whereas LVMA is a voluntary association and receives membership dues.

LBVM = Licensing Board, license fees (required)

LVMA = Association, dues (voluntary) Some LVMA lifetime members are exempt from dues.

Board Member Changes

The Board says thank you to Brent Robbins, DVM of Folsom, Louisiana, for his year of service, and wishes him well in future endeavors.

Upcoming Chemical Capture Courses Approved by LBVM

August 3 and 4, 2004 – Louisiana Animal Control Association at LSU-SVM
Contact: David Marcantel, President of LACA, www.lacainfo.org, 337-439-8879

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Louisiana Board of Veterinary Medicine

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