

Report to Licensees

of the

LOUISIANA BOARD OF VETERINARY MEDICINE

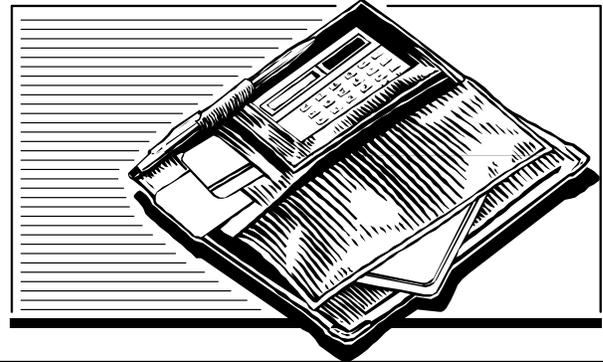
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New!

Wallet-Size DVM Licenses will be included with your 2006-2007 renewals at no charge for the initial issue.



License Renewals to be Mailed Out End of June

All licenses expire September 30, 2006.
Prepare now and avoid late fees, stress and hassle.

Privilege to Practice

by Louisiana Board of Veterinary Medicine

With the rapidly approaching hurricane season, all eyes are nervously watching the Gulf of Mexico and early weather reports/predictions of what to expect. Interested parties and governmental entities (at all federal, local and state levels), and the LBVM are focused on the protocol necessary to define whether a specific occurrence (emergency or disaster) requires a response, who will be affected, and what the appropriate response will be to the occurrence.

Prior to last year's hurricane season (pre-Katrina and Rita) there was never a disaster of such a magnitude which required the suspension of a license to practice veterinary medicine in Louisiana issued by the LBVM. In an effort to expedite the decision in the future to suspend the requirement and implement the "when, where, who, how, and for how long," certain approaches are being explored. In order to alter the legal protocol which was used in the aftermath of Katrina and Rita, an amendment to the law is necessary. At the time of writing this article there are bills currently pending in the Legislature regarding this matter.

It is anticipated, and sincerely hoped, that any amendment to existing law will address the issues at the core of this subject. In short, under any Report to Licensees, April 2006

circumstance, to suspend the requirement for a license to practice, even for out-of-state veterinarians who in good faith want to assist, must be tempered with common sense and the ability to verify competency and good standing in the profession.

The ultimate outcome of any attempted change in current law is yet to be determined since the Legislative session just began. It is possible, but not probable, that no amendment to the law will be made. However, at the present time, the LBVM has received various requests regarding emergency response under existing law. It is the purpose of this article to provide you with the current state of the law on the "privilege to practice" in Louisiana. Please keep in mind that if a state of emergency is required, such will be determined by the Governor with the appropriate response implemented through Executive Order. At present, the terms of the Executive Order will determine and implement the "when, where, who, how, and for how long" of the measured response.

In the absence of any Executive Order suspending the requirement for a license, Section 1514 of the LA Veterinary Practice Act states that no person shall practice veterinary medicine in Louisiana

without a license issued by the Board. However, there are certain exceptions provided in the law.

Subsection (1) of Section 1514 provides that any employee of the government performing his official duties. For example, out-of-state veterinarians employed by FEMA are exempt from the license requirement since they are regulated by the federal government during the measured response. Their competency is assured by the government agency which employs and directs the activities of these veterinarians. FEMA was also working in conjunction with the State Veterinarian's office in the wake of Hurricanes Katrina and Rita.

Specific queries have recently been submitted regarding the role LSU-SVM can lawfully play in providing assistance in an emergency response. More specifically, the questions are: 1) "whether it is permissible for an LSU veterinarian (not licensed by the LBVM) to practice in a mobile veterinary clinic under the LSU education umbrella at a shelter during a disaster," and 2) "whether it is permissible for an out of state veterinarian (not licensed by the LBVM) to practice in a mobile veterinary clinic under the LSU education umbrella at a shelter during a disaster."

LSU veterinarian not licensed by the LBVM

Again, the Practice Act states that no person shall practice veterinary medicine in Louisiana without a license issued by the LBVM. Subsection (7) of Section 1514 provides an exception to the license requirement for "a member of the faculty of a veterinary school performing his regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school or in connection with a continuing education course or seminar." Such exception is based on the grounds that the faculty veterinarian is working in the school system performing his educational functions, or continuing education seminars.

Accordingly, if an LSU veterinarian practices outside of the educational (or continuing education) arena, then the law requires an active license issued by the LBVM just as in the case of a veterinarian in private practice. For example, an LSU veterinarian (not licensed by the LBVM) practicing veterinary medicine at an emergency clinic or as a relief veterinarian must have an active license issued by the LBVM in order to be in compliance with the Practice Act and the LBVM's Rules.

The question submitted seems to infer that the mobile veterinary clinic would exist under a LSU "educational umbrella" at a shelter during a disaster. There would need to be a confirmed factual basis and legal authority verifying that a mobile clinic, or for that matter a land-based shelter, are legitimately part of the "educational arena" for LSU-SVM. A casual declaring it as such does not trigger the application of the exception to the license requirement. In addition, the LBVM is not speaking for LSU-SVM, however, it is anticipated that civil issues of liability, etc. would seriously be considered by the school if the educational arena were expanded beyond its normal context. In short, any effort to unlawfully expand the context of education could be viewed as an attempt to circumvent the law.

A simpler and quicker solution is available in order for an LSU veterinarian to be in compliance with the law. It is suggested that the LSU veterinarian obtain and maintain an active license from the LBVM to legally practice in a mobile veterinary clinic or at a shelter. Some of the LSU veterinarians have pursued this option.

Out-of-State Veterinarian

Again, the Practice Act states that no person shall practice veterinary medicine in Louisiana without a license issued by the LBVM. There is no exception for an out-of-state veterinarian as is the case of an LSU veterinarian discussed above who is "a member of the faculty of a veterinary school performing his regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school or in connection with a continuing education course or seminar." Simply stated, an out-of-state veterinarian practicing as suggested in the query would be an illegal attempt at circumventing the law.

Even if the out-of-state veterinarian would be "employed by LSU as a faculty member" (the consideration of which by the school is highly doubtful for obvious reasons), please refer to the discussion above regarding the problems stemming from the potential unlawful extension of an "educational umbrella."

In concluding, it is the LBVM's understanding that the Louisiana Veterinary Medical Association and the State Veterinarian's office have been working diligently to comprise a list of contact information for veterinarians licensed by the LBVM in the event their services are needed in a volunteer capacity in

the future. If you are interested, please contact these entities. Such a list will expedite the response time. A volunteer list, in combination with any prudent new law governing the suspension of the license requirement for out-of-state veterinarians, will assist in placing Louisiana at the cutting edge of emergency response.

With everyone working towards a common goal, it is sincerely felt that any emergency response action necessary in the future will be conducted as efficiently and expeditiously as possible. Thank you for your continued love and devotion to our profession.

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

Final Rule 711.E – Veterinary Practice – Wellness and Preventative Care Clinics – Effective December 20, 2005. Rule amendment clarifies and implements requirements for a veterinarian licensed by the Board to administer vaccines, perform examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic.



Disciplinary Cases

Case No. 06-0808V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A(14) and Board rules, Title 46, Part LXXXV, Sec. 701A and 1001 et seq., in that the respondent kept improper medical records (inaccurate surgery narrative). Respondent was fined \$500 and ordered to pay the amount of cost recovery for the proceedings.

Case No. 05-3220V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A (14) and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., in that the respondent was negligent in failing to properly diagnose and treat the patient's medical condition. Respondent was fined \$250, ordered to pay the amount of cost recovery for the proceedings and placed on one year probation.

Limited Equine Dentistry Training at LSU-SVM and RED Continuing Education

Once again LSU-SVM will host the Board approved training program for limited equine dentistry for laypersons and Registered Veterinary Technicians employed by a veterinarian. (See LA Practice Act, Rule 1515F.)

The training program will be held on Thursday and Friday, June 15-16, 2006 at LSU-SVM provided there is a minimum of five people who register for the training course at the request of LSU-SVM due to the time spent and resources used by the school. It will include didactic and practical course material. An examination will be given at the end to demonstrate program completion verification, and a list of the successful attendees will be provided to the Board.

The cost of the training program will be set by LSU-SVM and will be payable to the LSU School of Veterinary Medicine. Registration for the program must be completed by June 5, 2006. LSU-SVM is providing this program as a service and is entitled to recoup its expenses. The Board will not share in the receipt of the tuition monies collected, nor did it participate in setting the amount required for participation. For further information on the program, anyone interested may contact Dr. Rustin Moore or Dr. Daniel Burba at LSU-SVM (225-578-9500).

For specifics as to “limited equine dentistry”, please refer to Rule 1515F. In addition, Rule 710D addresses dental operations in general and states that “in the branch of veterinary medicine dealing with equine dentistry, with proper training and under the direct supervision of a licensed veterinarian, lay people and RVTs employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps). All other

dentel operations, including but not limited to the extraction of teeth, amputation of large molar, incisor, or canine teeth, the extraction of first premolar teeth (wolf teeth) and repair damaged or diseased teeth must be performed by a licensed veterinarian.”

In addition, LSU-SVM will host the Board approved continuing education program for Registered Equine Dentists on Wednesday, June 14, 2006. The program will meet the 6-hour CE requirements for renewal. The program costs will be set by LSU-SVM and will be made payable to the LSU School of Veterinary Medicine. Registration for the program must be completed by June 5, 2006. For further information on the RED CE, please contact Dr. Rustin Moore or Dr. Daniel Burba at LSU-SVM (225-578-9500).

Current Information/Addresses - Please let us know of any changes, permanent and temporary, in your information. A “Change of Information” form can be downloaded from the Board’s website, www.lsbvm.org, under the “Renewals” section.

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