

the  
**LOUISIANA BOARD OF VETERINARY MEDICINE**  
**Quarterly Report**

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### **ANNUAL LICENSE RENEWALS To Be Mailed June 24, 1996**

Forms for annual license renewal will be mailed to all active and inactive license holders during the last week of June 1996. If you have moved since last year's renewal, you need to notify us of your new address NOW. Please let us know if you do not receive your renewal form by mid-July.

**The Board does not accept incomplete (partial) submissions.** Instructions for returning a complete submission will be included with the renewal mailing. Remember that a \$100 late fee is added when the renewal isn't postmarked by September 30 OR when the renewal is incomplete upon arrival and has to be returned to you. We make every effort to get incomplete forms back to you in time to make the September 30 deadline but urge you to mail them as early as possible to avoid the possibility of a late fee.

### **CE HOURS MUST BE COMPLETED BY JUNE 30, 1996 TO AVOID PAYMENT OF FINE FOR FAILURE TO OBTAIN CE.**

Proof of attendance for 16 hours must be attached to the renewal form. If you take your hours after June 30, you may still submit them but you need to include a \$25.00 disciplinary fine. This fine is levied for failure to complete hours within the renewal year as required by Rules 403 and 413.

All license holders, active or inactive, must complete 16 hours of CE each year. **If your current license expires on 6/30/96, you must have CE to renew.** Only those persons who have completed an affidavit of retirement or disability are eligible for a waiver of CE hours

### **BOARD FORMULATES POLICY ON TREATING WOLF HYBRIDS**

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Two questions come up when a client brings non-domestic animals such as wolves or wolf-hybrids to a clinic. After nearly a year of gathering information, the Board has adopted a policy to address these questions. That policy reads as follows:

#### **Should a veterinarian treat or vaccinate wolves or wolf hybrids**

- The vaccination of these animals is considered a discretionary use of a biologic. [The AVMA Professional Liability Insurance Trust does not specifically exclude these vaccinations; check with your insurance carrier to be sure.]
- Prior to vaccination, the owner should be informed that the vaccine is not approved for use in the animal and that there have been no studies to prove efficacy of the vaccine in wild animals. A notation of this discussion should be made on the patient records

and initialed by the owner. This allows the owner to make an informed decision regarding the use of the vaccine on his animal.

- In a state where it is illegal to keep these animals as pets, any treatment of an illegal animal may be considered an illegal act. Illegal acts are excluded under the AVMA professional liability policy; check with your insurance carrier also.

#### **Is it a veterinarian's responsibility to report the ownership of wolves or wolf hybrids?**

- Not in Louisiana. Current regulations requiring a permit to own such animals are being eliminated by the Dept. of Wildlife and Fisheries.
- Veterinarians should also be familiar with the regulations of the Department of Wildlife and Fisheries and their local animal control ordinances.



## ***REQUIREMENTS FOR LICENSURE IN LOUISIANA UNDER REVISION...***

During the past year the Board has undertaken to rewrite the guidelines for obtaining a license in Louisiana. The first change occurred when the Board voted to eliminate entirely the medical component sections of the state board examination. The state test on laws and regulations (RPC) will continue to be required as will the National Board Examination and the Clinical Competency Test. Persons who have been licensed and in practice in another state for at least five years may obtain a license without retaking the national examinations but must take and pass the state test. In addition to testing, all applicants must pass a national disciplinary data base background check with a

clean record and must either submit to a preceptorship or apply for a waiver based on work experience.

During these changes the Board reviewed the requirements for preceptorship and began working on a revised program that would be longer than five weeks in length. Because such a program could require post-graduation work, the Board undertook to create an intern type program that would provide graduates with an interim license but require certain levels of supervision for the length of the program. The license to be issued was called a "provisional" license. After introducing the idea the Board received a tremendous amount of negative feedback. To

address these concerns, the Board has now determined that a revision of the preceptorship program will be made without creating the interim license. The details of the program remain to be worked out. Three open forums have been held, most recently at the LVMA Winter Meeting in February, 1996. The Board does plan to have the revisions finalized for publication later this year. Persons with comments or questions about the revisions should contact the Board office. (see also the open letter from Board President, Dr. Robert Hammatt in this issue of the Quarterly Report.)

### **Premise Inspection Program Being Studied**

Another program undergoing discussion by the Board concerns instituting a premise inspection program in Louisiana. Although no time frame has been set up yet, the Board does hope to perform a survey to determine if there is a need for such a program. The survey would consist of inspections to determine levels of compliance with the minimum standards found in Chapter 7 of the Veterinary Practice Act rules. Practices would be randomly selected for the survey and would not be identified in the results. A copy of the findings will be left at the practice for informational purposes only. Due to the cost of contracting with professional staff to perform such a survey, no date has been set. It is anticipated that nothing concrete will take place for at least the next 12 to 18 months.

### **NOMINATIONS FOR NEW BOARD MEMBER MADE**

Since the last newsletter, Dr. Mike Cummings' term on the board expired. On August 1, 1995, Dr. Robert Lofton's appointment by the Governor began; he will serve until July 31, 2000. This summer, the term of Dr. Robert Hammatt will expire. Nominations were made at the LVMA Winter Meeting and have been submitted to the Office of the Governor.

### **FROM THE PRESIDENT . . . Robert M. Hammatt, DVM**

Dear Friends and Colleagues: This letter is intended to address the issue of pre-licensure experience. Call it preceptorship or internship or whatever. I continue to be amazed at the misunderstanding and apparent resentment that this program seems to generate in some quarters.

In 1987 the Louisiana Board of Veterinary Medicine initiated a ten-week preceptorship program. From inception, the program was designed such that the time would be a real learning experience for the pre-licensed individual. A committee (originally from the LVMA) reviewed practices to ensure that certain standards were maintained. Surely there were some areas that could have

been improved, but the program largely provided a valuable experience for the inexperienced person that anticipated private practice. In 1992 the program was reduced to five weeks in response to changes in block schedule requirements at the LSU School of Veterinary Medicine. The program then, and now, allowed students to anticipate their licensure requirements and choose completion of those requirements pre or post graduation. This program has served us well in the past.

If the program works well, why change it? Or, as I've heard a lot lately, "If it ain't broke, don't fix it." Frankly, that wouldn't bother me if it didn't come from people I admire so much but who seem to refuse to consider that maybe it is "broke." In my opinion the system is not entirely broken. This state is licensing some pretty decent young veterinarians. The quality of this "product" is due to some hard work on the part of many people, most of whom are on the staff of the LSU-SVM. I commend you and I congratulate you. But to refuse to change and improve programs simply because the present programs are adequate is to do a disservice to our younger colleagues and to our profession.

Surveys done by the Board of Veterinary Medicine indicate shortcomings in two areas of the current program. We are told that the length of time spent in preceptorship needs to be increased and that the preceptorship would be more valuable if were taken later in the final year or even post graduation. With this in mind, the Board set out to improve upon a program it felt (and feels) is a good idea.

In an attempt to make improvements, we discussed ideas with many of our colleagues at the LVMA Summer Meeting. While we met with some negativity, most of those present endorsed the concept of a longer experience. Because we did not want to create a burden on new graduates, we considered relaxing standards so these people could be licensed during their preceptorship. Then we met again with the SVM and with practitioners. Some valid concerns were presented. These included the issues of liability and concerns that provisionally licensed people

would received inadequate financial compensation. We listened, took notes, and went back to planning.

Our revised proposal is not yet final. We still are interested in your input. The Board is committed to a pre-licensure experience. We feel that this provides an enhancement of an awfully good formal education. The graduate who has an interest in equine medicine has the knowledge to interpret histopathologic slides of the mare's uterus. Let's give him or her the experience to palpate a 35 day equine pregnancy. Those interested in food animal medicine know what to look for in a mineral supplement. Let's show them which commercially available products provide these requirements. Those with an interest in companion animals can learn a lot from a print-out of a urinalysis or analysis of cerebral fluid. Let's give them the experience to collect these samples safely without injury to the patient or themselves.

The revised proposal, as it now stands, will probably mean a lengthening of the present preceptorship period from five weeks to eight to twelve weeks. It will probably also require that preceptorships be taken during the last half of the senior year or post graduation. Personally, I think it would benefit young veterinarians to take advantage of all that the university has to offer by doing their preceptorship post graduation. In our program, this would be a decision to be made by the individual student. We would like to mesh the Board's requirements with the proposed schedule change at LSU-SVM, but understand that this change has not yet been ratified. We hope to finalize our changes in time to be in effect for the class of 1998. The classes of 1996 and 1997 will not be impacted.

Thank you for listening to this lengthy discussion. We welcome your input. Our goal, as always, is to help the inexperienced veterinarians while continuing to protect the consuming public.

## COMPLAINT CASES: Final Findings of the Board

**Case No: 96-0918V** Complainant alleged that veterinarian threatened to hold animal for non-payment of services. Although no action was taken, veterinarian was advised that this is an illegal action that should not be threatened nor implied to any client.

**Case No: 96-1121V** Investigation of an anonymous complaint that technicians were performing ear crops was undertaken by Board investigator. Board found no disciplinary action warranted, but provided veterinarians with a copy of rule on direct supervision and prohibited activities. Ear cropping is a surgery which can only be performed by a licensed veterinarian.

**Case No: 95-0119V** Board found veterinarian guilty of violating Rule 1065 and statute 37:1525(A)14 as a result of his failure to adhere to the state sanitary code by not holding for observation a dog that bit one of his employees. Board required veterinarian to admit to wrongdoing, to be placed on probation for three years, to submit to inspections of his practice, to take a course in public health, pay a fine of \$1,000, costs of \$5,208, and undergo Peer Assistance evaluation.

**Case No: 96-0427V** Veterinarian was found to have mislead client by stating that lab work was taken to a hospital laboratory when in fact it was not. This action violated Rules 1023 and 1039. Veterinarian was required to take an additional 32 hours of CE in areas of client relations, conflict management, record keeping and/or ethics during twelve month period.

**Case No: 95-0714V** Veterinarian self-reported prescribing for a human. Board placed his DEA license on suspension for one year, required him to take and pass the state board on laws and rules, and to attend two hours of CE in DEA record keeping.

**Case No: 95-1021V** Complainant alleged that veterinarian improperly prescribed combinations and quantities of medication that caused death of the animal. Complainant further alleged that veterinarian would not release client records to her. Autopsy results tended to confirm complainants case although all drugs in question were given within acceptable parameters. Board found that case was extremely close to being a violation but took no disciplinary action since no violation could be proven. (Client did ultimately receive copies of her records as requested.) However, veterinarian was cautioned to review and revise his drug protocol and to add the use of release forms or signed treatment records to his practice routines to avoid miscommunications. Veterinarian was further advised that clients have a right to obtain their records and was cautioned against refusal to provide them.

**Other Actions:** **Four** reported incidences of **practicing without a license** have been processed; cease and desist letters have been sent. **Seven drug purchase cases** have been reviewed without disciplinary action. **Eight** other veterinary complaint cases were reviewed and closed as having **no basis** for the complaint.

## Quarterly Questions:

**Question: Can a pet be withheld from a client for non-payment of services?**

Answer: No. This would deprive your client of due process, an act for which there is no provision of law in Louisiana EXCEPT when the animal in question is a horse. A specific law addresses the horse issue.

**Question: What options are available to the estate of a deceased veterinarian regarding ownership, operation, and sale of the clinic?**

Answer: Because a licensed veterinarian can only work for another licensed veterinarian, it is not legal for the survivors to hire a veterinarian to operate a practice. However, the survivors may lease a practice to a licensed person for a set amount of money. There cannot be any agreement to pay the owners/survivors on a percentage basis inasmuch as this could be construed as fee splitting. The owners/survivors cannot "come between" the veterinarian and the client in any way. This includes making decisions about treatments, purchases of supplies, drugs, etc.

All rules regarding employment of a licensed veterinarian can be found in Chapter 10 of the veterinary regulations. If the practice is incorporated, there are additional laws found in the Veterinary Medicine Corporations Act. All of this information is located in the practice act booklet published by the Board.

**Question: What is the Veterinary Practice Act?**

Answer: The name refers to the section of the law that establishes the Louisiana Board of Veterinary Medicine to regulate the veterinary profession. This is also known as the “enabling legislation.” According to that law, the Board is established to “promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine.” (Louisiana Revised Statutes Title 37:1511)

**Question: What are the “regulations” of the Veterinary Practice Act?**

Answer: The practice act gives the board authority to “Adopt, amend or repeal all rules necessary ...to carry into effect the provisions of this Chapter...” (Louisiana Revised Statutes Title 37:1518) Those rules are also referred to as “the regulations.”

**Louisiana Board of Veterinary Medicine**

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**ADDRESS CORRECTION REQUESTED**