

the
LOUISIANA BOARD OF VETERINARY MEDICINE
Quarterly Report

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RULE CHANGES IN THE WORKS

During the past year the Board of Veterinary Medicine has been reviewing its rules as found in the Louisiana Administrative Code. The Board is trying to revise the rules to address the current needs of the practice of veterinary medicine, and to reflect the actual administration of some board duties and programs. Changes are being proposed in Chapters 1, 3, 4, 5, 7, 10, 11, and 12. These rules have not yet been fully promulgated as required by the Louisiana Administrative Procedure Act, but they are in process. The intent here is not to provide every detail of the changes but to summarize them for your information. All Notices of Intents and Final Rules will be published in the *Louisiana Register*. Copies of the proposed rules are available from the Board office at a charge of .25 per page and postage. Final adoption of these proposed rules cannot occur before the Fall 1997, and the Board anticipates distributing copies of all Final Rules to licensees during the renewal process that will begin during June 1998.

Chapter 1: The proposed changes to this chapter include establishing a policy for providing public records; adopting the Louisiana Division of Administration fee schedule for providing documents; requiring that complaints lodged against any person over whom the Board has jurisdiction (not just licensed veterinarians) be signed and notarized; making changes to the complaint resolution and disciplinary procedures, thus clarifying the steps that are taken in the investigation and resolution of a complaint; making provision for a regular report of the Board to be issued at least annually; and making a technical change relating to examination vendors.

Chapter 3: The proposed changes to this chapter relate to licensure procedures. They include specifying the number of letters of reference required and prohibiting family members and fellow students from being referees; clarifying requirements for foreign veterinary school graduates; allowing the board to take action against a licensee who submits false or misleading information during the licensure process; providing for the annual adoption of the national examination to be taken by applicants; specifying other requirements that must be met before taking the examinations and licensure; revising language related to the state exam to reflect current Board practice; and adding the Louisiana Board of Pharmacy as an agency to receive lists of suspended or revoked licenses.

Chapter 4: Proposed changes to this chapter include allowing limited use of video-tape, self-test programs with third-party grading and on-line instruction with third-party grading; requiring that proof of attendance shall include specific subjects attended; limiting to four the maximum number of hours that can be earned in practice management courses; and removing the requirement that an affidavit of retirement must be submitted annually to be exempt from continuing education requirements.

Chapter 5: Proposed changes include the removal of a combined fee when taking the NBE and CCT exam at the same time, and eliminating the rule that allows persons who have obtained the age of 65 to be exempt from the renewal fee.

RABIES VACCINATIONS BY LICENSED VETERINARIANS ONLY

You are reminded that the Sanitary Code of the State of Louisiana (Chapter 3) requires that rabies vaccinations be given directly by a licensed veterinarian. Please see Chapter 3 of the Sanitary Code for more information on the control of rabies.

Chapter 7: Proposed changes include specifying that the record keeping rules are for the purpose of producing a record such that a veterinary peer can gain a full understanding of the findings, diagnostic process, reasons for treatment protocol, and applicability of surgical procedures. The revisions further specify that records shall be legible; require veterinarians to provide any and all records as requested by the Board to the Board; establish minimum standards for a synopsis record; provide that failure to comply with record keeping requirements shall be considered a violation of the Rules of Professional Conduct; extend the list of accepted livestock management practices; make a rule related to alternative therapies; and clarify the need for hot and cold running water to be accessible to the surgery room.

Chapter 10: The proposed change to this chapter establishes criteria for the use of the terms “specialty” and “specialist.”

Chapter 11: The main proposed change to this chapter lengthens the preceptorship program from five to eight weeks, specifies when it may be taken within the senior year, and clarifies the number of days and hours within a week that can be used to fulfill the preceptorship hour requirements.

The Emergency Rules

The Board has found it necessary to issue two emergency rules effective March 10, 1997. The first concerns specialties in the practice of veterinary medicine. The Board amended Rule 1063 to include the following:

B. A veterinarian may not use the term specialist for an area of practice for which there is not AVMA recognized certification.

C. A diplomat of the American Board of Veterinary Practitioners can claim only a specialty for the class of animals in which he specializes, not for medical specialties unless he is board-certified in those medical specialties.

D. The term "specialty" or "specialists" is not permitted to be used in the name of a veterinary hospital unless all veterinary staff are board-certified specialists.

This rule will remain in effect for 120 days beginning March 10, 1997. The Board is proceeding with having the rule made permanent through the regular rules promulgation process.

The second rule relates to Certified Emergency Euthanasia Technicians (CAETs). The Board suspended Rule 1201.E for a period of 120 days to allow persons who have already completed the board's approved course for certified animal euthanasia technicians, but did not complete the certification process, to receive temporary

certificates in accordance with Rule 1207. Any persons who receive a temporary certificate will be required to take the Board's course (expected to be held in August 1997) and complete all other required certification requirements, including passing the CAET examination. The full text of this rule has been mailed to animal shelters and is available from the Board office.

ANNUAL LICENSE RENEWALS To Be Mailed in June

Important Notice: A post office box will be used to process renewals this year because of the pending move of the Board office. This post office box is not intended to be the Board's permanent mailing address. You will be informed of the Board's permanent address as information becomes available.

Forms for annual license renewal will be mailed to all active and inactive license holders during the last week of June 1997. 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 complete renewal isn't postmarked

by September 30. When incomplete renewals are received and returned to a licensee, it is the licensee's responsibility to re-submit the fully complete renewal documents by September 30. We make every effort to get **incomplete** forms back to you in time to make the September 30 deadline, but we 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, 1997 TO AVOID PAYMENT OF FINE

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 in accordance with Rules 403 and 413.

All license holders, active or inactive, must complete 16 hours of CE each year. **If your current license expires on 9/30/97 you must**

COMPLAINT CASES: Final Findings of the Board

Case No: 96-0311V Veterinarian contracted with a parish government to board stray animals each for a period of five days, to euthanize the animal if it remained unclaimed after the five-day waiting period, and to dispose of the animal's remains. Veterinarian euthanized a dog without waiting the five-day holding period. The Board found a violation of Rule 1039 (Conduct of One's Practice) and issued the following disciplinary action: public letter of reprimand; a fine of \$500; letter of apology from the veterinarian to the parish government; submit to and pay for inspections conducted by the Board; pass the state Rules of Professional Conduct exam; and reimbursement of Board costs. Veterinarian had received disciplinary action in a previous case.

Case No: 96-1011V Veterinarian wrote three prescriptions for human consumption. Board found a violation of Rules 705A3, 705B, and 705F (Prescribing and Dispensing Drugs). Disciplinary action included public letter of reprimand; two hours of additional continuing education in the

have CE to renew. Only those persons who have completed an affidavit of retirement or disability are eligible for a waiver of CE hours. A consistent problem that the Board has faced with CE hours involves new licensees. If you were issued your initial license on or after May 1, 1996, you **are** required to earn CE hours between July 1, 1996, and June 30, 1997 for renewal of your license for 1997-98, as are all other licensees.

Self-Inspections

You will find with your renewal packets this year the form that the Board uses when premise inspections are conducted. We hope that you will use it to familiarize yourselves with the regulations, and possibly to conduct a self-inspection of your own facility.

COMPLAINT CASES: Final Findings of the Board

specific areas of record keeping and dispensing and prescribing legend and controlled substances; fine of \$900 (\$300 per violation); pass the state Rules of Professional Conduct exam; submit to and pay for inspections conducted by the Board; license to practice veterinary medicine is revoked (however, the revocation is suspended on the condition that veterinarian shall never prescribe any drug or medicine for a human); and reimbursement of the Board costs.

Case No: 96-0523V (consolidation of two cases) A patient was presented in a weakened condition with obvious anemia yet no attempt was made to diagnose the cause of these problems. Patient was given an antibiotic and vitamin and released. Client was not advised that follow up care was indicated or that the problem was potentially serious. A second patient was examined and a history taken that indicated the patient was inactive with a history of vomiting for one week. In spite of this, no attempt to assess the condition or to determine a diagnosis was made. Patient was given a palliative,

symptomatic treatment and sent home with instruction to see their regular veterinarian the next day. The Board found a violation of Rules 1023 (Degree of Treatment) and 1009 (Professional Responsibility). Disciplinary action included: public letter of reprimand; submit to and pay for inspections conducted by the Board; permission for the Board to discuss all details of these two cases, including but not limited to the substance of the complaints and the veterinarian's responses thereto, with the veterinarian's employer(s) and with the owner(s) of the emergency clinic; ineligibility as a preceptor for three years.

Case No: 96-1211V Veterinarian was found to have performed a declaw procedure in a less than satisfactory manner. The Board found a violation of Rule 1023 (Degree of Treatment). Disciplinary action included public letter of reprimand; one hour of additional CE in the specific area of feline declaw procedure and demonstration of proficiency in the procedure; and submit to and pay for inspections conducted by the Board.

Case No: 96-1227V Veterinarian did not accurately assess the severity of the animal's condition and, therefore, did not aggressively institute appropriate diagnostic and therapeutic efforts. The Board also found that the dosage and route of administration of Telazol used by the veterinarian is an accepted method of utilizing the drug, and that, without a necropsy, there was no way to definitively know if the signs exhibited by the animal were caused by aspiration of ingesta or an adverse drug reaction. The Board found a violation of Rule 1023 (Degree of Treatment). Disciplinary action included a public letter of reprimand; six hours of additional CE in the specific areas of companion animal anesthesia, including monitoring of the patient (four hours) and emergency/critical care with emphasis on cardiac and respiratory conditions (two hours); submit to and pay for inspections by the Board; and reimbursement of Board costs.

Case No: 96-0119.3-D A veterinarian's employee ordered controlled substances using the veterinarian's DEA registration number. The employee ingested, distributed or otherwise disposed of the controlled substances. The veterinarian did not maintain records of controlled substances as required by DEA. The veterinarian

had not stored controlled substances in a securely locked cabinet which is of substantial construction. If the employee ordered and purchased controlled substance without the veterinarian's permission, the veterinarian did not report the order and purchase to DEA and to local law enforcement as required by DEA regulations. The Board found a violation of Rules 701 (Record Keeping), 705 (Prescribing and Dispensing Drugs), and 1065 (Other Governmental Agencies). Disciplinary action included a public letter of reprimand; two hours of additional CE in the specific area of controlled substance regulations; permanent restriction of DEA registration for controlled substances to the purchase of sodium pentobarbital for use in animal euthanasia and seizure cases; submit to and pay for inspections conducted by the Board; and reimbursement of Board costs.

QUARTERLY QUESTIONS:

Question: Who is the client in this situation? An injured animal is presented to a veterinarian at an emergency clinic. The veterinarian cares for the animal and returns it to the persons who brought it in. Two days later a person claiming to be the owner of the animal comes to the veterinarian, says his animal is missing, and asks for the veterinarian to discuss the case. Rule 701E states that the "veterinarian...shall not release ... records to any person other than the client or a person authorized to receive the records for the client."

Answer: The persons who brought in the animal are assumed to be doing a "good deed" by rescuing an injured animal. Therefore, they are assumed to be the owner's authorized agent. The owner of the animal, by virtue of ownership, also is considered to be the client. Therefore, two clients exist in this case and both can receive the veterinarian's records. The veterinarian would be advised to obtain adequate evidence that the second person coming in was, in fact, the owner of the animal. Also, once ownership is established, the veterinarian may end communication with the persons who brought the animal in for care, though these first clients would still be liable for any charges made for the original visit.

BOARD STAFF

Charles B. Mann has recently been named the new executive director for the Board. Kimberly Barbier is the executive assistant in the office. Lisa Comeaux is the current clerk. They will be pleased to assist you with any questions you may have concerning the Board and its role in regulating veterinary medicine.

Louisiana Board of Veterinary Medicine

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ADDRESS CORRECTION REQUESTED