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

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**THE BOARD OF VETERINARY MEDICINE**  
**Its Purpose and Roles**  
**INCLUDE DOCS COSTS STATEMENT**

The Board of Veterinary Medicine, like all regulatory boards for professions and occupations, was created by the legislature **“to promote the public health, safety, and welfare.”** From this purpose comes the Board’s responsibilities for examination, licensing, and regulation of persons practicing veterinary medicine in Louisiana.

All licensees are familiar with the examination and licensing standards that must be met by a person wishing to practice veterinary medicine in the state. Currently, these standards include , among other things, successful completion of specified exams, certain educational requirements, character references, and successful completion of a preceptorship, In terms of ongoing regulation, continuing education requirements that must be met each year and standards of practice are set by rule.

Though it directly affects relatively few licensees, much of the Board’s energy and resources must also go into the review of complaints and other information it receives from the public concerning licensed veterinarians, registered veterinary technicians, and certified animal euthanasia technicians.

The Board is required to review complaints, and the public expects the Board to thoroughly investigate them. This is a difficult responsibility and not one that individual Board members relish, but it is an activity in which the Board has become, by necessity, increasingly involved. From a total of 17 enforcement actions that the Board opened in fiscal year 1994-95, the total went to 72 in 1995-96 before falling to 47 in 1996-97 (still a 176% increase over the 1994-95 total). These actions are opened based on information received from the public (which includes clients or veterinarians) or other agencies (for example, the Drug Enforcement

Administration). The Board does not normally fully investigate information unless it is received in the form of a notarized complaint, but it may if the information is considered sufficiently credible and serious.

When a complaint or other information is filed and accepted as being within the Board’s jurisdiction, it is first reviewed by a Board member who serves as Chair of the Complaint Review Committee. This committee is comprised of two other licensed veterinarians and a non-veterinarian. After an investigation where the licensee is requested to submit information, the Committee may or may not find a violation of the Veterinary Practice Act (statutes or regulations).

If no violation is found by the committee, that finding is presented to the full Board for review. If the Board agrees with the committee, the case is closed.

If a violation is found, the licensee is notified and invited to participate in an informal meeting to discuss the findings and disciplinary recommendations of the Complaint Review Committee. After this informal meeting, the licensee may accept the findings of the committee, in which case the Board reviews any agreement that has been reached and either ratifies or rejects it. If it is rejected, the Board may amend the findings of the committee, in which case the matter is returned to the informal disposition process, or the Board may ask for additional information to be gathered before rendering a final decision.

If no agreement can be reached about the findings and discipline after the informal meeting, the case goes to a public administrative hearing. At such a hearing, evidence is presented to the full Board, except for the Board Member who serves as the Complaint Review Committee Chair and who participates in the

presentation of the case., The Board then reviews the evidence and makes a decision about the case. By the time a complaint case is resolved (either for or against a licensee), no fewer than seven licensed veterinarians have reviewed the case.

paperwork. Many would rather not keep track of continuing education hours or complete license renewal documents. Yet all of these are part of a professional's life, and the licensing board, in its primary role to protect the public, is required to be involved in each of these areas.

No professional likes to respond to a complaint filed with their licensing board. Most did not appreciate taking exams or completing the initial licensing

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## **RULES FINALIZED**

A number of changes in the rules issued by the Board have gone into effect within the last few months. These changes were summarized in the Spring 1997 issue of the newsletter. In an effort to keep licensees informed of these changes, we will be printing over the next few issues those changes that are most likely to affect practitioners. We already published the amended Rule 701(A) relating to record keeping in the Summer 1997 issue. The Board intends to distribute updated copies of the Veterinary Practice Act and rules within the next year.

### **Amended Rule 701(B) and (C) - Patient Records (defines synopsis record.)**

*B. Patient records shall be maintained for a period of five years and are the responsibility and property of the veterinarian. The veterinarian shall maintain such records and shall not release the records to any person other than the client or a person authorized to receive the records for the client. The veterinarian shall provide any and all records as requested by the Board to the Board. Failure to do so shall be considered unprofessional conduct.*

*C. Copies or synopsis of patient records shall be provided to the client or the client's authorized representative upon request of the client. A reasonable charge for copying and providing patient records may be required by the veterinarian. Refusal to provide such records upon written request by the client shall be considered a violation of the rules of professional conduct within the meaning of R.S. 37:1526. A synopsis record shall include at a minimum the following information: name or identification of animal or herd, name of owner, all dates of treatment, and the complaint, any abnormal findings, diagnosis, and therapy, including the amount administered and the method of administration of all drugs, chemicals and medications, and surgical procedures performed for each date of treatment.*

### **Amended Rule 707 - Accepted Livestock Management Practices**

*The following are hereby declared to be accepted livestock management practices as provided by 37:1514(3):*

- 1. The practice of artificial insemination(A.I.) and the non-surgical impregnation (with frozen embryo) of farm animals to include that performed for a customer service fee or that performed on individually-owned animals;*
- 2. The procedure involving the collection, processing, and freezing of semen from privately owned animals carried out by NAAB-CSS approved artificial insemination business organizations;*
- 3. The carrying out of schools and short courses, teaching A.I. techniques to cattlemen, prospective A.I. technicians, and university agricultural students by qualified university faculty, cooperative extension specialists, and qualified employees of NAAB-CSS approved A.I. organizations;*
- 4. Performing the operation of male castration, docking, or ear-marking of animals raised for human consumption;*
- 5. Performing the operation of dehorning cattle;*
- 6. Aiding in the non-surgical birth process in livestock management;*

7. *Treating animals for disease prevention with a non-prescription medicine or vaccine;*
8. *Branding for identification of animals;*
9. *Reciprocal aid of neighbors in performing accepted livestock management practices without compensation;*
10. *Shoeing horses.*

#### **NEW Rule 712 - Alternative Medicine**

*Alternative therapies, including, but not limited to, ultrasonography, magnetic field therapy, holistic medicine, homeopathy, 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 surgery, diagnosis, prognosis, or prescribe drugs, medicines, or appliances as stated in §702.A.2 of this Chapter.*

#### **Amended Rule 1103 - Preceptorship Program--Definitions**

[NOTE: These rule changes are applicable to students graduating after 1998.]

*Preceptorship Program--a preceptorship program approved by the Louisiana Board of Veterinary Medicine which involves no less than five nor more than 10 weeks.*

1. *Until April 30, 1998, the program shall consist of not less than five weeks in training in an approved private clinical practice situation under the direct supervision of a practicing licensed veterinarian.*
2. *On or after May 1, 1998, the program shall consist of not less than eight calendar weeks in training in an approved private clinical practice situation under the direct supervision of a practicing licensed veterinarian.*
3. *For students graduating in calendar year 1999 and 2000, the program must be performed after May of the third year of study.*
4. *For students graduating in 2001 and thereafter, the program must be performed after January of the fourth year of study.*
5. *Changes in the program that are effective on or after May 1, 1998, shall not apply to students graduating in calendar years prior to 1999.*

*Week in Training--a week in training shall consist of no more than 40 hours earned during no more than six days within a calendar week.*

#### **Amended Rule 709(C)--Surgical Services**

*Hot and cold running water should be readily accessible to the surgery room.*

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### **Retirement, License Status and Controlled Substances Orders**

Licensees who retire move from an active license status to an inactive license status. An inactive license is designated for persons who will not practice veterinary medicine in Louisiana.

Retired licensees are also reminded that they must also turn in their DEA Registration and state DHH Controlled Substances License, as well as any DEA order forms (Form 222). Without an active license, it is illegal to order, purchase, dispense, or prescribe any substance, controlled or otherwise.

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## Disclosure of Lab Costs

The Board was recently asked by a Louisiana veterinarian's office about the requirements of a Louisiana law pertaining to disclosure of lab costs on a client's bill. La. R.S. 37:1741 requires a licensed veterinarian who uses an outside laboratory to include the lab's costs for performing tests on the bill submitted to the patient, and including the name and address of the lab.

This law covers all health professions and is not specific to the Veterinary Practice Act. However, the law gives jurisdiction to each of the professional boards for enforcement purposes.

A veterinarian may charge laboratory collection and interpretation fees, but these charges must be separated from the outside laboratory's costs.

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## Student Loans and Licensure

Louisiana law makes the default on the repayment of any loan guaranteed by the Louisiana Office of Student Financial Assistance (OSFA) grounds for denial of the application for, or the application for the renewal of, a professional license. Based on information received from OSFA, the Board may be required to deny or suspend a license or to issue a conditional license. The suspension or condition could be lifted based on acceptable loan repayment terms being reached with OSFA by the licensee.

During the past year, OSFA has contacted the Board to make us more aware of this requirement. A statement concerning OSFA's requirement and its effect on licensure will now be included in original and renewal license packets.

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## COMPLAINT CASES: Final Findings of the Board

**Case No. 97-0106C:** Four Certified Animal Euthanasia Technicians (CAETs) were found to have submitted falsified high school or general equivalency diplomas to the Board at the time of application. The Board has revoked the certificates.

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## QUARTERLY QUESTIONS:

**Question:** Under the new Rule 712 (see above), what standard of knowledge or skill must a veterinarian possess to be able to directly supervise a person providing a treatment or therapy under the rule?

Answer: The standard is found in Rule 1023: "Veterinarians shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession." If a veterinarian chooses to directly supervise a person performing the kind of procedure included under Rule 712, the veterinarian is still responsible for the diagnosis, prognosis, and treatment of the patient. The veterinarian should have enough training and experience in the procedure being provided to be able to fulfill that responsibility.

**Question:** Is an annual heartworm test required by Board statutes or rules before prescribing a heartworm preventive medicine?

Answer: No, but it is strongly recommended by the Board and drug manufacturers and is considered a good medical practice. The veterinarian, based on knowledge of the client and the patient, may exercise his medical judgment and determine that the test is not necessary. A veterinarian-client-patient relationship is required before prescribing all

legend drugs. If a veterinarian prescribes without the test, the Board recommends that the veterinarian note in the patient's record that the client waived the test. The veterinarian may also ask the client to initial the record confirming the waiver.

To illustrate, a veterinarian may have an established client who is known to be meticulous in the care of her pets. This client may regularly purchase heartworm preventive medicine from the veterinarian. In this case, the veterinarian may find no need to perform an annual heartworm test. On the other hand, the veterinarian may have another client known not to be as involved in the care of her pets and the records indicate sporadic purchases of heartworm medicine. In that case, the veterinarian may want to perform an annual heartworm test. Finally, if a person unknown to the veterinarian requests heartworm preventive medicine, then the veterinarian cannot prescribe or dispense without first establishing a veterinarian-client-patient relationship and, unless information on a recent heartworm test can be obtained from another licensed veterinarian, a heartworm test should be performed.

**Louisiana Board of Veterinary Medicine**

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**ADDRESS CORRECTION REQUESTED**