

the
LOUISIANA BOARD OF VETERINARY MEDICINE
Report to Licensees

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September 1998

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A Letter to Licensees
Concerning the Petition Circulated Among Louisiana Veterinarians

In March 1998, a petition that included a cover letter signed by Dr. Eugene Knispel was circulated by him and others among licensed veterinarians. We believe the circulation was limited to licensees residing in Louisiana, so some of you reading this newsletter may not be aware of this event or the contents of the petition. More recently, an "update and alert" on the petition written by Dr. Knispel was mailed to, we assume, the same persons who received the original petition. Also, the June 1998 *Louisiana Veterinarian*, published by the Louisiana Veterinary Medical Association (LVMA), included an article authored by Dr. Knispel and a survey form concerning the operations of the Louisiana Board of Veterinary Medicine (LBVM).

The LBVM believes that the course of events which has taken place is extremely unfortunate for the veterinary profession in Louisiana. We had hoped that by developing a full and complete response to the petitioners' original concerns and by providing it to the agencies with which the petitioners have communicated, the Governor's Office and Office of the Inspector General, and to the LVMA, this matter could be put behind us, meaning the entire veterinary profession, and that we could move forward in a positive manner to address the work that we and all veterinarians have before us. Because of the recent "update and alert" and LVMA newsletter article, we now believe that we must briefly respond to the charges through this forum. Some of you may believe this response is lengthy, but our full response to the petition consists of 32 pages of text, including statistical information, and 23 pages of attachments. A copy of the full response is available from the Board office at a cost of \$16.14. Also, if the petition-related mailings have raised some specific question in your mind, we will be happy to respond to your direct concerns.

Before we address some of the specific issues raised, we would like to make some general introductory comments. Everything on which we based our full petition response and everything that is excerpted in this article is public record. If a proper request for the information the petition requests had been directed to the Board office, it would have been provided, and, we believe, a great deal of incorrect, misleading, and confusing information would not have been disseminated to the veterinarians of this state.

Also, we are licensed, practicing veterinarians on a public board regulating veterinary medicine. We would not have worked in local and state associations or accepted appointment to the Board of Veterinary Medicine if we did not want to serve the best interests of our profession, but as members of the Board we do have the legal obligation to protect the public in matters related to the practice of veterinary medicine. Having said that, we have no interest in harming our profession or those persons practicing within it, and we certainly respect any person's right to express his or her opinion on matters of public concern. We say this not only so you may understand the position we are in, but because we also want every licensee to understand that no one should fear reprisal from this Board, a suggestion made in the documents that have been circulated, for having an opinion on matters related to the Board's operation. We believe to suggest otherwise is to make a very broad and incendiary charge that is not helpful to the resolution of any issue, legitimate or otherwise, that has been raised by the petition. The fact of the matter is that this Board would welcome your constructive input into its operations. We hope that we are always responsive to both members of the profession and to the general public.

Sequence of Events

A few days prior to the circulation of the petition, the petitioners sought a meeting with Dr. Anne Guedry, who at the time was Vice-President of the LBVM. She conferred with Dr. James Burk, the LBVM President at that time. After consultation with other Board members, Dr. Burk indicated to the petitioners in a letter dated March 26, 1998, that:

We are more than willing to respond to the issues raised in your letter and in the Petition, and we have already begun to gather information that can be provided to you and others. Our immediate concern is that we believe that some of the statements included in the Petition contain inaccurate information that, if sent to all licensed veterinarians, will create a situation detrimental to the Board and the entire veterinary profession....We, meaning myself and those Board members who would be available, would appreciate the opportunity to discuss the Petition prior to its dissemination so that all of the issues you are concerned about might be appropriately addressed.

We received a response from Dr. Knispel, in which the following was stated:

Thank you for your letter regarding the petition and cover letter directed to all Louisiana licensed veterinarians and for your accommodating position regarding issues my group has raised. Unfortunately we are unable to meet with you and other board members prior to dissemination of these documents because they were turned over for mailing yesterday. Any that have not been sent out today will be sent early tomorrow. And I have no way to -- such short notice --poll the others for authority to postpone the mailing...When I have been able to consult with the others in my group regarding your letter, perhaps we can arrange a meeting.

Since that exchange of correspondence, we have not heard from the petitioners concerning their willingness to meet with the LBVM. We did receive a request from the LVMA for a response to the petitioners' concerns. We have provided that response.

Complaints and Disciplinary Actions

Because we believed there was a lack of knowledge about the complaint resolution process and the public purpose of the LBVM, we attempted to explain it in the Fall 1997 newsletter issue (if you have that issue, see "Role and Purpose of the Board of Veterinary Medicine"). Perhaps we did not fully explain the Board's activity in complaint investigations, but we will now try to put it into a clearer perspective.

The petition included the following statement: "The number of disciplinary actions, also called enforcement actions, against Louisiana licensed veterinarians has increased dramatically in the past few years, far out of proportion to the increase in the number of licensees during that time. In its Fall 1997, Quarterly Report newsletter, the LBVM documented the increase: '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).'"

A correction needs to be made to the 17 cases opened in 1994-95, which was reported in the Fall 1997 newsletter. That number was taken from the "Performance Indicators" table that is included in the budget we are required to prepare each year for various state agencies. While preparing the full response to the petition, it became apparent that more than 17 cases were opened. A review of the Complaint Case database files shows that 31 cases were opened during 1994-95. There is a handwritten notation on the 1996-97 budget (prepared in December 1995) that changed opened cases from 30 to 17, but the present Board staff cannot determine why such a change was made. Table I provides a specific breakdown of the types of enforcement actions/complaint cases opened in each fiscal year indicated, and that is a point that needs to be clear: these are cases opened and not related to the final disposition of the cases. The Board has no control over the number of complaints that are filed.

TABLE I: Enforcement Actions/Complaint Cases Opened, FY 93-97

Fiscal Year	Veterinary Actions/Complaint Cases Opened	Enf. Non-vet Actions/Complaint Cases Opened	Enf. Non-vet Actions/Complaint Cases Opened	Drug Review Cases Opened (from DEA Reports)	Nati'l Database Opened	Disciplinary Cases	Total Actions/Complaint Cases Opened	Enf.
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1996-97	29	8	10	0	47
1995-96	34	17	21	0	72
1994-95	12	4	13	2	31
1993-94	15	7	1	2	25
1992-93	15	8	0	0	23
Total	105	44	45	4	198

Table II below shows not only the total number of enforcement actions opened, closed, and pending in fiscal year 1992-93 through 1996-97, but also whether action was taken against the licensee or respondent (a term used to include a non-veterinarian or non-licensee in a complaint case) or the case was decided in favor of the licensee or respondent.

In the time period contained in Table II, you will see that a total of 54 cases were decided against a licensee or respondent. This total includes complaints lodged against non-veterinarians. Of the 54 cases, 40 are decisions against licensed veterinarians. Once the multiple offender cases are removed from the mix, a total of 33 licensed veterinarians have been disciplined over this five-year period. This represents less than 4% of active licensees. **In any given year, on average, less than 1% of licensees have been disciplined by this Board.** We do not take any great or small delight in being in the position of disciplining any licensee, but when an investigation ensues and we find violations, we have a responsibility to take appropriate action. That is our job, pure and simple, one “we do not relish” as we said in an earlier newsletter. We believe these statistics also indicate that there is much more “right” about the veterinary profession than is “wrong.”

TABLE II: Enforcement Actions/Complaint Cases Results, FY 93-97

Fiscal Year	Actions/ Complaint Cases Pending Beginning of Year	Actions/ Complaint Cases Opened	Actions/ Complaint Cases Closed	End of Year Actions/ Complaint Cases Pending	Actions in Favor of Licensee or Respondent	Actions Against Licensee or Respondent	% against Licensee or Respondent
1996-97	19	47	40	26	28	12	30%
1995-96	8	72	61	19	50	11	18%
1994-95	18	31	41	8	27	14	34%
1993-94	15	25	22	18	15	7	36%
1992-93	17	23	25	15	15	10	40%
Total: 1992-97		198	189	86	135	54	29%

We believe that what is obvious from this information is that the resolution of the cases has been remarkably consistent over the last five years. The statement contained in the petition that “[t]he number of disciplinary actions [if by this term it is meant that a licensee was actually disciplined], also called enforcement actions, against Louisiana licensed veterinarians has increased dramatically in the past few years” is not accurate. The number of complaints received has increased. The unusually high number of complaints received in 1995-96 (total = 72) is partly explained by the high number of drug review cases (21) received during that year from the U.S. Drug Enforcement Administration. These cases, based on controlled substance purchase reports, rarely lead to an action against a licensee, but they are reviewed and appear in the Board’s complaint statistics. We also realize that the term “enforcement action” used in a previous newsletter may have confused some persons. The term is taken from the budget form that the Board is required to use, and its use may suggest that some action has occurred against the licensee. That is not the case; unless otherwise elaborated upon, an enforcement action simply means that a complaint case has been opened.

Criticism has been lodged against the operations of the Complaint Review Committee, particularly concern that the Chair of the committee may exercise what the petition asserts is “inordinate power” over the investigation of a complaint. What the petition refers to as “inordinate power” would be characterized as “inordinate responsibility” by those who have served as Complaint Committee Chair; it is not an enviable position for a veterinarian to hold, and neither is it a position that has been misused. What some may not understand is that some regulatory boards have a single board member investigate complaints and that it is legal to do so. The LBVM Complaint Review Committee is a check on the unbridled power of a single board member conducting an investigation. The Committee is

somewhat analogous to a grand jury. They assist the Board in determining whether a violation of the Veterinary Practice Act has occurred. The Committee Members, except for the one Board member who chairs the Committee, are anonymous to protect them from undue influence and to allow them to exercise independent judgment. We note that one of the exceptions provided for in the state's Open Meetings Law is "investigative proceedings regarding allegations of misconduct." We also note that the name of the Complaint Review Committee Chair is known to the licensee under investigation, and communication can occur between the licensee and Committee Chair during the investigation.

By the time a complaint case is resolved (either for or against a licensee), no fewer than seven licensed veterinarians (five board members, two non-board members serving on the Complaint Review Committee) have reviewed the case. If we had a larger board, which would require increased license fees, we would have a Complaint Review Committee consisting of only Board Members. For due process reasons, we must keep any information concerning the facts of a disciplinary investigation from the four Board Members not serving as Complaint Committee Chair. Those four untainted Board members hear the facts of a case for the first time at a public administrative hearing. Three veterinarians who have been disciplined by the Board after a public administrative hearing have appealed the decisions to state district court. In each case the complaint procedure has been challenged. Such appeals are within the legal rights of the licensees and, if the judicial branch determines that the Board must alter its process, we will do so. As we understand it, our complaint review process meets the requirements of the law, but we are continually reviewing our process in an effort to improve it and to make sure that it meets due process rights as expressed in court rulings.

Complaint Cases and LBVM Revenue

The petition asserts that the "LBVM's revenue increases when licensees are disciplined. Its own records indicate that two years ago the board predicted a three-fold increase in EA [enforcement action/complaint cases] revenue." The simple answer is that, while disciplinary fines and recovered costs add to our revenue base, we do not net any money from disciplinary cases. Over the past seven fiscal years (FY91-FY97), revenue from disciplinary fines and costs recovered account for 3.9% of total revenue. During the past six fiscal years (FY92-FY97), the Board has incurred \$132,132.30 in costs associated with disciplinary cases. During that time period, the Board has recovered \$26,688.86 (an average of \$4,448 per year) of those costs. Therefore, the inference that the Board seeks to find disciplinary violations so it can cast the licensee for costs and increase revenues does not stand up under scrutiny. As for predictions about increases in revenue, information culled from budgets is being misinterpreted. We are required to submit our budget for the fiscal year that begins in July in the preceding December. The revenue estimated from enforcement actions is just that, an estimate or guess. We do not take disciplinary action to try to reach the estimated revenue amount.

Role of the Board Attorney

One of the most unfortunate aspects of this petition effort is the unwarranted and unsubstantiated charges against the Board's attorney during the time period called into question by the petitioners. The petitioners state: "Attorney Virginia Anthony's financial interest in LBVM complaint resolution raises the question of how much influence she has on decisions affecting that process." Somehow she has become the target and blame for work directed and conducted by the Board. Ms. Anthony did not run the complaint committee process, did not "make up" disciplinary charges, did not overcharge the Board for work performed, and did not draft rules or legislation for the Board so disciplinary cases could then be trumped up. She did perform the work requested of her by the Board, and she did it well for over 10 years. Ms. Anthony has decided to no longer represent the Board. We believe that all concerned will find that the Board will continue to perform its work in relation to complaints in the manner we are required to do so under the law. Our full response contains the financial information related to legal services payments requested in the original petition.

Rule Making and the Newsletter

Much criticism is levied against the Board because we have not personally advised every veterinarian of every rule change that has been made within the past year. We have followed the law in making any rule changes and we further believe that we have provided substantial opportunity for the veterinary profession to comment on proposed rule changes. Without going through the details of how a rule is formally adopted, we have submitted any proposed rule to the *Louisiana Register* (the official publication used for any rule proposed or adopted by any state agency) and to the proper legislative committees.

Moreover, as the petitioners suggest we might, we do take refuge in having published in the Spring 1997 of this newsletter a summary of proposed rule changes. At that time we stated that anyone requesting a copy of the full Notices of Intent would receive them at a cost of .25 per page and postage. A file search indicated that we have no record of anyone other than the Pet Industry Joint Advisory Council requesting a copy. The lack of requests led us to believe that the regular means we use to inform the veterinary profession was sufficient. That regular means is to send every proposed Notice of Intent to the LVMA and to the *Louisiana Register*. It is our understanding that the LVMA does review the proposed rules. Although we realize that every licensee is not a member of the LVMA and we do not purport that the LVMA is the only proper source from which to receive feedback on rule changes, we do believe that it is an organization representative of the veterinarians in this state and which can provide valuable commentary on proposed changes. We have received very few formal comments about proposed rules from the LVMA, but, in cases where that organization has made its position clear and we have found the comments sound, we believe we have responded appropriately; in two instances, we have rescinded proposed rules based wholly or in part from comments received from the LVMA. Beyond the LVMA, we have also communicated with individual veterinarians or organizations concerning specific proposed rule changes.

We welcome comments prior to a rule becoming final so that any concerns can be addressed. We will be reviewing our rule making process to determine if there is some other practical means to inform licensees of proposed rule changes. You will see a summary of proposed rule changes affecting mobile clinics in this edition of the newsletter. We hope you will address any concerns about these proposed rules to us.

As we promised in more than one edition of this newsletter, a current copy of the Veterinary Practice Act (statutes, rules, and complementary statutes and rules) and directory of the new or revised rules was included in the renewal packet of each active licensee. We intend to send any updates each year when the renewal packets are mailed to licensees.

Finally, we recognize that rule making is an evolving process. Almost all of the rules promulgated by the Board concerning veterinary practice result from questions that practitioners have brought to our attention. We try to address these concerns. Rule making is a legislative function that all regulatory boards exercise. Just like the legislature always hears from its constituents about the need for new laws or to repeal laws or modify laws, we do too. If you find a rule change that has been made that you believe requires modification, please let us know. We will consider your request; it is something we do regularly.

We now move on to concerns raised about this newsletter. We are quite aware that this newsletter is not flashy. It is also not incredibly expensive, something we keep in mind since we operate on self-generated funds. We are legally required to report only once per year, which prior to 1997 was the norm, despite the word "Quarterly" that was in the newsletter title. During the past year, we have tried to be more regular in getting the newsletter out, despite the fact that we have very limited staff who are already quite busy. Therefore, we are somewhat baffled by the criticism we have received for trying to keep licensees better informed rather than less. We are specifically criticized for the way final rules have been printed. We thought informing licensees of the rules would be more helpful than not.

In the latest "update and alert" from Dr. Knispel, it is stated in reference to this newsletter: "Since a notice in that issue [Winter 1997-98] states 1,400 copies were printed and since resident and non-resident licensees total 906, more than half the printing went to "interested parties," the filing cabinet and/or the trash." This is yet another case where statements are made without checking facts that can easily be gained from a phone call to the Board office. As of July 9, 1998, our licensee database included 936 active licensees, 308 inactive licensees, and four (4) faculty licensees (total licensees = 1,238). We are required to send 36 copies of the newsletter to the State Library and we

send about 75 copies to the LSU School of Veterinary Medicine for distribution. A total of 17 copies go to other "interested parties." Therefore, about 30-35 copies are maintained for distribution on request and for the file. We would have been pleased to provide this breakdown to anyone requesting it.

Rules and Enforcement

The Petition states, "LBVM's use of newly revised rules as the basis for EA is questionable and in that respect may support an allegation of bias as stated in Part II of this petition." We hope this will be very clear: The Board has not used newly revised rules (effective 1997-98) as the basis of Enforcement Actions; therefore, there is no action that is questionable in this regard. As far as we know, action was once taken against licensees for falsely claiming to be a "specialist," violating a rule that was printed in the Board's copy of the Practice Act, and in the copy that was made available to licensees. Unfortunately, some time after the disciplinary action was taken, the Board discovered that the rule had never been properly promulgated (meaning it did not go through the proper legal process to appear in the *Louisiana Register*). When the error was discovered, the consent agreement that had been signed was rescinded, the fine that had been paid was returned, and an apology was extended. We have since promulgated the "specialist" rule and it is in effect. We have always tried to be fair in our application of any rule, whether it has been recently promulgated or it is a rule of long standing.

Record Keeping

The petitioners give much attention to record keeping violations found by the Board. Some of the questions and statements suggest that the Board has gone into clinics and reviewed all records for the purpose of finding a record keeping violation. This is far from accurate. The record keeping violations found have been based on the specific complaint under investigation, and all complaints where only record keeping violations have been cited within the past year have been in those received from consumers (clients of the veterinarian). When a complaint is filed by a consumer, the Complaint Review Committee requests a response from the veterinarian, including a copy of all patient records relating to the case. In those cases where the Board has taken a disciplinary action after finding a record keeping violation alone, that action has been based only on those records submitted by the veterinarian, not on a widespread fishing expedition to discover violations.

The Board does consider record keeping an important element of veterinary practice. First and foremost, we believe it is important for the care of our patients, but we also believe that good record keeping assists the veterinarian and the Board in the event a complaint is filed. While recognizing the importance of record keeping, the Board also realizes that a record keeping violation is not as egregious as other types of violations. That is why the Board has included in Consent Orders pertaining to record keeping violations alone that the medical care provided was appropriate or within the standard of care or even exemplary. In stating this within the Consent Order, the Board was attempting to make clear to the public (in case a copy of the Consent Order is ever requested by a member of the general public) that this was the only violation cited and it did not reflect on the direct medical care provided by the veterinarian. This practice and the reference in our Summer 1997 newsletter to these situations led the petitioners to conclude that the Board has a "policy of seeking other violations when a complaint has proved groundless." The Board has no such policy, nor are we trying to find record keeping violations in order to increase revenue or recover costs of the investigation. In the last six cases where record keeping violations alone have been found, no costs or fines have been assessed against the licensee; rather, a Consent Order which has included a public letter of reprimand as the effective discipline has been agreed to between the Board and the licensee. One of the three cases that has been appealed to district court is a "record keeping alone" case. The Board did assess costs in that case, and it occurred prior to the six cases referred to here.

Nepotism

The Petition asks, "Have relatives or close associates or LBVM members, or of LBVM staff members, been paid for services to the board in the past four fiscal years?" Frankly, this is another item that baffles us. Perhaps if a specific allegation were made, we could better answer. We can specifically state that no relatives of LBVM Board members have been hired in the past four fiscal years (or before that as far as the present Board knows). As for staff members, we have discovered that the husband of a former administrative assistant was hired for a very brief period to proctor a

national veterinary exam and, perhaps, perform some computer consultation work. This work occurred in fiscal years 1993-94 and 1994-95 and total payment made was \$189.78. We do not know what might be intended by the phrase "close associate." Our full response to the petition attempts to list associations that may fit the question (for example, the previous executive director hired fellow students from the LSU Masters of Public Administration for the part-time Clerk position). As far as we can determine, each person hired who may meet the "close associate" phrase performed real work and performed it well.

This "letter" only provides a summary of our full response, but we hope that it at least gives you some idea of how this Board operates and indicates that we are not intent on being "arbitrary or harsh" (a term from Dr. Knispel's petition cover letter). We believe that we have tried to fulfill our mission to protect the public health, safety, and welfare as it relates to veterinary medicine. We also believe that in protecting the public, we also protect the integrity of the profession in which we all labor. In pursuing this mission, we have always attempted to recognize the rights of any licensee under investigation. We hope that any issue that concerns a member of the veterinary profession, consumer, or any interested party and the operations of the LBVM can be resolved by reasonable persons working together.

SNIP Program

Because a number of licensees in the southern portion of the state may work with the SNIP program or otherwise be interested in the program, we believe we need to address a statement contained in the latest "update and alert" from Dr. Knispel, where the following is reported: "For over 18 months LBVM has strived unsuccessfully to close down Louisiana operations of the Spay and Neuter Indigent Pets (SNIP) mobile surgery vans, according to Paul Berry, executive director of Southern Animal Foundation, which operates the SNIP mobiles."

We believe it is very unfortunate that this statement was used and disseminated without requesting a response from the Board. In September 1996, in response to a question and based on the information available at the time, the Board's attorney concluded that if the SNIP program was a legally incorporated humane society, then it could employ a licensed veterinarian. In early 1997, questions arose over whether the program must also have a contract with a governmental entity before being able to hire a licensed veterinarian. At that time the Board attempted to determine exactly what its regulatory responsibility was in relation to the SNIP program. The Board requested an opinion from the Attorney General's Office concerning the matter. We informed persons inquiring about our relationship with SNIP at that time that "as a regulatory body our concerns are directed toward protecting the public. The results of our inquiries will answer the legal issues relative to SNIP and its veterinary employees. However, regardless of the outcome, we will not take a position either 'for' or 'against' the SNIP program, since such a position would be inappropriate to our regulatory purpose."

In the course of discussions with the Attorney General's Office about the opinion request, the Louisiana Supreme Court's decision in *McSweeney v. Louisiana Board of Veterinary Medicine* was reviewed by the Board and the Board's attorney. It became clear from that review that the SNIP program (more specifically, the Southern Animal Foundation which operates the SNIP program) may legally employ licensed veterinarians to provide veterinary services without a government contract so long as it maintains its status as a non-profit humane society as required by Louisiana law. The Board's position was made known to the attorney for the Southern Animal Foundation by letter dated December 9, 1997. At no time has the Board taken any action to "close down Louisiana operations" of the SNIP program.

The Board is currently contemplating changes to its rules to provide minimum standards for mobile clinics. From other non-petition related communication, we believe that this attempt has been interpreted as being directed against SNIP. That is not the case, but we have very little power to prevent people from misinterpreting our intent. The proposed rules (see accompanying article) are based on those used in Florida and are minimum standards intended to provide some degree of protection to the public and their animals. We believe they are reasonable requirements and represent good veterinary medical care. We invite any comments you may have on these proposed rules.

Board Membership Transition

Term of James H. Burk, DVM, Ends; Robert M. Lofton, DVM, is Appointed

Governor Mike Foster has appointed Robert M. Lofton, DVM, of Lake Charles to the Board of Veterinary Medicine for a term ending in 2003. Dr. Lofton served on the Board in 1995-96 and will bring knowledge already gained to his position. The five years of dedicated service Dr. James H. Burk provided to the Board and his profession ended on July 31, 1998. Dr. Burk served as Board President during 1997-98.

Virginia A. Anthony, Board Attorney, Steps Down

Virginia A. Anthony, who served as the Board's General Counsel for more than 10 years, has decided to relinquish this role. Ms. Anthony provided extremely valuable assistance to the Board, and by extension to the veterinary profession and citizens of this state, during her tenure. The Board extends its deep thanks to her for her service.

License renewal documents were mailed during the last week of June. Completed forms must be postmarked no later than September 30, 1998, to avoid a late fee of \$100.00. If you have any questions about completing your license renewal, please contact the Board office.

Summary of Proposed Rule Amendments Related to Mobile Clinics Scheduled for Consideration by the Board on October 14, 1998

Proposed amendments to Rules 700 and 711 provide minimum standards for mobile clinics. The proposed amendments to Rule 700 define mobile clinic ("a vehicle with special medical or surgical facilities, including examination and treatment areas and/or surgical facilities") and mobile practice vehicle ("a vehicle used by a veterinarian in a house call or farm call type veterinary practice where the animal is not actually taken into the vehicle"). The amendments to Rule 711, which establish the minimum standards, apply only to mobile clinics. A review of current Rule 711(C) will indicate that meaningful standards for such clinics do not currently exist. The proposed amendments are intended to provide minimum safeguards for the protection of the public, and the Board believes that the proposed standards represent good veterinary care. These standards include (1) a veterinarian operating or working in a mobile clinic must have a written agreement with a local veterinary hospital or clinic to provide hospitalization, surgery, or radiology if these services are not available at the mobile clinic ("local" as used in the propose rule means within a thirty mile radius of the mobile clinic); (2) a veterinarian operating or working in a mobile clinic must have a written agreement with a local veterinary hospital or clinic to provide emergency services and must display a notice to that effect in public view; (3) a veterinarian operating or working in a mobile clinic must remain on site until all

patients are discharged to their owners and must maintain autonomy for all medical decisions made; (4) a physical examination and history must be taken for each patient at a mobile clinic and medical records must meet the requirements for record keeping in §701; (5) the veterinarian operating or working in a mobile clinic is responsible for consultation with clients and referral of patients when disease is detected or suspected (the veterinarian is also responsible for information and recommendations given to the client by the mobile clinic's staff); (6) the veterinarian operating or working in a mobile clinic must have his current Louisiana veterinary license on display to the clients; (7) operation of the veterinary mobile clinic requires the following; (a) a clean, safe location; (b) the mobile clinic must meet local sanitation regulations; (c) lined waste receptacles; (d) fresh, running water for cleaning and first aid; (e) examination areas with good lighting and smooth, easily disinfected surfaces; (f) examination and surgery preparation areas; (g) surgical areas must be sterile, and the surgery table must have an impervious surface which can be cleaned and easily disinfected; (h) drugs must be kept according to federal, state, and local laws; (i) all equipment must be kept clean and in working order; (j) the mobile clinic must have the capability to deal with sudden emergencies and should have oxygen, resuscitation drugs and equipment, treatment for "shock," and fluid administration materials readily

available; and (k) the mobile clinic must have all biomedical waste properly disposed of and must have

documentation to prove that fact on the premises for inspection.

Questions from the Real Lives of Veterinarians and Other Interested Persons

May a layperson, trained or otherwise, legally perform equine massage therapy in Louisiana?

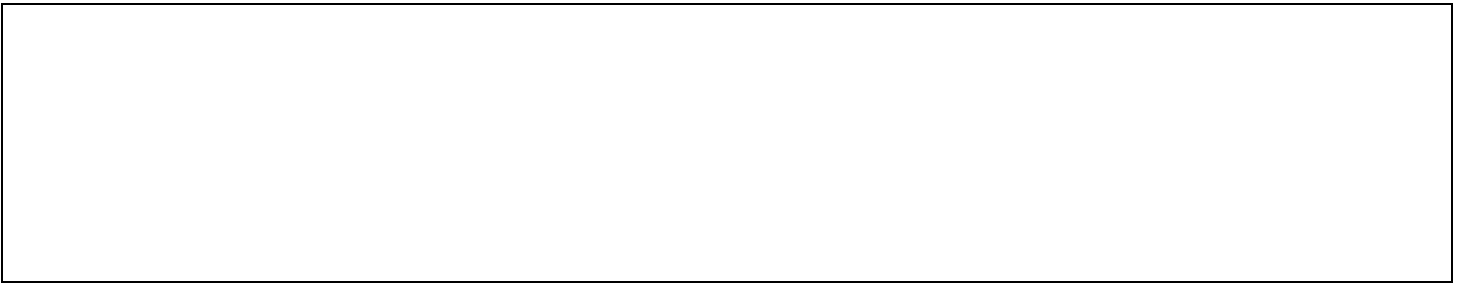
A layperson, trained or otherwise, may legally perform equine massage therapy only under the direct supervision of a Louisiana-licensed veterinarian. Rule 712 provides that alternative therapies, including, but not limited to, ultrasonography, magnetic field therapy, holistic medicine, homeopathy, chiropractic 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 Rule 702.A.2. The Board has determined that equine massage therapy is included within the scope of Rule 712.

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ADDRESS CORRECTION REQUESTED



IMPORTANT NEWS ABOUT CONTROLLED SUBSTANCES

Over the past few months we have received important information from both the state DHH Controlled Dangerous Substances Program (CDS) and the U. S. Drug Enforcement Administration (DEA). We have been asked by these agencies to inform you of the information that follows.

Perpetual Inventory

The Louisiana Controlled Dangerous Substance Regulations, specifically Section 48:3915 entitled "Required Inventories" requires that all licensees possessing and utilizing any controlled dangerous substances maintain "perpetual inventory control." This is a requirement over and above the federal inventory requirements in 21 CFR 1300.

What does "perpetual inventory control" mean? It means that your controlled substance records should be reconciled each time a unit or a dosage is added or removed from stock--an inventory document should immediately reflect the transaction. If you are visited by an inspector, investigator, or law enforcement officer, the official should be able to reconcile the amount of controlled drugs on hand with the inventory document and they should be equal. Another way of saying this is that you should keep your perpetual inventory as you would want your check book to be kept, always up to date and accurate so you know exactly how much money, or in this case, controlled substances, you have.

This is to be a permanent type document, such as a ledger book in which pages are not easily torn out or removed without being obvious (a computerized document utilizing one of the "spread sheet" programs is acceptable, though make sure it is adequately "backed up"). A "spread sheet" format with a "credit or deposit" column for purchases and a "debit or withdraws" column for uses must be included.

There must be a separate "perpetual inventory" document for each controlled substance utilized. The information required for the "dispensers log" may be combined with perpetual inventory into a single document. This information shall include the patient's name, the amount given, the date, and the practitioner's initials (see 21 CFR 1304.24 and LAC 48:3923). All controlled substance records must be separated into Schedule II records and Schedule III, IV, and V records. They must be maintained for five years (five previous years and the current calendar year) and must be kept secure.

If you have any questions about Louisiana Controlled Dangerous Substance Regulations or wish to purchase a copy of them (\$25.00 business check or money order) you may contact (504)342-9404 or write **Controlled Dangerous Substance Program, DHH - Health Standards, PO Box 3767, Baton Rouge, LA 70821-3767.**

Ketamine - Schedule III Drug in Louisiana

By act of the legislature, Ketamine has been made a schedule III drug in Louisiana, effective June 16, 1998. Steve Erwin, Program Manager for the Controlled Dangerous Substances Program, has informed us that an initial inventory should be made of Ketamine. Thereafter, a perpetual inventory must be maintained.

Dispensing Controlled Substances in a Group Practice

DHH Controlled Dangerous Substances Program requires that a group practice dispensing controlled substances from a commingled inventory must have a clinic registration, which is distinct from the individual veterinarian's controlled substances license. The purpose of the clinic registration is to make clear who is responsible for the clinic's inventory of controlled substances. If a commingled inventory is not used, then a clinic registration is not required.

According to DEA rules, if a group of affiliated veterinarians are practicing together at one location, the principal veterinarian may register with DEA in lieu of each individual veterinarian becoming registered as a practitioner. The principal veterinarian, under whose DEA registration number the controlled substances are ordered, would be responsible for record keeping. If the clinic orders controlled substances using the DEA registration of more than one veterinarian, separate stocks, inventories, and administering/dispensing records must be maintained.

Reporting Theft and Loss of Controlled Substances

All thefts and unexplained losses of controlled dangerous substances must be reported to both the DHH Controlled Dangerous Substance Program and the U.S. DEA (use

DEA Form 106), as well as the appropriate law enforcement agency. You may send DHH a photocopy of the DEA 106 Form to the address indicated in the "Perpetual Inventory" item. **The DEA address is 3838 N. Causeway, Suite 1800, #3 Lakeway Center, Metairie, LA 70002.**

Separate Registrations for Separate Locations and Registrants at Shelters

If a veterinarian administers and/or dispenses controlled substances at more than one location (for example, a private clinic and an animal shelter), then each location must be registered or licensed by state and federal authorities. However, if a veterinarian only administers/dispenses at the principal location and only writes prescription orders at the other location(s), only the principal office need be registered/licensed. Also, if you are providing controlled substances to a shelter, there must be a registrant at the shelter location. Contact DEA and DHH for more information.