

the
LOUISIANA BOARD OF VETERINARY MEDICINE
Report to Licensees

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CHANGES TO VETERINARY PRACTICE ACT MADE BY LEGISLATURE

A bill (SB 936) that made several changes to the Veterinary Practice Act was passed during the 1999 regular legislative session. The bill amended the Practice Act to allow the Board to issue investigative subpoenas and to discipline a licensee who is declared incompetent by a court of law. The issuance of investigative subpoenas will be particularly helpful in gaining information from non-veterinarians who may have evidence which relevant to an investigation.

Most of the bill dealt with changes to the laws concerning Certified Animal Euthanasia Technicians (CAET), including the creation of a Lead CAET who will be allowed to acquire and maintain animal capture drugs for use at animal control facilities. This will eliminate the need for a veterinarian to be involved and responsible for capture drugs at an animal control facility, although the use of a veterinarian is still an option. This amendment was in response to recent changes in State Controlled Substance Laws with regards to capture drugs (specifically Ketamine). The amendment does not focus on any particular drug, but addresses "any controlled dangerous substances under state or federal law." With this language, the Board will not have to amend the Practice Act every time the drug laws change, and animal control agencies will have the tools they need to protect the public from dangerous and diseased animals. The Board will specify by rule the drugs which a Lead CAET may order and obtain. The LVMA and Louisiana Animal Control Association (LACA) supported this bill, and the U.S. Drug Enforcement Administration and State Controlled Dangerous Substances Program reviewed and approved the bill.

Also, the Board amended the Practice Act with regards to setting maximum amounts on the fees charged for certification of CAETs and Registered Veterinary Technicians. Previously, the statute did not address the amount the Board could charge for these fees.

House Bill 746 - Registered Equine Dentists

During the 1999 Regular Session of the State Legislature, House Bill 746 was introduced to allow persons to apply for equine dentistry licensure from the Louisiana State Racing Commission. The bill was amended to provide for certification of equine dentists by the Louisiana Board of Veterinary Medicine. The bill was signed by the Governor and became effective on July 9, 1999. As this issue of the newsletter is being written, the Board is developing rules to implement this new law.

The bill includes several qualifying factors for a person to be eligible for certification as an equine dentist, including (1) must be a current Louisiana resident before July 1, 1999, and substantially involved in the care and maintenance of horses in the horse racing industry in Louisiana; (2) must have been licensed in good standing by the Louisiana Racing Commission on or before July 1, 1995; and (3) pay fees and abide by other rules concerning the application process established by the Board. The "practice of equine dentistry" is defined as the rasping (floating) of molar, premolar, and canine teeth, and the removal of deciduous incisor and premolar teeth (caps). A registered equine dentist may practice at a racetrack in this state. A registered equine dentist who practices at a location other than a racetrack, must notify the horse owner's veterinarian prior to commencement of the dentistry work. In the event that the horse owner does not have a veterinarian, the equine dentist must obtain a referral from a veterinarian licensed by the Board. The registered equine dentist must notify and receive approval from the owner's veterinarian or referral veterinarian prior to the initiation of the extraction of first premolar teeth (wolf teeth). The bill allows, as the Board's current rules provide, for properly trained

laypeople and registered veterinary technicians employed by and under the direct supervision of a licensed veterinarian to perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps).

The bill also includes disciplinary procedures, grounds and measures for registered equine dentists, and empowers the board to establish continuing education requirements for renewal of a certificate.

Board Proposes Fee Increases

At its meeting of June 9, 1999, the Board of Veterinary Medicine authorized promulgation of a fee increase for the annual renewal of active licenses to practice veterinary medicine, original licenses, and license renewal late fee. In addition, a license and examination application fee has been proposed. The last fee increase for annual renewal of active licenses and original licenses took effect on April 20, 1992, in anticipation of renewals later in 1992. The proposed fee for active licenses would not take effect until renewals in 2000, so annual license fees have not changed in eight years.

The Board operates solely on self-generated funds and has been closely monitoring its finances during the past few years. Due to costs associated with pursuing disciplinary action against licensees, the Board experienced operating deficits in fiscal years 1997-98 and 1998-99. Although final amounts are not yet verified, the Board's fund reserve has been reduced about 50% since the end of the 1996-97 fiscal year. While the Board believes legal costs will be more under control in the coming year, the cost of pursuing disciplinary cases is contingent upon the volume and complexity of the cases, and the Board needs resources available to adequately address the cases which arise. In addition, as a regulatory board, costs are also dependent upon other non-disciplinary events which come before it, like the adoption of rules or the creation of new laws. The creation of registered equine dentists by the legislature is one such event (see accompanying article).

The proposed increases are as follows: annual renewal-active license: \$175 (currently \$125); original license: \$150 (currently \$100); license and/or exam application fee: \$50 (currently \$0, but fees are incorporated into current NBE and CCT exam fees, but these fees will no longer exist when the national veterinary exam changes to computer-based exam in late 2000); and license renewal late fee: \$125 (currently \$100). If these fees are adopted, the Board does not foresee the need for further increases in veterinary licensing fees for quite some time.

Ketamine - Schedule III

Ketamine has held a Schedule III status through the Louisiana Controlled Dangerous Substances Program since June 1998. The U. S. Drug Enforcement

Administration has informed the Board that Ketamine will be a federally controlled substance as of August 12, 1999. Therefore, veterinarians will be subject to maintaining proper records for Ketamine in accordance with federal law.

Rules Update

[Please call or write the Board office for a copy of any Notice of Intents or Rules described below.]

Prescribing and Dispensing Drugs (Human Use Prohibition)

The Board's intent to change Rule 705.A.3 regarding clarification that "any drug, medicine, or controlled substance prescribed, dispensed, administered, delivered or ordered pursuant to this rule must be intended for the use of the patient and shall not be prescribed, dispensed, administered, delivered, or ordered for the use of the client or any other human." was presented in the April 1999 newsletter. This rule change became effective on July 20, 1999.

Business Names

The Board's intent to change Rule 1053, which provides for the business names of veterinary facilities and expands the options a licensee has in naming a veterinary facility was presented in the April 1999 newsletter. This rule change became effective on July 20, 1999.

Licensure and Examinations

The Board has issued a Notice of Intent concerning Rules 301 and Rule 303, which will allow persons graduating from an AVMA-approved school or college of veterinary medicine to qualify for examination and licensure.

Disciplinary Procedures

The Board has issued a Notice of Intent concerning disciplinary procedures for licensed veterinarians, registered veterinary technicians, and certified animal euthanasia technicians. The proposed changes would be made to Chapters 1, 8, 10, and 12, as well as create Chapter 14: Disciplinary Procedures.

The proposed changes are lengthy and follow the review and recommendations of the Board's General Counsel. The primary purpose of the proposed amendments is to make the disciplinary process clear and fair to the parties involved in a disciplinary case. Issues addressed in the proposed changes include (1) process and procedures; (2) initiation of complaints; (3) informal disposition of complaints; (4) formal hearings; (5) consent orders; (6) withdrawal of a complaint; (7) refusal to respond or cooperate with the Board; (8) judicial review of adjudication; (9) appeal; (10) reinstatement of suspended or revoked license; (11) declaratory statements; and (12) injunctions. The changes also include adoption of the American Veterinary Medical Association's Principles of Veterinary Medical Ethics, Policy Statements and Guidelines.

Disciplinary Cases

98-0601.1V: A Consent Order was entered into which stated the findings of fact to be that the veterinarian failed to follow the provisions set forth regarding the degree of treatment, in that the medical records did not indicate that a skin scraping was performed to develop the diagnosis of demodex canis and that the prolonged use of steroids in treatment led to suppression of the patient's immune system. Based on this finding, the Board found the veterinarian violated Rule 1023.

Discipline, in part, included: (1) a public letter of reprimand; (2) inspections by the Board for a three-year period with veterinarian responsible for the costs; (3) payment of a fine; and (4) completion of additional CE in dermatology and record keeping.

98-0515V: A Consent Order was entered into which stated the findings of fact to be that the veterinarian failed to follow the provisions set forth regarding the degree of treatment in that the veterinarian administered the wrong drug, Ivermectin, to the patient, a collie breed, resulting in the patient's death. Based on this finding, the Board concluded that the veterinarian violated Rule 1023.

Discipline, in part, included (1) public letter of reprimand; (2) inspections by the Board for a three-year period with veterinarian responsible for the costs; (3) payment of a fine; and (4) completion of additional CE in pharmacology.

98-0612V: A Consent Order was entered into which stated the findings of fact to be that the veterinarian failed to follow the provisions set forth regarding the degree of treatment in that the veterinarian failed to perform follow-up x-rays on a patient's injury after the splint had twice been displaced. Based on this finding, the Board found that the veterinarian violated Rule 1023.

Discipline, in part, included (1) public letter of reprimand; and (2) payment of a fine.

98-1124V: A Consent Order was entered into which stated the findings of fact to be that the veterinarian failed to follow the provisions set forth regarding the conduct of one's practice in that the veterinarian failed to inform a client of the changes in the plan of treatment from a tumor removal to a triple mastectomy prior to performing the triple mastectomy, therefore, not giving the client the opportunity to discuss and approve or disapprove the treatment change. Based on this finding, the Board concluded that the veterinarian violated Rule 1039.

Discipline, in part, included (1) public letter of reprimand; (2) payment of a fine; and (3) payment of costs incurred by the Board in investigation of case.

98-1006V: A Consent Order was entered into which stated the findings of fact to be (1) that the veterinarian failed to follow the provisions set forth for record keeping in that patient records were not maintained for a period of five years; and (2) that the veterinarian failed to follow the provisions set forth for prescribing and dispensing drugs in that the veterinarian improperly transferred controlled drugs. Based on these findings, the Board concluded that the veterinarian violated Rules 701(B) and 705(E).

Discipline, in part, included (1) public letter of reprimand; (2) inspections by the Board for a three-year period with veterinarian responsible for the costs; (3) payment of costs incurred by the Board in investigation of the case; (4) payment of a fine; and (5) license suspension for one year with suspension being suspended pending timely completion of all consent order requirements.

98-0206V: A Consent Order was entered into which state the findings of fact to be (1) that the veterinarian failed to follow provisions set forth for record keeping in that drug names, dosages, and routes of administration

were not provided in medical records; and (2) that the veterinarian failed to follow provisions set forth regarding other government agency regulations in controlled drug prescriptions were provided to other DVMS without DEA licensure. Based on these findings, the Board concluded that the veterinarian violated Rules 701(A) and 1065 (specific to Title 21 of the Code of Federal Regulations, Section 1304.22(b)).

Discipline, in part, included (1) public letter of reprimand; (2) inspections by the Board for a three-year period with veterinarian responsible for the costs; (3) payment of costs incurred by the Board in investigation of the case; (4) payment of a fine; and (5) completion of a board-approved controlled substances correspondence course.

BOARD OFFICE STAFFING CHANGES

Charles B. Mann has resigned his position as Executive Director for the Board to pursue new academic challenges. We all wish him the best of luck in his new endeavor. Kimberly B. Barbier has been appointed as the new Administrative Director by the Board. Ms. Barbier has been with the Board for over four years. The current clerk is Amanda Hidalgo. The Board office staff is always pleased to assist anyone with questions concerning the Board and its role in regulating veterinary medicine.

LICENSE RENEWAL REMINDER

The board office is in the middle of the Year 2000 renewal period (from July 1 through September 30, 1999). License renewal documents were mailed to licensees in late June. If you did not receive a renewal packet, please contact the board office as soon as possible so another packet can be mailed out to you. Presently held licenses expire on September 30, 1999. Renewal documents returned to the board office postmarked after September 30, 1999, will be considered late and will be returned to the licensee as incomplete for payment of the \$100 late renewal fee. Acceptable proof of 16 hours of continuing education taken during the year immediately preceding the renewal period (July 1, 1998 through June 30, 1999) must be submitted as part of a complete renewal. Continuing education taken after June 30, 1999, can still be submitted but is considered to be late CE and the \$25 late CE fee must be paid. Please remember that the Board has a policy of requiring that a record of personal participation (a list of the actual program sessions and hours attended by an individual) be submitted along with the certificate of attendance from the sponsor for multi-session CE programs.

WOLF-DOG HYBRIDS

The Department of Wildlife and Fisheries promulgated a rule (Title 76, Part V, Chapter 1, §115 [December 1995]) that addresses the possession of certain wild quadrupeds, including wolves and wolf-dog hybrids. In part, the rule states that no person shall possess within the State of Louisiana any species of live wild quadrupeds or its subspecies, domesticated or otherwise, including red and gray wolves and wolf-dog hybrids, but provides that the prohibition against wolf-dog hybrids expired on January 1, 1997. Local ordinances may still prohibit possession of hybrids and should be checked. After January 1, 1997, an animal which appears indistinguishable from a wolf, or is in anyway represented to be a wolf may be

considered to be a wolf in the absence of bonafide documentation to the contrary. Valid game breeder license holders for allowed species legally possessed prior to October 1, 1998, shall continue to hold the license and are required to renew annually until the existing captive animals have expired or are legally transferred out of state or to a suitable public facility. No additional animals can be acquired by the breeder.

A copy of this rule will be added to the Louisiana Veterinary Practice Act in the complimentary laws section. Revised pages of the Practice Act are sent out annually with renewal packets to actively licensed veterinarians. A copy can be obtained by contacting the board office.

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Louisiana Board of Veterinary Medicine

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