

the  
**LOUISIANA BOARD OF VETERINARY MEDICINE**  
**Report to Licensees**

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Adrienne A. Aycok, DVM, President • George E. Gowan, DVM, Vice-President • Robert M. Lofton, DVM, Secretary/Treasurer  
J. Edwin Davis, DVM, Member • Glenn R. Walther, DVM, Member

## **2000/2001 LICENSE RENEWAL**

The board office is presently conducting the renewal of licenses for the 2000/2001 year. The renewal period runs from July 1 through September 30, 2000. Presently held licenses will be expired after September 30, 2000 and should be renewed prior to the September 30, 2000 expiration date deadline. Any person who willfully or by neglect fails to renew his/her Louisiana license and who practices veterinary medicine in the state of Louisiana after the expiration of his/her Louisiana license shall be guilty of practicing veterinary medicine in violation of the Louisiana Veterinary Practice Act. Renewal packets were mailed by the board office to those licensees holding active and inactive current licenses the last week of June, 2000. If you have not received a renewal packet, please contact the board office at (225)342-2176 or by email at "lbvm@eatel.net" to request a duplicate renewal packet.

A complete renewal packet must be received in the board office postmarked no later than the September 30, 2000 expiration date deadline. Those renewals received postmarked after September 30, 2000 must include the \$125 late renewal fee to be considered complete. Those renewals received postmarked after the deadline without the renewal late fee will be returned to the licensee as incomplete for payment of the late renewal fee. A complete renewal packet consists of an original, complete, and signed renewal form, the appropriate renewal fee for the license status chosen (and late fees if applicable), and acceptable proof of no less than 16 hours of approved continuing education.

**Continuing education** for renewal of licenses must be taken between July 1, 1999 and June 30, 2000. CE taken prior to July 1, 1999 will not be accepted. CE taken after the June 30, 2000 CE deadline must include the \$25 late CE fee. Per the Board's CE Policy Statement, acceptable proof of CE attendance must be an attendance certificate as provided by the sponsoring organization and must consist of the following information for verification by board office personnel:

1. name of the conference/program - this should show as evidence of the topic covered at the program;
2. date the program was held;
3. the actual hours you personally attended \*; and
4. your name - if the attendance certificate requires you to complete or sign your name as participant, please make sure to print or sign your name legibly. Also, if you are the representative for a sponsoring organization (i.e. local association), please remember that you must have another official of the organization sign (or co-sign) your copy of the attendance certificate. *You may not sign for your own CE attendance.*

\* For large, multi-day/multi-subject, conferences/programs, evidence of the actual programs (topics) you attended must be provided along with any attendance certificate provided by the sponsor. This evidence of personal attendance can be in the form of a "Record of Personal Attendance" log form provided by the sponsor. If no personal attendance log sheet is provided by the sponsor, the board office can provide you with a general log sheet or you can make a copy of the conference/program agenda/schedule/itinerary and mark off the actual programs you attended to be attached to the certificate of attendance from the sponsor.

*Please remember that board office personnel must be able to verify CE for the appropriate individual, in the required time frame, on an acceptable topic, and for the total required hours.*

## Consultations Over the Internet

The Board received an inquiry from a DVM licensed in California addressing the issue of consultations via the Internet. The DVM's specific questions were (1) what the Louisiana Board's policy is regarding clients in (residents of) Louisiana contacting the DVM's website for information, and (2) would this DVM have to have a license to practice in Louisiana.

After review and discussion, the Board concluded as response that pursuant to the Louisiana Veterinary Practice Act, particularly, LSA R.S. 37:1513(4)(a), the practice of veterinary medicine means "to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury or other physical or mental conditions; ...or to render advice or recommendation with regard to any of the above." Section 1514 of the Practice Act also states that "no person shall practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the Board. This section should not be construed to prohibit: ...(4) a veterinarian regularly licensed in another state consulting with a licensed veterinary in this state."

In Louisiana, it is necessary for a Louisiana licensed veterinarian to establish a veterinarian- client- patient relationship (VCPR) in order to practice veterinary medicine. Board rule 700 states that VCPR exists when:

5. "The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and
  1. The client (duly or authorized agent) has agreed to follow the instructions of the veterinarian, and
  2. The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis; of the medical condition of the animal(s). This means that:
    - A. the veterinarian or associate veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s) and/or the animal's records, and /or by medically appropriate and timely visits to the premises where the animal(s) are kept, or
    - B. the veterinarian has agreed to serve as a consultant to the licensed, primary care veterinarian with whom the client and patient has established a relationship which meets the criteria of paragraph (a) above, and
    - C. the primary veterinarian is readily available for follow-up in the event of adverse reactions of the failure of the regime of therapy."

Board rule 703 addresses consultants and provides for "The term 'consulting' as used in R.S. 37:1514(4) does not include any acts which constitute the practice of veterinary medicine as defined in R.S. 37:1513(4)." and "The term 'consultant' as used in the definition of veterinarian- client- patient relationship found in rule 700 may only be applied to a Louisiana licensed veterinarian. To perform a consultation, the consult veterinarian must speak directly with the patient's primary provider of veterinary care who must also be a licensed veterinarian in Louisiana or in the patient's primary or most recent state of residence."

Therefore, it was concluded as response that it is a violation of Louisiana law for the California DVM to provided consultation directly to a client (Louisiana resident) when the DVM has not complied with Louisiana law regarding licensure and the establishment of the veterinary- client- patient relationship. The Board's opinion applies to all forms of communication including the Internet.

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### Rules Update

The Board has no rules for promulgation at this time.

### Disciplinary Cases

There have been no disciplinary cases concluded at this time.

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## **Reproductive Ultrasonography for the U. S. Dairy Industry**

The Board received an inquiry addressing the issue of reproductive ultrasonography in the dairy industry. The inquiry specifically asked who can perform and charge for ultrasonography to determine pregnancy and fetal sex in dairy and beef cattle; can a Ph.D. and/or skilled non-veterinarian perform and charge for this ultrasonography; and are there regulations regarding a non-veterinarian teaching producers how to use ultrasound technology on their farms and charging a fee for this service.

After review and discussion, the Board concluded as response that the performance of ultrasonography falls within the scope of the practice of veterinary medicine as defined in the Louisiana Veterinary Practice Act, more particularly LSA R.S. 37:1513(4)(a), and the Board's rules. Only a veterinarian licensed in Louisiana may perform such a service, and charge a fee, after the establishment of the veterinarian- client- patient relationship. Therefore, a Ph.D. and/or skilled non-veterinarian may neither perform ultrasonography nor charge for such procedure. This also applies to non-veterinarians teaching procedures on their farms and charging a fee for such services.

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### **“Communication . . . an Everyday Skill” By Michael Tomino, Board General Counsel**

My position as General Counsel to the Board is rapidly approaching the two (2) year anniversary date. My function as General Counsel is somewhat multi-faceted in the legal services I provide. Generally speaking, my function is to provide legal services to the Board in the areas of general legal advice, recommendations to changes in the Practice Act, assisting in the rulemaking procedure, preparing Declaratory Statements, and participating in the investigation/disciplinary process of those individuals who violate the Practice Act and the Board's Rules.

It is the investigation arena which I would like to address in this article. As set forth in the Board's Rules and as required by State law, the Board is mandated to investigate complaints it receives of allegations of wrongdoing by licensees and certificate holders regulated by the Board. Upon receipt, the complaint is assigned to an investigating Board member and me to obtain information regarding the circumstance complained of. I have been involved in approximately fifty (50) complaints in my first two (2) years as General Counsel. The vast majority of complaints are against veterinarians with a smaller percentage involving certificate holders. An even smaller number of complaints involve unlicensed individuals attempting to practice veterinary medicine.

Based upon my observation, it is my opinion that a tremendous amount of the complaints against veterinarians can be narrowed down to one basic cause. Such cause can be identified as a “breakdown of communication” between the veterinarian and the client. Perhaps the breakdown of communication is a symptom of the current stresses and strains in the everyday practice and/or business of veterinary medicine. In some instances it could be blamed on apathy or the lack of an interest to make the effort to properly communicate.

In any event, I highly recommend, as the prosecuting attorney for your Board, that you take the necessary time to properly communicate with your clients. Such an effort on your part will not only continue to foster the high esteem held for the veterinary profession as a whole, but also narrow the chances of a complaint being filed against you as a result of the absence of proper communication. After all, from a business standpoint, as a practitioner you are a service company providing regulated services to your clients for a fee.

I feel that it is inappropriate to state that “the customer is always right,” because when dealing with the public you will not always be able to please a certain percentage of the public based upon their expectations. However, while a client may not be happy with the result of your services, it is far better from a business, as well as legal, standpoint to maintain an open line of communication with your client. You cannot guarantee a certain result, however, you can insure proper and full communication.

To assist in accomplishing the goal of proper communication, the Board will be promulgating in the very near future Rules with regard to Surgery/Anesthesia Consent Forms and Euthanasia Consent Forms. These proposed Rules will provide direction regarding proper communication between the veterinarian and client.

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## QUESTIONS FROM THE REAL LIVES OF VETERINARIANS

### **Can a veterinarian refuse to euthanize an animal upon the request of the owner if the veterinarian does not feel justified doing the euthanasia procedure?**

Pursuant to LSA R.S. 37:1513(4)(a) of the Louisiana Veterinary Practice Act, the practice of veterinary medicine includes the humane euthanasia of animals. Board rule 1009 relates that a veterinarian, upon his own responsibility, must decide what employment he will accept in his professional capacity and what course of treatment he will follow once he has accepted employment. Board rule 1001 relates the Rules of Professional Conduct governing the practice of veterinary medicine in Louisiana and includes the AVMA's Principles of Veterinary Medical Ethics, including Principle V. Subsection A. noting the choice of treatment or animal care should not be influenced by considerations other than the needs of the patient, the welfare of the client, and the safety of the public. Therefore, it is within a veterinarian's professional discretion to refuse to euthanize an animal that he does not feel is justified after considering the needs of the patient, the welfare of the client, and the safety of the public.

(Note: The Board opinion presented above may require alteration with changes in factual scenario or facts based on a given situation.)

### **What are the options regarding boarding abandoned animals?**

The Board suggests that veterinarians review the Louisiana Abandoned Animals Act, LSA R.S. 3:2451 -2454. It is also suggested that veterinarians contact private legal counsel or possibly the District Attorney's Office in their parish with regards to a veterinarian's rights and obligations concerning collection practices and any other legal issues involving this matter.

### **Welcome to Our New Board Member**

The members of the Louisiana Board of Veterinary Medicine and board office staff would like to welcome a newcomer to the Board, **Dr. Glenn R. Walther**. Dr. Walther was appointed to the Board to serve a five year term from August 1, 2000 through July 31, 2005. We extend our warmest welcome and best wishes for a productive term.

The Board will miss departing member, Dr. Dick C. Walther, whose term with the Board expired as of July 31, 2000. Dr. Walther has left a lasting impression with the Board over his four year term. We all wish him the best.

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