

the
LOUISIANA BOARD OF VETERINARY MEDICINE
Report to Licensees

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YEAR 2002 LICENSE RENEWAL IN FULL SWING

The license renewal period for Louisiana licenses to practice veterinary medicine for the 2002 year began on July 1, 2001 and will run through September 30, 2001. Renewal packets were mailed from the board office the last week of June. If you did not receive a renewal packet

for your Louisiana veterinary license, please contact the board office to check your mailing address on file and to receive another copy. Presently held licenses will expire on September 30, 2001 unless renewed.

ACCEPTABLE PROOF OF CONTINUING EDUCATION

Please remember that board office personnel must be able to verify the individual session topics you attended and personally count a minimum of 16 hours of CE to complete a renewal.

Proof of attendance for CE programs must contain the name of the participant (licensee), name of the course/program (topic/subject matter), name of the sponsor organization, date(s) of the program, and the actual hours personally attended by the participant. For large, multi-session or multi-day programs, a record/log of personal participation listing the individual/specific subject sessions and actual hours attended by the participant must be submitted with the certificate of attendance provided by the sponsor. A marked copy of the program's agenda/itinerary with specific session times can be submitted. The Record of Personal Participation form provided by the Board with its approved CE Policy Statement only needs to be completed for large, multi-session programs/conferences in order for you to list each individual session you

attended at the conference. Only one conference should be listed on a form. Copies should be made of the blank form to be used for other multi-session, multi-day conferences attended. Listing all CE programs you attended on the Record of Personal Participation form is not acceptable proof of CE.

Also, there is no provision made in the Board Rules for the acceptance of verification of a licensed (active or inactive status) veterinarian's employment at a veterinary school in lieu of performance of the required 16 hours of CE. Therefore, the Board will not accept veterinary school employment in lieu of the required 16 hours of annual CE for active and inactive status veterinary license renewal.

Louisiana Board of Veterinary Medicine Establishes Internet Presence

The Louisiana Board of Veterinary Medicine, in an effort to be of better service, has recently constructed a website located at www.lsbvm.org in order to exchange informational resources with the veterinary community and the public.

You will find relevant items such as important news about licensure, the Board's newsletters, information on current Board members and office staff, and helpful literature. You can now download necessary forms and information regarding obtaining and maintaining a license to practice veterinary medicine in Louisiana.

We hope that you will find the website useful. Please provide us with any feedback so that we may make this resource work better for you.

COMPLETE RENEWAL SUBMISSIONS

A completed renewal must be submitted to the board office and must consist of:

1. A complete, signed renewal form – All information on the renewal form should be corrected if needed, all questions must be answered, and the form must be signed.
2. Full payment of renewal fees – \$175/active renewal, \$75/inactive renewal – and all applicable late fees – Including the late CE fee of \$25 for any CE taken after the set CE period of July 1, 2000 through June 30, 2001 - no CE programs taken prior to July 1 2000 will be accepted; and the late renewal fee of \$125 for any renewals postmarked after September 30, 2001 including any renewals returned to the licensees due to incompleteness and resubmitted by the licensee.
3. Acceptable documentation of proof of CE participation – See previous article on “Acceptable Proof of Continuing Education”.

If any listed item, fee, or CE documentation is required but is not included with the renewal submitted by the licensee, the renewal will be considered incomplete and the renewal will be returned to the licensee for completion. An explanation sheet indicating the reason for the incompleteness will be included with the returned renewal. If the returned renewal is not completed and again submitted by the licensee to the board office postmarked by September 30, 2001, the \$125 late renewal fee must be included or again the renewal will be considered incomplete and will again be returned to the licensee for payment of the late renewal fee to complete the renewal.

Transdermal Delivery Systems (Fentanyl Patches)

In a previous newsletter, a question from the real lives of veterinarians and the opinion from the Members of the Louisiana Board of Veterinary Medicine were published regarding duragesic transdermal patches (particularly fentanyl) being sent home with a patient so that the analgesia could be provided at home for the 3-4 days after a procedure is performed. The Board's stated opinion included the Board's main concerns with the use of the patch in the home environment as possible misuse and/or lack of appropriate attention with regard to application; the possibility that another animal in the household could obtain and ingest the patch potentially resulting in the animal's death; and the possibility that a small child could obtain the patch and absorb such medications through the skin causing adverse effects. Therefore, the Board recommends that the use of the duragesic (fentanyl) transdermal patch be applied to an animal only during its stay at the veterinary facility. However, please be advised that the dispensing of the duragesic (fentanyl) transdermal patch on an out-patient basis is left to the discretion of the attending veterinarian in accordance with the same degree of care, skill, and diligence in treating patients as ordinarily used in the same or similar circumstances by average members of the veterinary medical profession. The Board hopes that this may clarify its previous opinion.

Rules Update

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

Consent Forms

The Board has issued a Notice of Intent, dated April 20, 2001, regarding amendments to Rule 1039 relating to the requirement for the use of written consent forms and establishment of minimum standards for the consent forms relative to general anesthesia and euthanasia and the requirement for veterinarians to consult personally with clients prior to any euthanasia procedures. These rule amendments are anticipated to take effect August 20, 2001.

The Board has developed *SAMPLE* forms and copies of the samples can be found with this newsletter issue.

Questions from the Real Lives of Veterinarians and Other Interested Persons

May a veterinarian sell single dose vaccines and syringes?

There is no prohibition in the Louisiana Veterinary Practice Act and Board's Rules to a veterinarian selling single dose vaccines and syringes. However, the Board must interpret and enforce other state laws, in particular rabies control, as governed by LSA R.S. 40:1275-1278 and the State Sanitary Code. Chapter III of the State Sanitary Code, particularly Section 3:001 defines "vaccinations" to mean the injection, by a licensed veterinarian, of an animal using anti-rabies vaccine approved by the State Health Officer. In addition, Section 3:002 provides that "no person shall own, keep or have in his custody a dog or cat over three months of age that has not been vaccinated against rabies by a licensed veterinarian." Therefore, based on this, it is unlawful for a person to administer rabies vaccinations to an animal without a license to practice veterinary medicine issued by the Board and with regards to rabies control, a licensed veterinarian must administer the vaccine to an animal. With regards to other forms of vaccines, such vaccines may be sold to a client to administer to his or her own animals. The Board recommends that other governmental agencies, such as DEA or the Louisiana Board of Pharmacy, may be contacted for their issues regarding this matter.

Can a veterinarian, veterinary technician, or employee of the veterinarian be subject to civil or criminal liability for reporting suspected cruelty to animals?

The Louisiana Board of Veterinary Medicine is mandated by law to regulate the practice of veterinary medicine in Louisiana so as to protect the consuming public. The Board's jurisdiction is in the administrative arena. The Board does not have jurisdiction over civil or criminal matters. In an effort to provide some direction in this issue, a review of the public policy behind the law regarding cruelty to animals can be made. Such a law punishes those individuals who are found responsible for cruelty to animals. It would be highly doubtful that a court would issue a civil judgment or attach criminal liability to an individual who *in good faith* reported suspected cruelty to animals. Should the perpetrator be found responsible for or guilty of cruelty to animals, surely no civil or criminal liability should be assessed to the individual who in good faith reported such wrongful conduct. Please understand that the Board as a State agency can not legally provide advice in a civil or criminal situation. It is suggested that a private civil attorney or the local District Attorney's Office be contacted with regards to particular circumstances. However, the Board would more than likely not take administrative disciplinary action against a veterinarian, CAET, RVT, or employee of a veterinarian for reporting in good faith suspected cruelty to animals.

What is the responsibility of the veterinarian when a client calls and requests heartworm prevention for a pet that the veterinarian has never seen and can medication be dispensed when a fax copy of the patient record is received and includes a heartworm check and exam within the previous year as performed by another veterinarian or must the attending veterinarian speak directly to the previous treating veterinarian?

The Board's opinion after review of the particular scenario of this inquiry and applicable Board Rules, particularly 705.A.1&2, 705.J, and 700, is that it would be in the best interest of the patient, as well as the attending veterinarian, to personally see the patient prior to dispensing or prescribing heartworm prevention for an animal that has not been previously seen by the clinic.

What legal exposure does a veterinarian (as second attending veterinarian) have for his treatment of an animal which was adopted from a government animal shelter where another licensed veterinarian is employed and who had given the initial treatment to the animal prior to adoption (i.e. provision of ivermectin for heartworms)?

The Board is of the opinion that pursuant to the Louisiana Veterinary Practice Act and Board Rules, the second attending veterinarian should treat the client and patient (adopted animal) in the same fashion and manner as he/she would a new client/patient who walked into the clinic. In other words, the same standard of veterinary medical care applies with regards to a new client/patient regardless of whether the animal was previously treated by another veterinarian or not. The Board suggests that an appropriate consent form may be developed with regards to treatment of animals that have been initially treated at an animal shelter. A written consent form would be evidence of the understanding of the parties with regards to the provision of care to the animal. It cannot be said that a consent form

would totally insulate the veterinarian from any civil liability or disciplinary action by the Board, however, it would be a factor to be considered in such cases in support of the defenses which veterinarians could possibly assert.

Can a veterinarian sell telezol, xylazine, and tolazoline to a client for the client's administration and use to capture deer on the client's deer farm?

Only animal control CAETs certified by the Board can obtain telezol, xylazine, and tolazoline from a licensed veterinarian for the administration and use in animal capture. The dispensing/sell of these drugs by the veterinarian to the CAET/animal shelter must be in specific doses for specific applications and the veterinarian is responsible for maintaining and possessing the drug log records verifying the doses administered. Therefore, a veterinarian cannot dispense or sell telezol, xylazine, or tolazoline or any other controlled drug to a client for the client to use or administer.

What is the legal time period necessary for keeping old patient records on file; i.e. records found dating back up to fifteen years?

Pursuant to Board Rule 701, it is required that patients' records shall be maintained for a period of five years and are the responsibility and property of the veterinarian/veterinary facility. It is the Board's opinion that the five year retention period begins to run on the last date a patient is seen by the veterinarian. The entire medical record on a patient is to be maintained until the five-year retention period is expired. In instance, if a patient of fifteen years back was last seen three years ago, the entire patient medical record must be kept for the remaining two years assuming the patient is not seen again during the period.

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