

the
LOUISIANA BOARD OF VETERINARY MEDICINE
Report to Licensees

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George Gowan, DVM, President • Robert Lofton, DVM, Vice-President • J. Edwin Davis, DVM, Secretary/Treasurer
Glenn Walther, DVM, Member • Lon Randall, DVM, Member

*Season's Greetings and
Wishes for a safe and happy
New Year*



Dispensing/Providing Xylazine

Recently the Board issued a Declaratory Statement with regards to a question concerning selling/dispensing/providing telezal, xylazine, and tolazoline. The Board's stated position was that these drugs could not be dispensed or sold to a client for the client's use/administration. Another inquiry was raised by the Statement – whether or not a veterinarian could dispense/sell Xylazine only (not in a mix), which is a legend drug not a controlled substance as is telezal and tolazoline, to a client with directions for administration by the client to his own animals if the veterinarian has a veterinary-client-patient relationship established with the client. After further research and discussion, the Board has issued a revision to the previous Declaratory Statement that Xylazine only (not a mix), which is a legend drug, may be dispensed by a veterinarian to a client once the veterinary-client-patient relationship has been established and directions provided for administration. The client does not have to be an animal control Certified Animal Euthanasia Technician (CAET) certified by the Board in order to obtain the Xylazine only (not a mix) from a licensed veterinarian in the parameters set forth in the previous statement and in the Louisiana Veterinary Practice Act and Board's Rules. The previous Declaratory Statement stands with regards to telezal and tolazoline as stated.

Rules Update

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

There is no rule promulgation in progress.

Visit our website at www.lsbvm.org.

Disciplinary Cases:

Final decisions of the Board

Case No. 00-1208.2V – Based on the Final Decision issued by the Board, the Board found that the respondent veterinarian was in violation of LSA R.S. 37:1526A(14) of the Veterinary Practice Act and Board Rule, specifically Title 46, part LXXXV, Section 701.A and C, in that the respondent failed to keep proper medical records more particularly legibility and medical content. The respondent was issued a Reprimand, ordered to pay a fine and costs, and required to review the Veterinary Practice Act and Board promulgated Rules.

Case No. 00-0124V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA R.S. 37:1526A and A(14) and Board Rules, specifically Title 46, Part LXXXV, Sections 700, 705, 1055, and 1401, in that the respondent prescribed, dispensed or delivered prescription drugs to an individual for use on an animal without the establishment of the veterinary-client-patient relationship as the primary care provider or consultant to the primary care provider. The respondent has been issued a Reprimand, required to review the Veterinary Practice Act and Board promulgated Rules, and ordered to pay costs of the investigative review.

Questions from the Real Lives of Veterinarians and Other Interested Persons

Who is approved to implant microchips for animal identification and what are the State regulations for implanting microchips?

The implantation of a microchip device into an animal shall be performed only by a licensed veterinarian or under the direct supervision of a licensed veterinarian except no unlicensed person shall perform surgery, diagnosis, prognosis, or prescribe drugs, medicines, or appliances; those exempt from this provision are animal control agencies operated by state or local government or duly incorporated humane societies which contract with state or local governments to provide animal control services.

What guidelines are there for non-kill shelters who adopt out puppies and then continue to provide vaccination of the puppies with puppy series vaccines administered by a lay person?

A layperson cannot perform the vaccination series if he is not an employee of a governmentally owned non-kill shelter and performing such duties in his official capacity. However, if the non-kill shelter is a governmentally owned agency and the layperson is an employee performing his official duties, the administration of vaccination series is not a violation of the Louisiana Veterinary Practice Act

and the Board's Rules. Again, a licensed veterinarian must administer rabies vaccinations.

Can a veterinarian euthanize animals for and at an animal control facility?

Pursuant to the Louisiana Veterinary Practice Act and Board Rules, a licensed veterinarian may be employed by, under contract with, or volunteer with a governmental entity such as an animal control facility. The veterinarian must exercise the same degree of care, skill and diligence in treating the animals as used by the average members of the veterinary medical profession on patients. All state and federal laws must be observed regarding storage, maintaining and Recordkeeping regarding sodium pentobarbital.

Is a veterinarian obligated to issue a prescription via fax request from pharmacy and is he allowed to charge a nominal fee for his time in reviewing the client's records and sending the fax prescription?

A client is not obligated to purchase a prescription medication from the prescribing veterinarian; therefore, a client can have a prescription filled by any authorized entity at his discretion. A veterinarian may refuse to write a prescription if it is not directly requested by a client with whom a VCPR exists; therefore, the veterinarian is not obligated to write a prescription at the direct request

of the dispensing entity based upon the fact that the client has not directly requested the prescription from the veterinarian, nor is there a VCPR between the proposed dispensing entity and the veterinarian. On the other hand, if the VCPR has been established and the client requests a prescription from the veterinarian, the veterinarian is obligated to provide the prescription if in his medical judgment such is appropriate for the care of the animal. The veterinarian can not refuse to write a prescription solely on the basis of revenue he would otherwise earn. A veterinarian is required to conduct his practice on the highest plane of

honesty, integrity, and fair dealing with his clients in time and services rendered and in the amount charged for his services, facilities, appliances and drugs. Veterinarians are entitled to charge fees for his professional services. Since the time and involvement in reviewing files and writing prescription may vary from case to case depending on a variety of factors, a determination of what is "fair and reasonable" with regards to a fee for prescription writing would be based on the facts of a particular situation.

WELCOMING A 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. Lonnie (Lon) G. Randall, Jr.** Dr. Randall was appointed to the Board to serve a five-year term from August 1, 2001 through July 31, 2006. We extend our warmest welcome and best wishes for a productive term.*

SAYING GOOD-BYE

*The Board will surely miss departing Member, **Dr. Adrienne A. Aycock**, whose term with the Board expired July 31, 2001. Dr. Aycock has left a lasting impressing with the Board over her five-year term. We all wish her the very best.*

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