

# Report to Licensees

of the

## LOUISIANA BOARD OF VETERINARY MEDICINE

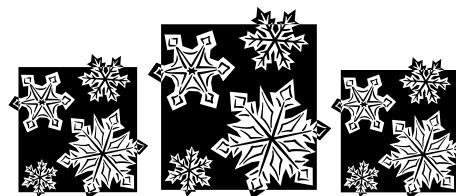
263 Third Street, Suite 104, Baton Rouge, LA 70801, (225) 342-2176, (225) 342-2142 fax, lbvm@eatel.net, www.lsbvm.org

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Robert Lofton, DVM, President • J. Edwin Davis, DVM, Vice-President • Glenn R. Walther, DVM, Secretary/Treasurer  
Lon G. Randall, Jr., DVM, Member • Patrick R. Bernard, DVM, Member

## Season's Greetings & Wishes for a Safe and Happy New Year!



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### Rules Update

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

#### Continuing Education

The Board's intent to amend Chapter 4, Rule 403 relating to continuing veterinary education requirements was presented in the April 2002 newsletter. These rule amendments became effective June 20, 2002.

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#### Changes

The Members of the Louisiana Board of Veterinary Medicine and the staff of the Board office would like to welcome a newcomer to the Board, **Patrick Bernard, DVM**. Dr. Bernard has been appointed to the Board to serve a five-year term from August 1, 2002 through July 31, 2007. We extend a warm welcome and best wishes for a productive term.

The Board has to say good-bye to **George Gowan, DVM**, whose term with the Board expired on July 31, 2002. Dr. Gowan has provided invaluable insight during his tenure on the Board and has left a lasting impression over his five-year term. He will be very much missed and is wished the best for the future.

**Ms. Kimberly Barbier** has resigned her position as Administrative Director of the Board to pursue other employment opportunities. She is wished all the best in her new endeavor. **Wendy Parrish** has been hired by the Board to assume the position as Administrative Director of the Board's administrative office. A native of West Baton Rouge and graduate of L.S.U., Ms. Parrish's career includes 14 years in health care administration, as well as numerous years in marketing/advertising and legal services. She will be assisted by **Ms. Tisha Tillman**, the current Administrative Assistant, who has been with the Board for three years. The Board office staff is always pleased to assist anyone with questions concerning the Board and its role in regulating veterinary medicine in the State.

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#### Schedule of 2003 Board Meetings

The Louisiana Board of Veterinary Medicine will meet in 2003 on the following dates: January 30, April 3, June 5, August 7, October 2, and December 4.

## Disciplinary Cases

**Case No. 02-1218.1 VA** – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA R.S. 37:1518A (10) and 37:1514 and Board rules, specifically Titles 46, part LXXXV, Sections 1105A, 1105B2, 1111B6 and 1101 et seq., in that the respondent performed preceptorship prior to his fourth year of study in an accredited school of veterinary medicine. Additionally, he failed to submit the required documentation to the Board regarding a preceptorship prior to commencement of his preceptorship, and without a license issued by the Board pursuant to an approved preceptorship. Respondent was obligated to complete the eight (8) week preceptorship, pay administrative costs which included attorney's fees. His license to practice veterinary medicine has been placed on a probation for one (1) year.

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## Questions from the Real Lives of Veterinarians and Other Interested Persons

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**How long after a pet is deceased are his/her records required to be kept by the attending veterinarian/clinic?**

**How long are x-rays to be kept as part of the medical records of the deceased pet?**

**Does the veterinarian have the duty to provide those films upon written request and based on the fact that the client paid for them?**

**How long after a written request should a copy of those records be provided to the client?**

Pursuant to Rule 701 promulgated and interpreted by the Board, a medical record, including x-rays, shall be maintained for a period of five (5) years from the date of last treatment and is the responsibility and property of the veterinarian. A copy or synopsis of a patient's record shall be provided to the client or the client's authorized representative upon request of the client. A reasonable charge for copying and providing a patient's record may be required by the veterinarian. The veterinarian shall not release a copy of the record to any person other than the client or a person authorized to receive the copy for the client.

In accordance with the above Rule, it is the Board's position that the medical record of a deceased pet, including x-rays, must be kept five (5) years after the date of last treatment of the animal by the veterinarian. A copy of the medical record, including a copy of the x-ray, must be provided to the client within a reasonable time and may be done so for a reasonable cost for copying and providing such to the client.

**Can a medical physician perform corrective surgery on a retinal detachment in a dog after being seen and referred by a veterinarian?**

It is the Board's position that to allow a physician to perform the ophthalmological procedure noted above on a non-human would be in violation of the Veterinary Medical Practice Act. The veterinarian should refer the patient to a veterinary medical school or veterinary specialist in that particular field.

### **Complaint Statistics FY2003**

The Louisiana Board of Veterinary Medicine logged 24 complaints since the beginning of FY2003 (July 2002 through June 2003). During that period 31 cases were considered and closed, with 2 cease and desist notices issued. There were two consent orders signed this year. Currently, there are 48 open complaints under investigation.

## Questions----Where Do I Start?

by Mike Tomino, Board General Counsel

From time to time you may have questions regarding Board matters for which you would like an answer. Questions may involve such topics as practice issues, ethical concerns, licensing standards, complaint procedures, legislative matters, etc. The proper place to direct your question initially is to the Board office. Depending on its nature or subject matter, the helpful staff at the Board office will either be able to answer your question, or direct you to someone who is in the position to answer your question.

It is requested that you direct your inquiries to the Board office for several reasons. First, the Board office is the central point for coordinating the collection and dissemination of information necessary for the Board to regulate the practice of veterinary medicine. For such coordination to properly work, so as to expedite resolution, it is necessary to have established protocol which is followed.

Second, the Board has adopted rules regarding the submission of questions regarding the interpretation of the Practice Act or Rules which impact your industry. I direct your attention to Rule 1423 which addresses the procedure for submitting a request for a declaratory statement regarding the effect the law may have on a practice issue, ethical concern, licensing standard, etc. The Board requires the question to be in writing so that it can clearly understand the issue it is being asked to address. It will answer the question in writing after the Board, as a whole, at a lawfully scheduled meeting has the opportunity to carefully consider the subject matter of the question and the applicable law. A written response by the Board is generally placed in the next issue of the Board's Newsletter and on record so as to assist other practitioners or interested parties who may be faced with the same scenario at the present time or in the future.

Please note that I specified the Board "as a whole" will consider the question. Such consideration

involves in depth discussion, and at times debate, by the Board members as to the proper and lawful answer to the question. By law, the Board is composed of five (5) veterinarians. The majority vote of the quorum rules. Therefore, a decision of the Board is just that, a decision of the whole. It is not the opinion of any one individual who serves on the Board, although that Board member may have voted in the majority.

Third, pursuant to established protocol, once a complaint is filed which alleges wrongdoing on the part of a licensee or certificate holder, it is improper to direct any calls or questions to anyone other than the Board office or the Board's attorney. It is required by law that any one accused of a violation by formal charges is entitled to be tried in front of an impartial and unbiased panel. Simply stated, the Board member contacted may have no knowledge of the pending complaint since he is not assigned to participate in the investigation. In the event he is assigned to the investigation, he has been given advice by the Board attorney, that's me, to discuss the case with no one. Therefore, to contact a Board member places the rights of the accused in jeopardy, as well as it could complicate the case to the detriment of the licensee or certificate holder.

Fourth, the Board office and my office are established and organized to respond to your inquiries regarding the regulation of the practice of veterinary medicine during regular business hours. Accordingly, the Board's staff and I have access to the information and resources necessary to respond to most of your questions in a timely manner. Perhaps, your question has previously been addressed by the Board. Additionally, in between scheduled Board meetings, the Board members have their own practices far removed from the "hands on" tools located at the Board office and my office.

In concluding, we (the Board members, the staff and I) are not trying to place an unreasonable

burden on you or stifle the free flow of communication, but rather requesting that protocol be followed in order to properly and systematically address the issues which affect your lives, as well as the lives of your clients, patients and other interested parties. We only ask for continued cooperation on your part. Therefore, do not be offended if you forget and direct a question to a

Board member and he suggests you contact the Board office with your request. Also, do not be offended if the Board member, or the Board's staff, ask that you submit your question to the Board in writing for all to benefit. We are just trying to properly do our respective jobs in accordance with established policy.

**Active Military Duty – Exceptions and Exemptions**

In an effort to complete timely renewal of all licensees, those in active military duty should carefully review Sections 405 and 503 of the Louisiana Administrative Code. Supporting documentation of active military service, as well as requests for exemptions and exceptions should be submitted to the Board for consideration within a reasonable time period so as not to delay renewal of licensure.

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**Louisiana Board of Veterinary Medicine**

263 THIRD STREET, SUITE 104  
BATON ROUGE, LA 70801

**ADDRESS CORRECTION REQUESTED**