

Report to Licensees

of the
LOUISIANA BOARD OF VETERINARY MEDICINE

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April 2003

Stress-Free Renewals

Avoid the rush, the hassle, and the penalty fees....begin early to gather those necessary documents for a stress-free, problem-free renewal this year! Renewal packets will be mailed out mid-June. All Louisiana licensees have from July 1st through September 30th to renew in order to continue to practice veterinary medicine in Louisiana. To ease the process, a checklist is

included on the following pages. An early submission may result in avoidance of a late penalty fee should your documents be returned to you "incomplete", requesting further information or documentation.



Rules Update

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

The Board will issue a Notice of Intent dated May 20, 2003 regarding the following rules:

Continuing Education, Exceptions and Exemptions, Rules 405 & 503

The proposed amendments help to clarify notification of retirement, reinstatement requests following retirement, and fee exemption provisions.

Veterinary Practice, Student Extern, Rule 714

The proposed rule defines student externs and the scope of duties and responsibilities.

Certified Animal Euthanasia Technicians, Applications of Certificates of Approval, Rule 1201

The proposed amendment clarifies the minimum age requirements for application for Certified Animal Euthanasia Technicians. The rule amendments are anticipated to take effect August 20, 2003 and will apply for the 2003 renewal period, the 2004 renewal year.

Statistics FY2003

Licenses – 980 current Louisiana Active DVM licenses; 256 Louisiana Inactive DVM licenses; 3 Louisiana Faculty DVM licenses; 66 Louisiana RVT licenses; 94 Louisiana CAET licenses; and 4 Louisiana RED licenses. The Board issued 42 new DVM licenses in FY2003 (July 1, 2002 through February 2003).

Complaints - The Louisiana Board of Veterinary Medicine logged 40 complaints since the beginning of FY2003 (July 2002 through February 2003). During that period 36 cases were considered and closed. There were two consent orders signed.

NAVLE Examination Candidates – Louisiana Board of Veterinary Medicine registered 80 NAVLE examination candidates in April and November/December 2002 with an 88% pass rate.

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Deepest sympathy is extended to the family of Dr. Mike Cummings, LVMA President, who passed away on December 3, 2002. He will be greatly missed throughout the veterinary community.



Disciplinary Cases

Case No. 01-0611V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526 (14) and Board rules, specifically Titles 46, part LXXXV, Sections 1001 et seq., in that the respondent failed to properly handle an animal. Improper and harsh mishandling resulted in breathing problems and subsequent emergency clinic procedures to lung and trachea. Respondent was fined \$500.00, plus cost recovery for proceedings.

Case No. 02-0313V – Based on Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526 (14) in that the respondent failed to properly treat an animal. Claimant was not properly diagnosed and notified to bring the animal to ER clinic on initial after-hours call. Delay of care resulted in death of the animal. Respondent was fined \$500.00, plus cost recovery for proceedings.

Questions from the Real Lives of Veterinarians and Other Interested Persons

Can I require a verbal contact from the owner before filling a prescription, and charge a nominal fee for writing the prescription? I am not willing to fax the prescription, so can I require the owner to pick up and fax the prescription themselves, or may I charge a faxing fee?

Rule 705G(1) provides that “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.

Rule 705G(3) provides that “a veterinarian may refuse to write a prescription if it is not directly requested by a client with whom a veterinary-client-patient relationship exists”. Therefore, interpreting these words in their clearest meaning, it is apparent that there is no requirement that a direct request from the client be in writing. However, it is strongly suggested that should you decide to verbally contact a client, that such contact be documented in the patient’s medical record so

as to assist in defending a potential claim that the prescription was legally provided.

With regards to the legality of a prescription fee, pursuant to Rule 1039A, 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.” Additionally, the Principles of Veterinary Medical Ethics, more particularly Principle VII.A, also provides that veterinarians are entitled to charge fees for their professional services.

In enforcing the above cited legal authority, the Board will apply a “fair and reasonable” standard with regards to whether or not a specified amount constitutes a permissible fee which may include a fair and reasonable cost for faxing. As you are well aware, the time and involvement in reviewing files and writing prescriptions may vary from case to case depending on various factors. Therefore, the Board will make a determination of what is “fair and reasonable” with regards to a fee for

prescription writing based upon the facts of the situation presented. As an alternative to your office faxing the prescription to the pharmacy, you may request the client to do so, however, such a request is more in the nature of a business decision.

What if the client wants me to write a prescription for a product I do not use, or I think is not effective; can I refuse to write it?

Pursuant to Board Rule 705G(2), if the VCPR has been established with the client and the client

directly requests a prescription from the veterinarian, the veterinarian has an obligation to provide the prescription if in his medical judgment such is appropriate for the care of the animal. However, in the absence of the veterinarian's professional opinion that such drug is inappropriate for the care of the animal, for a veterinarian to refuse to write a prescription for the sole reason that it is a product that he does not use would arguably be a violation of law.

Reportable Diseases

In order to improve the protection of the livestock industry from the effects of contagious diseases of livestock, all veterinarians licensed in the State of Louisiana, are required to report to the state veterinarian, by telephone or wire, within 24 hours after diagnosis or tentative diagnosis, the occurrence or suspected occurrence of the following contagious diseases:

Anthrax	Infectious Laryngotracheitis	Pullorum/Typhoid
Avian Influenza (OIE List A Disease)	(other than vaccine induced)	Scabies
Brucellosis	Newcastle (OIE List A Disease)	Scrapie
Equine Encephalomyelitis	Orinthosis	Transmissible Spongiform
Equine Infectious Anemia	Paramyxovirus (other than	Encephalopathies
Hog Cholera	Newcastle Disease)	Tuberculosis
Infectious Encephalomyelitis	Pseudorabies	Vesicular Condition

or any other disease condition which may seriously threaten the welfare of the livestock and poultry industry.

- Louisiana State Veterinarian



**Louisiana Veterinary
Licenses expire on
September 30, 2003.
Renewal period is July 1
through September 30, 2003.**

License Renewal Checklist

■ **Complete, signed renewal form**

- Pre-printed information on page 1 of the renewal form is correct
- Changes are clearly noted
- Page 2 of the renewal form is complete
- Signature on form

■ **Copies of acceptable proof of attendance for no less than sixteen (16) hours of approved continuing education**

- Participation sheet provided by the Board with the CE Policy Statement may be used if the sponsor organization does not provide one or for a meeting entitled "annual meeting" (one conference broken down on each form). Form also available on Board website.
- CE taken the year immediately preceding the renewal period (July 1 thru June 30). CE taken after June 30 is considered late CE and the late CE fee must be included with you submission for the renewal to be complete.
- Your name appears on all CE attendance certificates with topics, actual hours attended.

■ **Payment of all applicable fees made payable to “Louisiana Board of Veterinary Medicine” or “LBVM”**

- License fee - \$175 (active), \$75 (inactive)
- Late CE fee - \$25
- Late Renewal fee - \$125 (if postmarked after 9/30)

If your renewal is returned “incomplete”, the re-submitted renewal must be received at the Board office postmarked by September 30 or the late renewal fee of \$125 must be included. Requests may be made in writing to the Board office for consideration for extenuating circumstances by the full Board at its next regularly scheduled meeting.

Acceptable Proof for CE

■ **Approved Continuing Education**

Pre-approved programs are programs that do not necessarily have to be submitted to the Board office for approval unless you would like written confirmation of its approval. Pre-approved programs are those of subject matter directly related to the practice of veterinary medicine or of a scientific or medical nature related to the practice of veterinary medicine *and* are presented by a Board-certified specialist or a member of the faculty of an AVMA accredited school of veterinary medicine or that is sponsored by a state, regional, national or international veterinary association.

Please note that a program approved in other states does not necessarily mean it was approved and will be accepted in Louisiana. It is the licensee’s responsibility to make sure a CE program is a Board-approved program.

■ **Obtaining CE Approval**

Licensees and/or the sponsor/presenter can submit, via mail, fax or email, a copy of the program’s agenda or a synopsis of the program topics if there are multiple speakers and sessions, along with a list of speakers’ credentials to the Board office for review.

■ **Acceptable Proof of Attendance**

Attendance certificate by the sponsor that clearly indicates:

- Name of participant
- Name of sponsor/organization or individual
- Actual number of hours *you* attended
- Name and Date of program

For conferences of multi-day duration and/or multi-sessions:

- Record of personal participation or log must be filled out with the actual sessions/programs and hours *you* attended.

Browse our Website at www.lsbvm.org

Form and regulations are listed on the website. We hope it is informative and helpful.
We welcome any suggestions you may have to help us keep you informed.

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The Preceptorship Program

by Mike Tomino

The Louisiana Board of Veterinary Medicine (the "Board") has reviewed the preceptorship program and the questions which have recently been presented regarding this requirement for obtaining a license to practice veterinary medicine in Louisiana. More particularly, I have been asked to provide you with the Board's interpretation of the law and to clarify the apparent confusion regarding the preceptorship program on two (2) basic points, namely: (1) student externship versus applicant preceptorship; and (2) preceptorship involving the practice of veterinary medicine.

I. Student Externship versus Applicant Preceptorship.

Pursuant to R.S. 37:1514 of the Practice Act, a person must have a license issued by the Board to practice veterinary medicine in Louisiana. The "practice of veterinary medicine" is defined in Section 1513(4) of the Practice Act. The definition of the "practice of veterinary medicine" is clearly set forth in the law by the Legislature. An exception to the license requirement is also contained in Section 1514(2) which states that a license is not required for "a person who is a regular student in a veterinary school performing duties or actions assigned by instructors or working under the direct supervision of a licensed veterinarian during a school vacation period."

In comparison, Section 1518A(10) of the Practice Act which governs the powers of the Board, requires the Board to have established Rules regarding applicants for licensure. Section 1518A(10) requires, in pertinent part, "an applicant for licensure to complete an intern program designed to exhibit the applicant's skill and knowledge in the field of veterinary medicine." Pursuant to its authority, the Board established the "preceptorship program" for applicants for licensure in Louisiana as set forth in Rules 1101, et seq.

The concept of a student extern is separate and apart from the concept of an applicant preceptorship in fact and in law. The student extern is continuing his education as part of the school system's requirement for graduation. He may or may not apply for a license to practice in Louisiana upon graduation. The school sets the parameter of the content of the externship, along with the participation of the supervising veterinarian. Again, Section 1514(2) is the legal authority for this program.

In contrast, the participant in the preceptorship program is actively applying for a license from the Board. As a result, the Board has the jurisdiction to establish and regulate the program. As set forth above, Section 1518A(10) is the legal authority for this program. The student externship can not legally be substituted for, nor run concurrently with, the preceptorship program. Simply stated, student externship is a school requirement while applicant preceptorship is a licensure requirement. The fact that the student may receive school credit for hours spent in the preceptorship program does not alter the legal nature of this requirement for licensure or the Board's jurisdiction.

II. Preceptorship involves the practice of veterinary medicine.

Section 1518A(10) of the Practice Act requires, in pertinent part, "an applicant for licensure to complete an intern program designed to exhibit the applicant's skill and knowledge in the field of veterinary medicine." The Board's Rules and forms regarding the preceptorship program clearly implement this provision of the law. For example, the Preceptor's Evaluation of Student Participation Form which is completed and signed by the preceptor (supervising veterinarian) specifically evaluates, and confirms, the preceptee's (applicant) performance of activities at the approved facility which clearly fall within the practice of veterinary medicine as defined by the Practice Act. It cannot be disputed that an applicant for licensure, when complying with the preceptorship program, is practicing veterinary medicine.

The Board, after careful consideration and debate at the April 3, 2003 meeting, has decided to require applicants for licensure who do not timely and properly submit the preceptorship program forms, to thereafter

lawfully comply with the requirements of the preceptorship program which will involve participating in a program pre-approved by the Board. Partial or whole credit will not be granted to those applicants who do not follow the law and rules regarding preceptorship. It is ultimately the responsibility of the applicant for licensure to timely and properly obtain Board pre-approval of his respective preceptorship program. Additionally, if the only infraction is the failure to timely and properly submit the preceptorship program forms to the Board, the penalty as such will be to timely and properly comply with all of the requirements regarding the preceptorship program.

You may also wish to note that in the August 2002 Board Newsletter an article was published addressing the preceptorship program requirements and the host facilities. The Board's Newsletter is mailed to the veterinarians licensed by the Board and other interested parties, which includes LSU-SVM for review by the faculty and the students. The Board also has a website with pertinent information and a staff available to answer questions regarding the application process and requirements. Additionally, the Board's forms regarding the preceptorship program requirements are very clear in their wording and the language of the instructions somewhat redundant by design. If in doubt, contact the Board office.

In summary, if you are a participant, whether the preceptor or the preceptee, in the preceptorship formula, please refer to the Board's Rules and official forms regarding the specific requirements and time line for pre-approval of the program. As per Board decision, an untimely submission for approval will result in a "repeat of time served" for the applicant. Such an unfortunate occurrence may, in turn, adversely affect an employment opportunity.

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ADDRESS SERVICE REQUESTED