



Season's Greetings!



2005 Board Meeting Schedule

Board meeting dates for 2005 are scheduled on Tuesdays, at 8:30 a.m. as follows:
February 3 April 7 June 2 August 4 October 6 December 7

Yule Tide Potpourri

by Michael Tomino, Board Counsel

At this time, I take the opportunity to reflect on the soon-to-be passing of yet another year. I am continually grateful to be associated with your profession and of having the opportunity to be in personal contact with many of you. My statement also very definitely includes the licensees that I have the obligation to send those "letters of inquiry." The true intent of this part of the process is to correct wrongful behavior if such is ultimately determined. It should be viewed as an educational endeavor for the licensee. I can assure you that neither the Board nor I relish receiving a complaint made against a licensee. However, part of the function of the Board in regulating your industry is to follow-up on all matters submitted.

Please understand that my participating in the investigative process is only a portion, a significant minority, of the time spent serving the Board. Your Board is very active due to the number and diverse types of matters presented and I invite you to attend a Board meeting to see the process in action and topics facing your industry.

It is the specific purpose of this article to provide "a reminder" to you of issues that will hopefully assist you in your everyday practice and also avoid the necessity of you receiving a letter of inquiry in 2005.

First, please review the Rule 1039 with regards to the requirement of signed consent forms for euthanasia and general anesthesia. The purpose of the requirement in these two circumstances is two-fold. It assists in the clear communication between the veterinarian and the client as to what is to be performed. This is good for the image of industry as a whole. And, it assists the veterinarian in documenting his records in the event a complaint is later filed by an unhappy client. Such is good for the veterinarian in responding to my letter of inquiry. Please understand, this is not an issue where "close counts." All of the specifics contained in Rule 1039 must be met in the forms. The Board has even supplied you with sample consent forms attached to earlier newsletter articles which are compliant with the requirements of this Rule. Please take heed in 2005!

Second, a question has been submitted on several occasions from small animal practitioners regarding the collection of an outstanding fee. You cannot legally hold the client's pet hostage until the fee is received. The law does not provide a self help collection remedy in this circumstance which is commonly referred to as a "mechanic's lien." If the animal is ready to be discharged to the owner, then that is what you must legally do. Thereafter, you have the right to pursue collection in a civil claim against the owner.

Third, the issue of medical records maintenance seems to surface from time to time. Pursuant to Rule 701, a medical record 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.

It is hoped that this article will be of assistance to you. Should you have any questions, please do not hesitate to contact the Board office. Also, the Board office and I are there to respond to any questions that you may have. Please do not be offended when you are asked to submit your question in writing. The reasons for the request for written submission are to make sure that the Board completely understands your question and that the answer provided to you is responsive to your inquiry. A lot can be lost or misunderstood in verbal communications.

In closing, I wish you a joyous and safe holiday season. I also hope to meet more of you in 2005, absent the "letter of inquiry" scenario.

Rules Update - Notice of Intent will be posted in the December 2004 *Louisiana Register* regarding the following rule changes:

Rule 1015.B – Veterinary Management Services Contracts – proposed rule amendment clarifies legal guidelines and specifics for management services contract arrangements regarding veterinary practices in Louisiana.

Rule 1515 – Registered Equine Dentists – proposed amendment clarifies training, examination and employment criteria for laypersons and registered veterinary technicians performing equine dentistry.

Please call or write the Board office for a copy of any Notice of Intent or Rules described above.

Questions from the Real Lives of Veterinarians and Other Interested Persons

Q: Is a veterinarian in an animal shelter affiliated with animal control agencies either operated by a government agency or a humane organization with government contract for animal control services required to personally meet with the owner of an animal prior to euthanasia and confirm such meeting in a Euthanasia Consent Form?

A: Under Rule 1039E, it is the Board's decision that the requirement for the veterinarian to personally meet with the owner of the animal, as confirmed in the Euthanasia Consent Form signed by the owner, is applicable to the scenario described above. Irrespective of the presence of a CAET at the facility, the veterinarian must personally meet with the owner of the animal to discuss the euthanasia procedure.

Q: Is the animal shelter affiliated with animal control agencies either operated by a government agency or a humane organization with government contract for animal control services required to dispose of all expired drugs or other medical products as required in Rules 705E and 705I?

A: The law is very clear on the issue and it will be enforced accordingly by the Board. The disposal of expired drugs or other medical products is required by other applicable State and Federal laws governing such subject. The primary policy behind the laws on the non-use, and ultimate disposal, of expired drugs and medical products is to remove such items from the practice due to risks to health and potential abuse.



Disciplinary Cases

Case No. 03-1031.2V – 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(6) and (14) and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., particularly 1023, 701B1 and B2 in that the respondent was negligent and failed to properly perform declawing procedures, failed to maintain medical records and/or refused to produce medical records upon request, and unprofessional conduct. Respondent was placed on probation for one year, fined and ordered to pay the amount of cost recovery for the proceedings.

Renewal Statistics

- As of October 31, 2004, license renewals for the 1464 renewal year are as follows: 1037 Active DVMs, 233 Inactive DVMs, 3 Faculty DVMs, 73 RVTs, 114 CAETs, 4 REDs. Of the 1464 renewals, 122 were sent back to the applicant due to errors or omissions (8%). Many times send-backs result in late fee assessments and expiration of the license.

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