



Welcome New Board Members!

The Members of the Louisiana Board of Veterinary Medicine and the staff of the Board office would like to welcome new Board members, **Mica F. Landry, DVM** and **William H. Green, DVM**. Dr. Landry practices in Donaldsonville and has been appointed to serve a three-year-term from January 7, 2005 through July 31, 2008. Dr. Green, from Dubach, Louisiana, is currently a professor and resident veterinarian at Louisiana Tech University in Ruston. He has been appointed to serve a four-year-term from January 7, 2005 through July 31, 2009. We extend a warm welcome and best wishes for a productive team.

The Board will surely miss departing member **J. Edwin Davis, DVM**, whose term with the Board expired January 7, 2005. During his five-year+ term, Dr. Davis has shared his experience, visions and understanding of statutes and rules with sincerity, fairness, and many times, good humour.

Reminder: 2006 Renewal Period Begins July 1st

Look for your renewal packets in the mail soon! Avoid the rush, and penalty fees....begin now to gather those necessary documents for a stress-free, problem-free renewal this year!
All due to the Board office by September 30th.



Limited Equine Dental Training

by Michael Tomino, Board Counsel

In 1999, the Practice Act was amended at the request of interested persons who desired to be registered as equine dentists ("REDS") with the Board. It is our understanding that the horse owners who supported the amendment were seeking to have access to more available equine dental care and reduce the costs otherwise paid to interested veterinarians for the service.

The amendment, as originally written, had many legal problems. The Board became aware of the proposed amendment and involved in the legislative process at the eleventh hour. Some of our concerns fell on deaf ears. The law was amended and reads today as it did in 1999. Unfortunately, the "limiting requirements" for registration allowed only 10 individuals to actually qualify for registration. We currently have 4 active REDs (the fifth RED let his registration lapse). We never heard from the other five individuals who had the "entitlement." All things considered, however, the resulting amendment that became law in 1999 is remarkable and the Board further refined the practice through the rulemaking process which followed.

The Board was not called upon since the amendment in 1999 to interpret and enforce this law and its Rules until recently. The Board recently received questions and comments regarding the inability of the Board to register "new" applicants based on the current wording of the law. In an effort to resolve the issue without facing the uncertainties of the legislative process, the Board entertained avenues of relief allowed by interpretation of the current wording of the Practice Act.

Section 1564B of the Practice Act provides that "with proper training and under the direct supervision of a licensed veterinarian, lay people and registered veterinary technicians employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps)." The Board adopted Rule 1515F, effective April 20, 2005, clarifying and implementing the regulatory requirements of a registered veterinary technician and/or layperson employed by a veterinarian, with proper supervision and under appropriate supervision, to perform limited equine dentistry

procedures. Attached for your review is a copy of Rule 1515F. Please read it carefully and direct any questions or comments to the Board for response.

In conjunction with the rulemaking process, the Board contacted LSU-SVM to request its assistance in providing a Board approved training program for those registered veterinary technicians and/or lay persons employed by a veterinarian to take advantage of the opportunity. Dr. Rustin Moore, and other individuals at LSU-SVM, have worked very hard with the Board to develop a training program which fits the context of the Practice Act. The Board and I wish to extend our thanks in general to these folks, and in particular to Dr. Moore, for providing this needed service.

The training program will be held on June 22 through June 24, 2005 at LSU-SVM. It will include didactic and practical course material. An examination will be given at the end to demonstrate program completion verification, and a list of the successful attendees will be provided to the Board.

The cost of the training program is \$800.00 and is to be payable to the LSU Foundation. **Registration for the program must be completed by June 15, 2005.** LSU-SVM is providing this program as a service and is entitled to recoup its expenses. The Board will not share in the receipt of the tuition monies collected, nor did it participate in setting the amount required for participation. For further information on the program, anyone interested may contact Dr. Rustin Moore or Dr. Daniel Burber at LSU-SVM (225-578-9500).

You may be asking what exactly is "limited equine dentistry" which will be provided by the qualified individuals. Again, please refer to new Rule 1515F. In addition, Rule 710D addresses dental operations in general and states that "in the branch of veterinary medicine dealing with equine dentistry, with proper training and under the direct supervision of a licensed veterinarian, lay people and RVTs employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps). All other dental operations, including but not limited to the extraction of teeth, amputation of large molar, incisor, or canine teeth, the extraction of first premolar teeth (wolf teeth) and repair damaged or diseased teeth must be performed by a licensed veterinarian."

In contrast, pursuant to Section 1563C(2) of the Practice Act, "prior to the initiation of an extraction of first premolar teeth (wolf teeth), the RED (of which there are only four) shall also notify and obtain the approval of the equine owner's veterinarian or referral veterinarian." Therefore, a RED, after satisfying certain requirements, may extract wolf teeth; however, lay people and RVTs employed and supervised by a licensed veterinarian in compliance with Rule 1515F may not perform this dental operation as prohibited in Rule 710D quoted above.

Rules Update – *Please call or write the Board office for a copy of any Notice of Intent or Rules described below.*

Emergency Rule effective April 11, 2005, posted in the April 2005 *Louisiana Register* regarding the following rule changes:

Rule 711.E – Veterinary Practice – Wellness and Preventative Care Clinics – proposed rule amendment clarifies and implements requirements for a veterinarian licensed by the Board to administer vaccines, perform examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic.

Notice of Intent was posted in the May 2005 *Louisiana Register* regarding the following rule changes:

Rule 711.E – Veterinary Practice – Wellness and Preventative Care Clinics – proposed rule amendment clarifies and implements requirements for a veterinarian licensed by the Board to administer vaccines, perform examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic. (Note, this rulemaking procedure will implement the Emergency Rule above.)

Final Rules effective in the April 2005 *Louisiana Register* regarding the following rule changes:

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

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

Wellness or Preventive Care Clinic

By Mike Tomino, Board General Counsel

In January 2005 the Board was presented with a request for a declaratory statement regarding the legality of establishing a “wellness or preventive care program” to be operated inside various locations of an existing pet supply type business on a weekly rotating basis. The proposed program, as described, would include a physical exam, fecal and heartworm tests, annual vaccinations, de-worming, puppy and kitten shots. Heartworm and flea preventive drugs would be dispensed. A veterinarian would conduct the examinations and administer the vaccinations, and spend three to five hours at each location each week. The proposed program would not entail any ‘fee splitting’ or fee-based referrals. Additionally, the work would be limited to preventative treatment only and would not encompass care to sick or injured animals. Records would be maintained in accordance with AVMA and Louisiana standards, retained a minimum of five years and stored both digitally and in typical hard copy paper files.

Upon review, it was determined by the Board that the proposed program clearly falls within the definition of the “practice of veterinary medicine” as set forth in the LA Veterinary Practice Act, LRS 37:1513(4)(a), which requires that a veterinarian licensed by the Board must perform. However, the Board had concerns primarily with regards to the issues of aftercare and emergency scenarios. For example, how would the veterinarian proceed if an animal has an adverse reaction to a vaccine? In addition, what is the protocol if physical examination, or objective fecal or heartworm test, demonstrates a positive result? Also, what if an owner, or good Samaritan, presents an animal with a bona fide emergency condition? In the practical world, the veterinarian may not know that an animal is sick or injured until the examination or testing, is performed at which time the VCPR has been clearly established.

In enforcing the Practice Act, the Board developed and adopted an emergency rule, effective April 11, 2005, clarifying and implementing the regulatory requirements of a licensed veterinarian conducting a wellness or preventative care clinic. Attached for your review is a copy of Emergency Rule 711E.

You will note that the Emergency Rule will allow a veterinarian licensed by the Board to administer vaccines, perform examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic if certain conditions are met. With regards to the aftercare and emergency concerns of the Board, the veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a Louisiana located veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide laboratory services, hospitalization, surgery, and/or radiology, as well as emergency care services.

In addition, a veterinarian operating or providing permissible services in a wellness or preventative care clinic is obligated to comply with all of the requirements regarding the practice of veterinary medicine set forth in the Practice Act, Board Rules, and applicable ancillary laws. For example, the legal requirements regarding medical records retention, drug issues, sanitation requirements, VCPR, advertising, etc. must be adhered to by all veterinarians. Also, please note that a program for the sole and specific administration of rabies vaccination shall not be considered a wellness or preventative care clinic.

The Board is currently proceeding with the regular rulemaking procedure regarding Emergency Rule 711E. Please read Emergency Rule 711E carefully and direct any questions or comments to us for response.



Disciplinary Cases

Case No. 03-0220.1V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A(14) and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., in that the respondent was negligent under the facts of the case, and failed to provide an X-ray in an emergency situation to an animal following injuries sustained in a fight with another dog. Respondent was fined \$500 and ordered to pay the amount of cost recovery for the proceedings.

Case No. 04-0615V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A(14) and Board rules, Title 46, Part LXXXV, Secs. 705H and 1001 et seq., in that the respondent administered under the facts of the case, an expired rabies vaccine in a dog. Respondent was reprimanded and ordered to pay the amount of cost recovery for the proceedings.

Case No. 04-0623V – After notice and public hearing, the Board issued an Order finding the respondent veterinarian was in violation of LSA RS 37:1526A(14) and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., in that the respondent failed to obtain a consent order for anesthesia and surgery (Rule 1039B), and failed to respond and cooperate with the Board during the investigation (Rule 1415). Respondent was fined \$1,250 and ordered to pay the amount of cost recovery for the proceedings.

Case No. 05-0729E – Based on the Consent Order agreed to by the Board, the Board found that the respondent registered equine dentist was in violation of LSA RS 37:1526A(10), (13) and (14) and Board rules, Title 46, Part LXXXV, Sec. 1500 et seq., more particularly Rule 1515E(1), in that the respondent prescribed, recommended and/or administered a legend drug; failed to notify the regular veterinarian prior to performing equine dentistry; and failed to keep records on the horse regarding equine dentistry services. Respondent's registration was suspended three months, fined \$1,000 and ordered to pay the amount of cost recovery for the proceedings.

Case No. 05-0913D – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A(14) and Board rules, Title 46, Part LXXXV, Secs. 705A(3) and 1001 et seq., in that the respondent was involved in the administration of a legend drug to his two minor children that was not ordered or prescribed by a lawfully authorized health care provider. Respondent was reprimanded, placed on probation for one year, and ordered to pay the amount of cost recovery for the proceedings.

Case No. 05-1216D – After notice and a public hearing, the Board issued an Order finding the respondent veterinarian was in violation of LSA RS 37:1526A and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., in that the respondent failed to maintain sanitary conditions at the facility and during surgical procedures (Rules 709 and 1023), failed to properly document, store, inventory and use controlled substances (Rules 701 and 705B), and practiced fraud or dishonesty regarding diversion of drugs (Rules 705 and 1055). Respondent's license was suspended for five years, DEA registration surrendered for five years, fined \$2,100 and ordered to pay the amount of cost recovery for the proceedings.

Chapter 15. Registered Equine Dentists

§1515. Practice and Duties

A....E.

F. With proper training and under the direct supervision of a licensed veterinarian, a layperson or registered veterinary technician employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps) of a horse. However, a layperson or registered veterinary technician shall not extract teeth, amputate large molar, incisor, or canine teeth, extract first premolar (wolf teeth), or repair the damaged or diseased teeth of a horse.

1. The following words and terms, when used in this Rule and Rule 710D, shall have the following meanings:

a. Proper training – prior to providing the procedures stated in Subsection F above, a layperson or registered veterinary technician shall have successfully completed a training program approved by the board which shall consist of classroom instruction and practical courses appropriate to the rasping (floating) of molar, premolar, and canine teeth and removal of deciduous incisor and premolar teeth (caps) of a horse.

b. Direct supervision - the supervising licensed veterinarian shall be readily accessible by beeper or cell phone, as well as physically present within a 30 mile radius of and 30 minutes or less travel time from the premises where the procedure is to be rendered by the layperson or registered veterinary technician.

c. Employed by the licensed veterinarian – the layperson or registered veterinary technician shall be employed by a licensed veterinarian which shall be demonstrated by the issuance of a W-2 tax statement or other appropriate document evidencing the

employment relationship as approved by the board. A layperson or registered veterinary technician working as an independent contractor, partner or any other business arrangement with a licensed veterinarian, shall not be considered employed by the licensed veterinarian for purposes of the limited exception.

d. Licensed veterinarian – a veterinarian licensed by the board.

2. The supervising veterinarian shall establish the veterinarian-client-patient relationship as defined in Rule 700 prior to the rendering of a procedure by the layperson or registered veterinary technician which shall be documented as part of the veterinarian's medical records regarding the horse. The permissible procedures delegated to a layperson or registered veterinary technician is at the discretion of the supervising licensed veterinarian who is ultimately responsible for the acts or omissions of these persons.

3. a. A legible record shall also be maintained on each horse which shall include the owner's name, address and telephone number, and identifying information on the horse, which shall include:

- i. the name, permanent identification marks, age, sex, and color;
- ii. the layperson or registered veterinary technician's name, address and telephone number who provided the procedure;
- iii. nature of dental complaint;
- iv. method of restraint used during the procedure;
- v. type of dental procedure and date performed;
- vi. description of the outcome of the procedure; and

vii. recommendations, if any, to the owner following the procedure.

b. The supervising veterinarian shall ultimately be responsible to maintain the record set forth herein as part of the medical records of the horse.

4. The layperson or registered veterinary technician shall not prescribe, recommend, or administer any legend drug or controlled substance.

5. The layperson or registered veterinary technician shall not be identified or referred to as a registered equine dentist, and shall not bill, directly or indirectly, the client or owner of the horse for services rendered. The employing veterinarian shall bill the client or owner of the horse for the services rendered by the layperson or registered veterinary technician.

6. A supervising licensed veterinarian who violates, or otherwise fails to comply with this Rule, or any part thereof, including any applicable state and federal laws and/or regulations, shall be guilty of unprofessional conduct within the meaning of R.S. 37:1526(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000), LR31:930 (April 2005).

Emergency Rule – Chapter 7. Veterinary Practice § 700. Definitions

* * *

Wellness or Preventative Care Clinic - a service in which a veterinarian licensed by the board administers vaccine, performs examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic. A program for the administration of rabies vaccination conducted at a location solely for the specific purpose of rabies prevention shall not be considered a wellness or preventative care clinic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:660 (June 1994), LR 20:1381 (December 1994), LR24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:893 (April 2005).

§ 711. Definitions and Classification of Practice Facilities

A.-D.2. ...

E. A wellness or preventative care clinic shall have a published physical address for the specific location, telephone facilities for responding to emergency situations, and the following:

1. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide laboratory services, hospitalization, surgery, and/or radiology, if these services are not available at the wellness or preventative care clinic.

2. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide emergency care services. A notice of available emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, shall be posted in a conspicuous place at the wellness or preventative care clinic, and a

copy of the notice or information shall be given to each client prior to the administration of a vaccine, the performance of an examination and/or a diagnostic procedure to promote good health.

3. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

4. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical records for the patients as set forth in the board's rules on record keeping. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be the owner of the medical records of the patients.

5. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for consultation with clients and the prompt referral of patients when disease, illness or a medical condition is diagnosed.

6. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for the information and representations provided to the clients by the staff at the wellness or preventative care clinic.

7. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place at each location of a wellness or preventative care clinic.

8. Operation of a wellness or preventative care clinic shall also have the following on site at each location:

- a. a clean, safe location;
- b. meet local and state sanitation requirements;
- c. lined waste receptacles;
- d. fresh, running water for cleaning purposes and first aid;
- e. an examination area with good lighting and smooth, easily disinfected surfaces;
- f. all drugs, medicines, or chemicals shall be stored, inventoried, prescribed, administered, dispensed, and/or used in accordance with federal, state and local laws and rules;
- g. all equipment shall be kept clean and in proper working order;
- h. the ability to address sudden life-threatening emergencies which may arise, including the availability, on site, of oxygen, resuscitation drugs, treatment for shock, and fluid administration materials; and
- i. the proper disposal of biomedical waste and the required facilities, on site, for such disposal, as well as documentation on site to verify the proper disposal of biomedical waste.

9. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

10. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide a copy of any signed written agreement, including renewal, extension or amendment, required by this rule to the board prior to commencement of the terms of the agreement.

12. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide the board, upon

written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), LR 24:2123 (November 1998), LR 31:893 (April 2005).

NAVLE Fee Increase

The National Board of Veterinary Medical Examiners will increase the fee for candidates taking the national examination during the November/December 2005 testing window to \$450.

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