

Report to Licensees

of the

LOUISIANA BOARD OF VETERINARY MEDICINE

Volume 15, No. 1

December 2005



Season's Greetings

Current Information/Addresses - As many Louisiana veterinary licensees have moved and been displaced following the natural disasters, special attention should be made to supply the Board office with your most current address information, both work address and home. Please let us know of any changes, permanent and temporary, in your information. A "Change of Information" form can be downloaded from the Board's website, www.lsbvm.org, under the "Renewals" section.

Board Meeting 2006 Schedule

Board meeting dates for 2006 are scheduled on Thursdays, at 8:30 a.m. as follows:
February 2 April 6 June 1 August 3 October 5 December 7



Out of State Licensees/Executive Orders/History of Events

by Louisiana Board of Veterinary Medicine

This article details a chronological order of events surrounding the Louisiana Board of Veterinary Medicine's (LBVM) efforts in the aftermath of the natural disasters, Hurricanes Katrina and Rita. It is not intended to be defensive or offensive in nature, but rather an objective history of what occurred. The LBVM's Newsletter is the primary tool by which it provides information regarding its activities to licensees and other interested parties.

It is an oversimplification to say these natural disasters tragically devastated certain portions of Louisiana and left no area of our state unaffected to some degree. The LBVM would like to thank and compliment all persons and groups who contributed to the overwhelming relief effort. Unfortunately, some very hard lessons have been learned throughout this ordeal which will be noted, but hopefully, never required to be used in the future. While some may be critical of the efforts of certain parties, please keep in mind that it was, and to some degree remains, a monumental task to resurrect order from chaos. The LBVM and its members were, and continue to be, legally bound by oath of office and the law to enforce the Veterinary Practice Act and its rules. The LBVM does not have the legal authority to suspend, or ignore, the law even in a time a natural disaster.

It also may be very tempting for people to "Monday morning quarterback;" however, unless a person was actually involved in the mechanics of obtaining an executive order suspending the license requirement of the law, AND fully understands the complex issues which arose, second guessing and unfounded criticisms are really a waste of energy and time. Hopefully, any incidents of this counterproductive activity will be minimal.

The items listed below are those that the LBVM has actual knowledge of regarding the events which occurred.

On August 26, 2005, Governor Blanco signed Proclamation 48 KBB 2005 in anticipation of impending Hurricane Katrina. Proclamation 48 KBB 2005 addressed a state of emergency, but did not suspend the laws and rules governing state regulatory boards.

On Monday, August 29, 2005, Hurricane Katrina hit the Greater New Orleans and surrounding areas causing massive devastation. The LBVM office and government offices were closed by order of the Governor through Tuesday, August 30, 2005. The LBVM office resumed business on Wednesday, August 31, 2005.

On Thursday, September 1, 2005, at approximately noon, the LBVM office was closed by order of the police due to a suspected riot at the Baton Rouge River Cent Complex. The LBVM employees were escorted to their cars by armed security.

On Friday, September 2, 2005, the Governor signed Executive Order KBB 05-26 suspending the laws for "medical professionals" allowing out of state medical professionals to assist with the relief effort.

The LBVM office remained closed due to the riot threat through Monday, September 5, 2005, which was Labor Day. On Tuesday, September 6, 2005, the offices, including LBVM, in the area near the Baton Rouge River City Complex were allowed open by the police. The LBVM learned of EO KBB 05-26 and took immediate steps to confirm with the Governor whether or not out of state "veterinarians" were included in the term "medical professionals." LBVM was advised in writing by the Governor's office on Wednesday, September 7, 2005, that veterinarians were not included in EO KBB 05-26.

The LBVM took immediate steps to contact the State veterinarian regarding this issue. The State veterinarian was included in Incident Command System and coordinating the relief efforts with FEMA in Baton Rouge. The LBVM learned that the State veterinarian's office was under the impression that EO KBB 05-26 covered veterinarians.

On September 8, 2005, the Board of Veterinary Medicine, along with the State veterinarian, began coordinating efforts to request the Governor to issue an executive order suspending the legal requirement for out of state veterinarians to contribute to the relief effort without the need for a Louisiana license to practice. The LBVM deferred to the State veterinarian on the need for out of state veterinarians since that office was coordinating the relief efforts at Command Incident System.

On Friday, September 9, 2005, the LBVM submitted a proposed executive order to the Governor through her executive counsel addressing the issue. On Monday, September 12, 2005, the Governor signed Executive Order KBB 05-35 (effective September 9 -September 25, 2005) lawfully accomplishing this objective. EO KBB 05-35 was officially posted for notice on the Governor's website the evening of September 12, 2005.

On September 13, 2005, the LBVM implemented EO KBB 05-35, and the Registration Application and informational documentation were posted on

the LBVM's website for access and registration. In addition, the LBVM submitted the pertinent information to interested parties by email/fax and requested the State veterinarian to submit any listing or information regarding out of state veterinarians desiring to register the LBVM and participate in the relief effort. (The Registration Application and informational documentation were previously prepared by the LBVM in anticipation of the Governor executing the proposed executive order.)

On Monday, September 19, 2005, the LBVM emailed Deputy Executive Counsel Watson inquiring as to the Governor's protocol for renewal of the Executive Order EO KBB 05-35 beyond its termination date of September 25, 2005, if necessary. The LBVM again deferred to the State veterinarian regarding the need for renewal at ground zero of the relief effort.

On Tuesday, September 20, 2005, Deputy Executive Counsel Watson emailed the LBVM with notice that the current executive order would not automatically renew and that a new request from the LBVM and State veterinarian would be required. Deputy Executive Counsel Watson's email was immediately forwarded by the LBVM to the State veterinarian with the request to confirm the need for renewal to the Governor's executive counsel for consideration by the Governor prior to the expiration of EO KBB 05-35 on September 25, 2005. The State veterinarian confirmed the need for the extension of the executive order for three (3) additional weeks by email on September 20, 2005. The matter was properly before the Governor for consideration well before the September 25 termination date of the current executive order.

On Thursday, September 22, 2005, Governor Blanco signed EO KBB 05-43 extending the terms and effect of EO KBB 05-35 through October 25, 2005. There was no gap in the substantive application of the executive orders regarding out of state veterinarians who met the qualifications and properly registered with the LBVM.

On Saturday, September 24, 2005, Hurricane Rita hit the southwest coast of Louisiana causing massive devastation to the coastal parishes. The LBVM office was closed from Friday, September 23, 2005 through Sunday, September 25, 2005 due to impending Hurricane Rita. The information memo and registration application were officially updated on the LBVM's website on Monday, September 26, 2005.

On September 30, 2005, approximately 125 out of state veterinarians had registered with the LBVM pursuant to the executive orders. Some were believed to be operating through assignments from the State veterinarian and FEMA, and others at the relief effort at LSU-SVM Parker Coliseum Emergency Animal Shelter in Baton Rouge.

On September 30, 2005, LSU-SVM's website posted notice that Parker Coliseum Emergency Animal Shelter will no longer accept animals after September 30, 2005, and will close operations on October 15, 2005. Parker Coliseum Emergency Animal Shelter was a shelter for owned pets that were brought there by the owners or by veterinarians evacuating pets. The shelter at Lamar-Dixon in Gonzales, Louisiana was a shelter for rescued animals and is believed to have ceased operations on a timeline similar to Parker Coliseum Emergency Animal Shelter.

EO KBB 05-43 terminated automatically at midnight on October 25, 2005. The LBVM maintained communication with the Governor, through her Deputy Executive Counsel, and the State veterinarian's office regarding the need for renewal prior to the effective time of the termination. The LBVM again deferred to the State veterinarian regarding the need for renewal at ground zero of the relief effort. It was determined that there was no need to renew the executive order past the deadline based on current information. Both the Parker Coliseum Emergency Animal Shelter and the Lamar-Dixon shelter were closed prior to the October 25, 2005 deadline.

Accordingly, on October 25, 2005, the LBVM posted notice on its website that EO KBB 05-43 would terminate at midnight. It also mailed/mailed the notice to all out of state veterinarians who

registered with the LBVM and all interested parties regarding the effect and time of the termination.

It is the LBVM's understanding that subsequent to the termination of EO

KBB 05-43 there are shelters which are still operating through private and/or LVMA efforts. Such shelters are obviously legally operating if the provisions of the law and LBVM's rules regarding the requirements for maintaining a Louisiana veterinary license and the practice of veterinary medicine are being followed. Unfortunately, the LBVM has received limited information regarding operations which may exist in violation of the law and LBVM's rules. Every effort has been made to cease these illegal operations which to date has been largely successful. The LBVM will continue to discharge its duty regarding this issue and will follow up on all complaints received regarding any alleged illegal activity.

It is also the LBVM's understanding that assistance from Louisiana licensed veterinarians may be needed in the closing relief efforts. As you may be aware, many Louisiana licensed veterinarians were displaced by the hurricanes and may be in need of temporary (or permanent) employment or participation in work relief. If interested, the appropriate entities to contact are the LA Veterinary Medical Association, or the LA State veterinarian's office for more information.

In closing, the LBVM wishes to again thank everyone (veterinarians, support staff, private individuals, associations, educational institutions, and governmental entities and officials, as well as animal humane groups and concerned persons in general) that assisted in the relief efforts of Hurricanes Katrina and Rita. Thank you for your love and concern for the animals affected by these disasters.

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 and August 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 and August 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.)



Disciplinary Cases

Case No. 04-0304.1V – Based on the Consent Order agreed to by the Board, the Board found that the respondent veterinarians were in violation of LSA RS 37:1526A(6) and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., in that the respondents were negligent in failing to perform blood work or other diagnostic examinations to determine or confirm the diagnosis prior to treatment of the animal with drugs, and negligent in administering a steroid and Rimadyl for use on the patient at the same time. Each respondent was fined \$250 and ordered to pay the amount of cost recovery for the proceedings.

Case No. 05-1119.1V – 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(6) and (14) and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., in that the respondent was negligent in failing to properly test and diagnose the patient's medical condition, to properly treat the animal in an emergency situation, alternatively, misdiagnosing medical condition and rendering treatment contra-indicated; and additionally, for unprofessional conduct exhibited by being argumentative, confrontational and lacking compassion when dealing with the client and the patient. Respondent was fined \$500, ordered to pay the amount of cost recovery for the proceedings and placed on one year probation.

Renewal Statistics

As of October 30, 2005, license renewals for the 2005-06 renewal year are as follows: 1002 Active DVMs, 191 Inactive DVMs, 2 Faculty DVMs, 67 RVTs, 90 CAETs, and 4 REDs.

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