

# Report to Licensees

of the

## LOUISIANA BOARD OF VETERINARY MEDICINE

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**Welcome** The members of the Louisiana Board of Veterinary Medicine and staff of the Board office would like to welcome new Board member, Steven Slaton, DVM. Dr. Slaton currently practices in Metairie and has been appointed to serve the remainder of Dr. Robbins' appointment through July 31, 2010. We extend a warm welcome and best wishes for a productive team.

The Board will certainly miss departing member, Brent D. Robbins, DVM, whose term with the Board expired January 13, 2008 as he was sworn into office as Assistant Commissioner of Animal Health Services for the Louisiana Department of Agriculture. During his term, Dr. Robbins shared invaluable insight and experience pertinent to veterinary medicine and regulatory functions of the Board. We wish him well in his new position.

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## *Reminder – 20 credit hours of continuing education required for upcoming 2008-2009 renewal year!*

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### **Protocol for Impaired Professional and Para-Professional**

The issue of Louisiana Board of Veterinary Medicine (LBVM) protocol for handling impaired professionals arose at the recent LVMA annual meeting held in Shreveport. Unfortunately, certain criticism was presented based on incorrect information and unfounded assumptions. It is the purpose of this article to address the area of professional impairment and the LBVM's handling of the subject in general.

It cannot be doubted that substance abuse addiction, including alcohol abuse, is a growing problem in our society as a whole. It is a serious and, if untreated, a debilitating disease for the individual as well those associated with him. The profession of veterinary medicine is not immune from this disease. As stated on many occasions, it is the mandated purpose of the LBVM to protect and insure the welfare of the animal, the animal's owner and the public receiving veterinary medical care. The recipients of veterinary care, including the public at large, are also not immune from the effects of this disease at the hands of impaired veterinarians.

In recent history, the LBVM has received an increase in the number of reports of professional impairment on the part of veterinarians. It is the LBVM's understanding that this statement is reflective of what is occurring in all health associated professions in Louisiana and other states. The reports to the LBVM come from the professional self-reporting, which is encouraged, to other veterinarians, as well as from clients, staff, family members and friends of the professional suffering with the addiction.

In response, the LBVM has implemented a protocol for addressing the professional impairment issue which is not "punitive" as perhaps incorrectly portrayed by some ill informed observers. In addition, the protocol is supportive of the self-reporting by an individual suffering with addiction. In fact, the protocol is designed to assist the professional "in helping himself" while discharging the LBVM's duty of protecting the recipients of the veterinary services provided, including the public. As an aside, the LBVM is proud to report that it has received compliments regarding its protocol from addiction disorder specialists who also perform similar services for other state regulatory agencies.

In summary of the protocol, the veterinarian suffering with the impairment, who is agreeable to deal with his impairment through professional addiction counseling, is asked to enter into an agreement with the LBVM. The agreement allows the veterinarian to continue to practice veterinary medicine under certain terms, conditions, and limitations which are approved by a professional certified or licensed in addictive disorders. The LBVM defers to the expert in the field of addiction specialties who is qualified as such by the State of Louisiana regarding the specifics of rehabilitation. The LBVM rightfully does not consider itself to be competent to address individual cases of addiction and the necessary rehabilitative measures to address the disease. Again, the veterinarian who helps himself is allowed to continue to practice within the bounds of identified parameters. Obviously, if there is a relapse, then the agreement specifies how such is handled and the potential

repercussions. In this fashion, the individual is supported during recovery, as well as the public is protected, as long as the veterinarian complies with his agreement for rehabilitation.

The agreement, its existence, and the identity of the veterinarian are kept in the strictness of confidence as required by law. This is true when the veterinarian admits the addiction and is cooperative for recovery. However, in the event the veterinarian denies an impairment problem, and obviously addiction exists and can be proven, then a formal hearing is conducted with information thereafter becoming public record. Please understand that the LBVM did not create the laws that govern this later scenario. Furthermore, there is no assurance that the result of a deliberation following a hearing will yield the same result and effect as the voluntary agreement. In short, a formal hearing is fact intensive with no two (2) hearings being identical.

In comparison, some professions have a "peer review committee" of the state association which assists its members who have an impairment problem. The LVMA has such an entity. As we are all aware, a professional association is based on voluntary membership with the primary objective of advancing the cause of its profession from the viewpoint of the practitioner in the practice setting. Accordingly, a peer review committee is a professional support group within the association.

The LBVM is not adverse to the existence and function of such a peer review committee and, in fact, is supportive of any additional rehabilitative efforts which may help a veterinarian. However, the efforts of a peer review committee do not, and cannot, supersede or replace the function of the enforcement of the law and the authority of the LBVM regarding the regulation of impaired veterinarians. Furthermore, while the primary function of a professional association is to advance the practice goals of its membership, it also is concerned with maintaining the highest standards of the profession which includes the protection of the public from impaired professionals.

The representation made to veterinarians at the recent LVMA annual meeting to "come to the peer review committee before contacting the LBVM" is not only inappropriate in the context presented, but also ill advised. Such statement leads the listener to believe that by contacting the peer review committee first, this act would perhaps insulate the impaired professional from the jurisdiction of the LBVM. To the contrary, the peer review committee is required by rule to report the name and information regarding an impaired professional or para-professional who contacts the program to the LBVM. Also, self-reporting to the LBVM directly by an impaired professional definitely demonstrates good faith on his part and will be taken into consideration.

Should an impaired veterinarian continue to practice as such and the LBVM is not made aware of the problem, the impaired veterinarian would be investigated and sanctioned pursuant to the law regardless of whether he is a participant in the peer review program. This is most definitely true if the impaired veterinarian ultimately causes an animal to suffer or become injured due to his addiction problem. Administrative action could also equally apply to any other professional or para-professional aiding or abetting the unlawful practice of veterinary medicine which may include tacit support through acquiescence.

In concluding, the LBVM strongly suggests that all impairment matters be brought to its attention for appropriate handling. Should a veterinarian with an impairment problem also wish to participate in the LVMA's peer review program, then the LBVM is supportive of all efforts for rehabilitation which are consistent with LBVM protocol. Please do not improperly consider the peer review program as some form of safe haven from the authority of the LBVM or the obligation to practice safely. Also, please note that the above LBVM protocol for impairment is applicable to all certificate and registration holders with the LBVM, such as RVTs, CAETs, and REDs, who may be generally referred to as para-professionals.

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## Disciplinary Cases



**(Restated from last newsletter) Case No. 06-0306.3V** – Based on the Consent Order, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., Section 1023, in that the respondent was negligent in unnecessarily vaccinating for rabies and/or improperly treating with antibiotics/medications of a cat without first performing a CBC. Respondent was fined \$250, and ordered to pay the amount of cost recovery for the proceeding.

**Case No. 07-0206V** – Based on the Consent Order, the Board found that the respondent veterinarian was in violation of LSA RS 37:1526A and Board rules, Title 46, Part LXXXV, Sec. 1001 et seq., Section 1023, 106, and 1401, in that the respondent was negligent in failure to diagnose and properly treat patient for kidney disease/failure under facts of case. Respondent was fined \$250, and ordered to pay the amount of cost recovery for the proceeding.

## 2008-2009 Renewal Period

License renewals are to be mailed out end of June. All licenses expire September 30, 2008.  
Prepare now and avoid late fees, stress and hassle!



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

**Emergency Rule 714 – Student/Shelters and Faculty Veterinarians** – Effective February 14, 2008. Rule amended to establish the requirements for a qualified student at LSU-SVM to perform limited duties in a support capacity, at approved shelters on shelter animals only, under direct supervision of faculty veterinarians licensed with the Board. The Primary purpose is to identify the limitations of the student’s duties and restrict the student from entering the realm of veterinary medical practice for which a license is required by law after the successful completion of competency requirements, while holding the supervising faculty veterinarian licensed with the Board accountable for the students under their charge.

**Notice of Intent Rule 714 – Student/Shelters and Faculty Veterinarians** – Published March 20, 2008.

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## **Function of Board Attorney**

Mike Tomino, Board Legal Counsel

It is my understanding that at the recent LVMA annual meeting held in Shreveport questions were presented to the LBVM President concerning the role or function of the LBVM attorney. Although Dr. Landry properly answered the questions, I welcome the opportunity to further respond to the inquiry as it is important for you to know what I do for the LBVM, and perhaps more importantly what I do not do.

First, let me state, I have been involved with representing state boards since 1987 and, with all due respect intended, newly appointed board members appear at first somewhat overwhelmed by the “world of regulation” they have entered. I am fairly sure that the members (past and present) of the LBVM will honestly back me up on this statement.

The regulatory function, and more specifically the legal aspects, of a state licensing board and its function are generally alien to the members of a profession. You are not taught the law in the respective schools of your chosen profession, and if you have had some exposure to legal issues in your practice, they are generally not the type you will experience on a professional regulatory board. For this reason, the State Legislature permits (take that as strongly suggests) a professional regulatory board to engage legal counsel. The appointees of a board take an oath of office to enforce the law, and their actions and/or omissions subject them to potential exposure, as well as the State of Louisiana since a board is an agency of the state. Accordingly, it is an understatement to say that appointment is a very serious undertaking.

Specifically stated, my function is officially described as “providing legal advice and assistance to State and prepare legal documents relative to State action; appear and advise State at its regular and special meetings; assist State in review and investigation of disciplinary cases; represent State in formal and informal disciplinary matters; represent State in litigation filed against or by State; and provide other legal services that are required by State and agreed on by both the parties to this agreement.” In short, I am “on call” for any legal issues that arise which involve the LBVM’s jurisdiction.

Now, as I understand, the specific questions posed at the recent association meeting were: 1) does the attorney get a vote on the LBVM, and 2) does the attorney affect (control?) the vote of the LBVM.

In response, I do not have a vote, nor particularly want one, regarding LBVM business. While I have learned quite a bit from my tenure with the LBVM and have gained some insight in your profession, I know my limitations and certainly do not know, nor profess to know, how to practice veterinary medicine from the clinical standpoint. However, I do provide legal advices based on the law to legal issues which arise and, of course, hope that may clients take such advice. However, as a professional, I do not grieve when clients sometimes do not take my advice. And yes, on that rare occasion, there is an area which presents itself where the answer may be gray. In such a situation, I explain the different possibilities and potential ramifications with certain decisions, and ultimately support my clients in the decisions made by them. If it is a matter that may (or should ) be corrected by rule making to reflect and enforce the law, then I assist the LBVM with this function, but it is always the LBVM’s decision on how and whether to proceed. In any event, the LBVM is the client and I follow its instructions. So, I do “affect” the LBVM in a general sense by providing requested advices on the law (this is what I get paid for), but this does not, and should not be interpreted to, mean in any sense or fashion that I “control” the vote of the LBVM or any particular board member on a given issue .

Administrative law is my special arena and I have been very fortunate for the past ten (10) years (and thankful) to be associated with the LBVM, your profession as a whole, and especially the people who comprise the practice of veterinary medicine. I have spoken with many of you on various issues, and not always regarding the complaints filed with the LBVM. I have viewed, and continue to view, the communications as an opportunity to learn more about your profession.

The LBVM and its members, both past and present, deserve at a minimum a pat on the back for properly dealing with issues, some of which are very complex, that many of you as practicing veterinarians do not even realize exist, but affect you on a daily basis. I say this because to know what the LBVM does, you need to serve on the board and/or attend all of the LBVM board meetings. And, I encourage all veterinarians to serve a term on the LBVM. You as members of the profession actually regulate yourselves, the LBVM is merely the vehicle. As legal counsel to the LBVM, my role, simply stated, is relegated to one of advisor in the "preventive" aspect, and advocate in the "corrective" aspect.

In closing, some nay-sayers may consider this article as self-serving, but those who are informed will not. I simply consider it a response to questions properly presented, and if you want to know me, then I am easily contacted, or better yet, come see the LBVM and me at the next meeting.

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## Limited Equine Dentistry Training 2008 at LSU-SVM & RED Continuing Education

Once again LSU-SVM will host the Board approved training program for limited equine dentistry for laypersons and Registered Veterinary Technicians employed by a veterinarian. (See LA Practice Act, Rule 1515F.)

The training program will be held on Thursday through Saturday, June 19-21, 2008 at LSU-SVM provided there is a minimum of five people who register for the training course at the request of LSU-SVM due to the time spent and resources used by the school. 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 set by LSU-SVM at \$800.00 and will be payable to the LSU School of Veterinary Medicine. Registration for the program must be completed by June 13, 2008. 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. Charles McCauley at LSU-SVM (225-578-9500).

For specifics as to "limited equine dentistry", please refer to 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 addition, LSU-SVM will host the Board approved continuing education program for Registered Equine Dentists on Wednesday, June 18, 2008. The program will meet the 6-hour CE requirements for renewal. The program costs is set by LSU-SVM (\$300.00) and will be made payable to the LSU School of Veterinary Medicine. Registration for the program must be completed by June 13, 2008. For further information on the RED CE, please contact Dr. Charles McCauley at LSU-SVM (225-578-9500) or by website [www.equine.vetmed.lsu.edu/dentistrycourse.html](http://www.equine.vetmed.lsu.edu/dentistrycourse.html).

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