



Annual Report to Licensees

of the



LOUISIANA BOARD OF VETERINARY MEDICINE

Volume 28, No. 1

Winter 2019-2020

Newsorthy Items...

2020 Board Meeting Dates

The Louisiana Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates:
Thursday, February 6, April 2, June 4, August 6, October 1, and December 3, 2020.



CBD Oil Conundrum

The Board continues to receive inquiries concerning the legality of the possession, sale, prescription or use of CBD (cannabidiol) oil in the practice of veterinary medicine. Since the last newsletter (Winter 2018-19) addressing the topic, federal and state legislation has answered some of the questions posed by practitioners to the Board, but many issues have yet to be resolved due to the legal complexities that exist and the lack of research regarding the effective, safe use of CBD in animals.

Prior to 2018, both State and Federal law did not differentiate between the possession and sale of marijuana and hemp-derived CBD. Along with its better-known counterpart, THC (delta-9-tetrahydrocannabinol, the chemical that produces the marijuana high), CBD is one of more than 400 compounds found in the oils of cannabis plant species, which include marijuana and hemp. Even in states that decriminalized the possession and use of marijuana, CBD remained classified as a schedule 1 drug under the Controlled Substances Act with its prohibition of the possession and use by any person.

The 2018 Farm Bill removed hemp (cannabis and cannabis derivatives with no more than .03% on a dry weight basis of THC) from the definition of marijuana in the definition of marijuana in the Controlled Substances Act. This accelerated the availability of products for humans and animals containing CBD although the legality was by no means clear from state to state. The passage of the Farm Bill prompted the Louisiana Board of Pharmacy to issue a guidance document noting that although federal law had changed concerning the sale of CBD oil, state law had not. It advised its licensees that the sale of CBD oil would violate Louisiana's controlled substances law, with an exposure to criminal and administrative sanctions.

Subsequently, Louisiana passed Act 164 of the 2019 Legislature (La. R.S. 3:1481 et seq.) effective June 6, 2019 with the penalty provisions effective January 1, 2020. This law followed the 2018 Farm Bill by differentiating marijuana from hemp and allowing, with substantial restrictions and regulation, the sale of cannabis derived compounds containing not more than 0.3 % of THC. Significant restrictions include the processing and sale of CBD for inhalation, in any alcoholic beverage or within any food product or beverage before FDA approval as a food additive. Labelling requirements include compliance with the State Food, Drug and Cosmetic Law, and prohibitions against making any medical claims or marketing as a dietary supplement. This law also removed hemp and hemp-derived (not marijuana derived CBD) from the state list of controlled substances. The Louisiana Board of Pharmacy then rescinded its guidance document cautioning its licensees concerning the sale of CBD Oil products and encouraged them to comply with the new state provisions regarding registrations governing retail sales.

Public interest in products containing CBD has mushroomed, in terms of both human and animal use. Those products are available in the marketplace and seem to be everywhere. The 2018 Farm Bill, while removing hemp from the Controlled Dangerous Substances Act, specifically preserved the FDA's authority to regulate products containing cannabis and cannabis-derived compounds. Stakeholders continue to look to the FDA for clarity on how its authority apply to such products and how to market these products lawfully. The FDA began public hearings in May to gather stakeholder input. It has emphasized its statutory duty to protect public health and safety and reiterated its basic premise that the only path for substances to be added to food or marketed as a dietary supplement is through regulation by notice and comment rulemaking.

In short, the products that are available containing CBD have not followed the traditional path to FDA approval. The therapeutic benefits of these products show great promise but have not been confirmed by well-controlled studies. The benefits for veterinary use have been by anecdote or gleaned from the few studies conducted for purposes of human use. The FDA has noted that the testing of some products containing CBD have shown inaccuracies in labeling regarding the identity and amounts of active ingredients. Safety and efficacy of these products have simply not been established by scientific study. The AVMA has urged the FDA to provide the clarity practitioners need for the safe and efficacious use of cannabis and cannabis-derived products.

At this time the Board is not in the position of being able to advise its licensees concerning the safe and effective use of CBD oil and products containing CBD, irrespective of the legality of use and the availability of products containing CBD. The ultimate question concerning the practitioner remains whether the use of a product is within the standard of acceptable veterinary practice based on the diagnosis and condition of the patient. Until research catches up with use, the Board cannot issue an advisory opinion or listing of acceptable uses, and dosages, for animal patients.

We will continue to monitor developments in this complex and rapidly changing area of practice.

Disciplinary Cases

Case 19-0523 V – Consent Order was entered wherein the veterinarian failed to meet the acceptable standards of veterinary medicine, more particularly, the veterinarian failed to differentiate between a retained testicle and prostate gland during the patient's surgery, negligently removed the patient's prostate and proximal portion of the urethra and erroneously concluded the patient had an anatomical anomaly, resulting in the need for euthanasia of the patient. Respondent was assessed a fine and the payment of administrative costs.

Case 19-0927 V – Consent Order was entered wherein the veterinarian failed to meet the acceptable standards of veterinary medicine, more particularly, the veterinarian failed to properly diagnose a patient's condition and failed to or incorrectly interpret radiograph evidence of the presence of radiopaque calculi in the patient's os penis – then failed to surgically remove same, requiring two additional surgical procedures to relieve the obstruction in the os penis after the bladder was repaired at the suture site. Respondent was assessed a fine and the payment of administrative costs.

Through its impairment program, the Board enters into a consent agreement with a licensee/certificate holder regarding impairment issues whereby the participant will maintain licensure/certification status and is allowed to practice under certain conditions. There have been recent successful completions of the program and the Board thanks these particular persons for their cooperation and wishes them much success in their continued recovery. The identities of these professionals/para-professionals and specifics with regards to these matters, as well as any other prior or pending cases with the same subject matter, are confidential and will remain so as required by law.

Please keep in mind that the Board can lawfully support the recovery and practice of those professionals/para-professionals who are cooperative and willing to help themselves (whether self-reported or reported by a third party), and still properly discharge its duty of protecting the public. If you have, or any veterinary professional/para-professional you suspect has, a problem with a controlled substance and/or alcohol, please report this to the Board office. The Board will continue to approach the matter in good faith with the hope of reciprocal cooperation to address the issue.

Board & Administrative Changes...

- ❑ The members of the Louisiana Board of Veterinary Medicine and staff of the Board office would like to congratulate Dr. Keri Cataldo on being re-appointed to serve through July 30, 2024 as Vice-President of the Board.
- ❑ Ms. Wendy Parrish has resigned from her position as Executive Director of the Board to enjoy her life in retirement. Ms. Parrish served for over seventeen years as the Executive Director of the Board's administrative office. She will be greatly missed and is wished all the best in this new chapter of her life. Mr. Jared Granier has been hired by the Board to assume the position as Executive Director of the Board's administrative office. A native of Ascension parish and an MBA graduate from Southeastern Louisiana University, Mr. Granier's career includes over 15 years in higher education administration, as well as numerous years as a small business owner. He will be assisted by Ms. Linda May, the current Administrative Assistant, who has been with the Board for over three years.
- ❑ Mr. Michael Tomino has stepped down as legal counsel to the Board. Michael ardently served the Board for over twenty years and we wish him the very best in his new endeavors. Mr. Stephen Vogt is now the Board's legal counsel and has extensive experience from license defense duties as well as veterinary malpractice defense. The Board welcomes Mr. Vogt's expertise and insight as we move into the future.

The Board office staff is always pleased to assist anyone with questions concerning the Board and its role in regulating veterinary medicine in the State, and we extend continued best wishes for our administrative team Board members, and all of our state's veterinarians.



License Renewal Statistics 2019-2020 *(as of Nov. 22, 2019)*

Active DVM – 1567 Inactive DVM – 122 Faculty DVM – 148
RVT – 266 CAET – 168 RED – 3

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