

# Report to Licensees

of the

## LOUISIANA BOARD OF VETERINARY MEDICINE

Volume 13, No. 3

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### Client Communication Tips



Failure to communicate effectively is key to avoiding malpractice claims. Do you document the following information discussed with the client in the patient record?

- Treatment and procedures available
- Risks of each treatment or procedure
- Prognosis
- Possible consequences of refusal of treatment and procedure
- Suggestion for client to obtain a second opinion

Discussing recommendations in advance in a reasonable and comfortable time is appropriate. A consent-to-treat form handed to the client when an animal is dropped off would not be deemed sufficient.

### Rules Update

A Notice of Intent dated January 20, 2004 was posted in the Louisiana Register regarding the following rule amendments:

**Rule 501 – Fees** – Proposed changes in licensing fees;

**Rule 705.O – Prescribing & Dispensing Drugs** – proposed use of animal capture drugs by deer farmers.

The effective date for these rule amendments is April 20, 2004.

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

### Deer Farmers and Capture Drugs

by Michael Tomino, Board Counsel

Recently, the Board was approached with a request to promulgate a Rule addressing the issue of certain capture drugs being dispensed by veterinarians to deer farmers licensed by the LA Department of Agriculture & Forestry. In keeping with its duty to protect the public by regulating the industry, the Board is pursuing adoption of such a Rule which is scheduled to be effective April 20, 2004. Please find enclosed a copy of Rule 705.O for your review. I would also like to state that the Rule has been reviewed and accepted by the DEA and the LA Department of Agriculture & Forestry.

The purpose of this article is to provide notice and an educational advisory that Louisiana licensed veterinarians must follow the terms, conditions and requirements set forth in the Rule. For example, while the Rule is scheduled to be effective April 20, 2004, a veterinarian may not lawfully dispense the permissible capture drugs to a deer farmer until and unless the deer farmer has successfully completed an approved chemical capture course and supplied

the veterinarian with a copy of the certificate. It is my understanding that the next available courses approved by the Board are scheduled for June and August 2004. The exact dates of the courses will be made available to interested parties by the Board office.

For today's lesson, please note that the veterinarian will be held responsible by the Board for his compliance with the Rule's terms, conditions and requirements regarding prescribing and/or dispensing the permissible capture drugs to qualified deer farmers. In other words, a veterinarian who violates, or fails to comply with the Rule, or any state and Federal laws and/or regulations, regarding the prescribing and/or dispensing of capture drugs to deer farmers will be sanctioned by the Board. Therefore, please read all of the terms, conditions and requirements of Rule 705.O **very carefully**. Should you have any questions regarding Rule 705.O, please do not hesitate to contact the Board office.

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## Chapter 7. Veterinary Practice

### § 705. Prescribing and Dispensing Drugs

A. - N.6 ...

O. A veterinarian licensed by the board may lawfully prescribe and/or dispense Rompun (legend drug), Telazol (controlled substance), and/or Ketamine (controlled substance), or a mix of these drugs, to a deer farmer licensed by, and in good standing with, the Department of Agriculture & Forestry only under the following terms and conditions:

1. For the purpose of this Section, “deer,” “deer farmer,” and “deer farm operation” shall apply to cervids only which are further exclusively defined as imported exotic deer and antelope, elk and farm raised white tail deer as defined in R.S. 3:3101 et seq.
2. The veterinary-client-patient relationship must first be established, and thereafter maintained, as defined in Sections 700 and 705A2.
3. The veterinarian shall be familiar with the deer farm operation at issue and have general knowledge of the species and numbers of animals on the premises.
4. The licensed deer farmer shall personally maintain a perpetual written inventory of the drugs referenced in this Section, including the following information:
  - a. name of drug and date purchased;
  - b. name and address of veterinarian the drug was purchased from and a written receipt;
  - c. amount purchased;
  - d. date of each use;
  - e. amount used for each administration;
  - f. reason for each administration;
  - g. the identity of each animal by electronic device, tattoo and/or tag upon capture; and
  - h. the date and amount of drug wasted, spilled or lost.
5. The licensed deer farmer shall comply with all state and federal laws regarding the storage of the drugs, and the perpetual written inventory, in a double locked container when not in use.
6. The licensed deer farmer who obtains the drugs from the veterinarian shall be the only person allowed to use or administer the drugs on his deer and for capture purposes only.
7. Prior to obtaining the referenced drugs, the licensed deer farmer must successfully complete a board approved chemical capture course. The veterinarian prescribing and/or dispensing the drugs must initially obtain and maintain in his records a copy of the deer farmer’s current license issued by the Department of Agriculture & Forestry and a copy of the licensed deer farmer’s current certificate verifying successful completion of the chemical capture course approved by the board. The licensed deer farmer must successfully complete a board approved chemical capture course every three consecutive calendar years.
8. The veterinarian may only lawfully prescribe and/or dispense the drugs referenced herein in minimal quantities based on the size of the herd at issue and the history of prior use, if applicable, of the drug or drugs requested by the licensed deer farmer.
9. Upon requesting a refill of, or an additional permissible amount of a drug, the licensed deer farmer shall provide to the prescribing and/or dispensing veterinarian a copy of the deer farmer’s current license issued by the Department of Agriculture & Forestry, a copy of the current certificate verifying successful completion within the last three consecutive calendar years of the chemical capture course approved by the board, and a copy of the perpetual written inventory, as well as return all empty or sealed containers of the drugs in the case of a refill. The copy of the deer farmer’s current license, the copy of the current certificate verifying successful completion within the last three consecutive calendar years of the board approved chemical capture course, the copy of the perpetual written inventory, and all empty or sealed containers shall be kept by the veterinarian for his record keeping purposes as required in Section 701.
10. Any prescribing and/or dispensing veterinarian who has reason to believe that a licensed deer farmer is not in compliance with the items and conditions of this Section, or is otherwise abusing the privileges established by this Section, shall notify, in writing, the board and the Department of Agriculture & Forestry immediately.
11. The prescribing and/or dispensing veterinarian shall comply with all state and federal laws and/or regulations regarding the prescribing and/or dispensing of Rompun (legend drug), Telazol (controlled substance),

Ketamine (controlled substance), or a mix of these drugs, to a deer farmer licensed by, and in good standing with, the Department of Agriculture & Forestry.

12. Any prescribing and/or dispensing veterinarian who violates, or otherwise fails to comply with, this Section, or any part thereof, including all 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 16:225 (March 1990), LR 19:1329 (October 1993), LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998), LR 25:1249 (July 1999), LR 25:1627 (September 1999), LR 27:51 (January 2001), LR 30:\_\_\_ (April 2004).

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## NAVLE Fee Increase

The National Board of Veterinary Medical Examiners will increase the fee for candidates taking the national examination during the November-December 2004 and April 2005 testing windows to \$425. A second increase is proposed for the fall 2005 and spring 2006 administrations to \$450.

## 2003 Regular Legislative Session

Acts produced from the 2003 Louisiana Legislative Regular Session which impact veterinary medicine are as follows:

**Act 563** – Authorizes law enforcement officers and animal control officers to seize dogs which cause death or inflict serious bodily injury on human beings.

**Act 1071** – Provides relative to specified tuition increases for certain students attending the LSU School of Veterinary Medicine.

### Renewal Reminder

For trouble-free renewal processing, it would be prudent to organize your Continuing Education documentation before the June 30 deadline.



Credit hours should be taken between July 1, 2003 through June 30, 2004 for the Renewal Year 2005 licenses.

### Disciplinary Cases

**Case No. 04-0709V** – 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, specifically Title 46, part LXXXV, Section 1023 et seq., in that the respondent failed to properly monitor temperature of patient, to properly assess wound and to administer systemic antibiotics. Respondent was reprimanded and fined \$500.00, plus cost recovery for the proceedings.



**Case No. 03-0109V** – 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 Board rules, specifically Title 46, part LXXXV, Section 1023 et seq., in that the respondent was negligent and improperly ligated the ureter during spay procedure. Respondent was reprimanded and fined \$250.00, plus cost recovery for the proceedings.

### Faculty License Does Not Equate to an Active License

Please be advised that a faculty license cannot be used to practice veterinary medicine outside of the educational (or continuing education) arena, nor can the holder of a faculty license receive compensation directly from the client (owner of the patient or the owner's agent) for services performed. Therefore, a faculty license does not equate to an active license.

Section 1533 of the Practice Act specifically addresses faculty licensure and the qualifications necessary to obtain such a license.

Therefore, a faculty veterinarian, whether he possesses a faculty license or not, cannot practice veterinary medicine at an emergency clinic or as a relief veterinarian unless he has an active license to do so issued by the Board.

## Fee Changes Effective April 20, 2004

Original License Fee - \$225    Application Fee - \$75

Annual Renewal – Active License \$225    Annual Renewal – Inactive & Faculty \$100

## Upcoming Chemical Capture Courses Approved by LBVM

June 28 and 29, 2004 – Safe Capture International at LSU-SVM

Contact: Keith Amass, DVM, [www.safecapture.com](http://www.safecapture.com)

August 3 and 4, 2004 – Louisiana Animal Control Association at LSU-SVM

Contact: David Marcantel, President of LACA, [www.lacainfo.org](http://www.lacainfo.org), 337-439-8879

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## ADDRESS SERVICE REQUESTED

