



LOUISIANA BOARD OF VETERINARY MEDICINE

5825 Florida Blvd, Baton Rouge, LA 70806
225-925-6620 (Office) | 225-925-6622 (Fax) | admin@lsbvm.org | www.lsbvm.org



August 30, 2022

Senator P. Page Cortez
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

RE: Summary Report for Regulatory Project 2022-1 ~ NAVLE Waiver, VTNE Waiver, & RVT State Jurisprudence Requirement

Dear Senator Cortez:

As we indicated in our first report to your office on April 8, 2022, the Board is amending Chapter 3 and Chapter 8 regarding the licensure of veterinarians and registered veterinary technicians in the State of Louisiana. Chapter 3 of the rules amends section 303.B.4.b. to afford the Board greater discretion in determining when a licensed veterinarian applying for a Louisiana license has been a practicing veterinarian in the five year period preceding the date of application for Louisiana licensure when the passing of the national examination (NAVLE) is older than five years. Chapter 8 rewrites and renumbers the rules concerning the licensure of registered veterinary technicians. It deletes the requirement that applicants for a certificate of approval take and pass a state practical examination, adds a requirement that an applicant for a certificate of approval take and pass a state board examination, and provides for a process of the waiver of the retaking of the national examination (VTNE) where the passing score occurred more than three years before the application for a certificate of approval.

Subsequent to the publication of our Notice of Intent in the April 2022 edition of the *Louisiana Register*, we conducted a public hearing on May 26, 2022 to receive comments and testimony on the proposed rule changes. Pursuant to the Board's evaluation of the comments received, the Board determined it appropriate to revise the originally proposed Notice of Intent by reducing the average weekly number of hours worked for NAVLE and VTNE waiver eligibility from 32 hours to 20 hours. Subsequent to the publication of our Potpourri Notice in the June 2022 edition of the *Louisiana Register*, we conducted a second public hearing on July 14, 2022. We received no comments or testimony on the proposed rule changes. During their subsequent meeting on August 25, 2022, the Occupational Licensing Review Commission approved the continuation of the promulgation process. In connection with this regulatory project, you will find the following documents in this package:

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|---|---------|
| • Notice of Intent, as published in the April 2022 Louisiana Register | Page 03 |
| • Record from the May 26, 2022 Public Hearing | Page 06 |
| • Potpourri Notice, as published in the June 2022 Louisiana Register | Page 33 |
| • Record from the July 14, 2022 Public Hearing | Page 35 |
| • Summary of comments and Board responses | Page 36 |

Those interested person who submitted written comment are being contacted by email to inform them of the LBVM's decision and to thank them for participating in the rule-making process. Subject to review by the Joint Legislative Oversight Committee on Agriculture, Forestry, Aquaculture, and Rural Development, the



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Board proposes to publish the original proposal, as amended, as a Rule in the October 20, 2022 edition of the *Louisiana Register* with an immediate effective date.

If you have any questions about the enclosed information or our procedures, please contact me directly at director@lsbvm.org or 225-925-6620.

For the Board:

Jared B. Granier, MBA
Executive Director

CC: Speaker, House of Representatives - Via Email: APA.HouseSpeaker@legis.la.gov
Chair, Senate Agriculture Committee - Via Email: APA.s-agri@legis.la.gov
Chair, House Agriculture Committee - Via Email: APA.h-agri@legis.la.gov
Editor, Louisiana Register - Via Email: Reg.Submission@la.gov; Catherine.Brindley@la.gov
President, LBVM – Via Email: astevens@lsbvm.org
Reference Files

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Examinations (LAC 46:LXXXV.303 and 803)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV. Chapters 1-15, regarding the licensure of veterinarians and registered veterinary technicians in the State of Louisiana. Chapter 3 of the rules amends §303.B.4.b. to afford the board greater discretion in determining when a licensed veterinarian applying for a Louisiana license has been a practicing veterinarian in the five year period preceding the date of application for Louisiana licensure when the passing of the national examination (NAVLE) is older than five years. Chapter 8 rewrites and renumbers the rules concerning the licensure of registered veterinary technicians. It deletes the requirement that applicants for a certificate of approval take and pass a state practical examination, adds a requirement that an applicant for a certificate of approval take and pass a state board examination, and provides for a process of the waiver of the retaking of the national examination (VTNE) where the passing score occurred more than three years before the application for a certificate of approval. This Rule is adopted on the date of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 3. Licensure Provisions

§303. Examinations

A. - B.4.a. ...

b. has worked as a licensed veterinarian an average of 32 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of five years immediately preceding his application.

B.5. - E.6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 8:144 (March 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993), LR 19:1327 (October 1993), LR 23:964 (August 1997), LR 25:2232 (November 1999), LR 28:1982 (September 2002), LR 38:1592 (July 2012), LR 40:308 (February 2014), LR 41:2151 (October 2015), amended by the Department of Agriculture and Forestry, LR 48:

Chapter 8. Registered Veterinary Technicians

§803. Examinations

A. ...

B. A state board examination shall be required of all applicants for licensure as a registered veterinary technician in Louisiana. No person shall obtain any certificate to practice as a registered veterinary technician without

successfully passing the Louisiana state board examination. No waivers of the state board examination shall be granted.

C. A passing score on the VTNE shall be deemed to be the pass point as determined by the examining agency contracted with by the board for the formulation, administration and/or grading of the VTNE.

D. The state board examination shall consist of no fewer than 25 questions taken from the veterinary practice act statutes and rules promulgated by the board.

E. A passing score on the state board examination for veterinary technicians shall be deemed to be the correct answering of at least 70 percent of the questions on the state examination.

F. The administration of the VTNE shall be in accordance with rules, practices, policies or procedures prescribed by the AAVSB or by any person or persons with whom the AAVSB may have contracted to administer said exam. The VTNE may be administered by members of the Louisiana Board of Veterinary Medicine or any of the agents, employees, or designees of the board.

G. The state board examination for veterinary technicians may be prepared, administered, and graded by the members of the Louisiana Board of Veterinary Medicine or may be prepared, administered, and/or graded, in whole or in part, by any person, firm corporation, or other entity selected, requested, or designated to do so by the Louisiana Board of Veterinary Medicine.

H. In order to receive a certificate to practice as a registered veterinary technician in the state of Louisiana, an applicant must pass both the VTNE and the state board examination.

I. A passing score on either required examination will be given effect for a period of three years. Should an applicant pass one of the required examinations but fail to pass the other required examination for a period of three years, such applicant will thereafter be required to pass both examinations notwithstanding such applicant’s previous passing of one of the required examinations.

J. The requirement for taking the national examination (VTNE) may be waived when an applicant:

a. holds a current valid license or certificate in good standing as a registered or certified veterinary technician in another state, district, or territory of the United States; and

b. has been employed as a registered or certified veterinary technician an average of 32 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of three years immediately preceding his application.

K. An applicant for certification may only sit for the national examination a maximum of five times. Thereafter, the applicant will no longer be eligible for certification in Louisiana and any application will be rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994). LR 40:309

(February 2014), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 48:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery. Comments will be accepted until 3:00 p.m. on Tuesday, May 10, 2022. All written comments must be dated and include full name and original signature of the person submitting the comments.

Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery; however, such request must be received by no later than 3:00 p.m. on Tuesday, May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 9:30 a.m. on Thursday, May 26, 2022 at

5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should email Jared B. Granier at director@lsbvm.org on or after May 12, 2022. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Examinations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units, except for those associated with publishing the rule amendment (estimated at \$750 in FY 2022). The rule amendment allows greater board discretion regarding the licensure of veterinarians (DVM) and registered veterinary technicians (RVT). All current licensees and potential applicants for licensure will be informed of this rule amendment via the board’s regular newsletter, the board’s website, and by email which results in minimal costs to the board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rule amendment is anticipated to increase revenue by \$2,360 as a result of applicants for RVT licensure paying a \$40 fee associated with taking the required state board examination. The increase in revenues estimate assumes 59 RVT applications are submitted for the state board examination (59 applicants x \$40 fee).

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The rule amendment affords the board greater discretion when reviewing applicants for DVM licensure for waiver of the national examination re-take requirement for applicants with scores older than five years. Applicants for DVM licensure who choose to petition for the waiver of the national examination re-take requirement for scores older than five years could potentially receive a more favorable determination from a less restrictive rule for waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.

The rule amendment regarding the RVT’s national examination waiver will improve the board’s discretionary review of applicants for RVT licensure whose national examination scores older than three years. Currently, there is a possible waiver. Applicants for RVT licensure who choose to petition for the waiver of the national examination re-take requirement for expired scores could potentially receive a more favorable determination of waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The number of licensed DVMs and RVTs is anticipated to increase as a result of the rule amendment.

Joseph B. Bonurant, Jr.
President
2204#046

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

LOUISIANA BOARD OF VETERINARY MEDICINE
May 26, 2022

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Audio Transcription:

LOUISIANA BOARD OF VETERINARY MEDICINE
PUBLIC HEARING MAY 26, 2022
SOLICITATION OF COMMENTS AND TESTIMONY
PROPOSED RULE CHANGE PROJECT 2022-1

File: LBVM - Public Hearing, 2022-05-26.mp3

Appearances:

Jared B. Granier, Executive Director
Stephen H. Vogt, Contract Attorney

Speakers:

Dr. Lara Stooksbury
Dr. Lori Schega
Dr. Kate Camp

1 SPEAKER: There you go.

2 SPEAKER: All right.

3 SPEAKER: Now we're cooking (inaudible).

4 SPEAKER: Let's go. Do you call it or do
5 you want to do it?

6 SPEAKER: (Inaudible).

7 SPEAKER: Sure.

8 STEPHEN VOGT: Okay. Hey, I'm Steve Vogt.
9 I'll general counsel for the Board of Veterinary
10 Medicine. This is Jared Granier, as executive
11 director.

12 We're going to call this meeting into
13 order. What we're here today to do is to fulfill
14 the requirements of the Administrative Procedures
15 Act and to allow public comment on proposed rule
16 changes that have been publicized, as has this --
17 the notice for this meeting. Y'all are aware of
18 -- of the proposed rule changes that -- that
19 are -- have been contemplated by the Board.

20 And -- I mean, you can speak about whatever
21 you want to, but that's -- that is what's going to
22 go to the -- the Legislative Oversight Committee
23 and to the Board, who will respond to all
24 comments, oral -- oral presentations or written
25 comments.

1 The oral presentations will be transcribed
2 so that they're included in the packet that goes
3 to the Legislative Oversight Committee.

4 And with that, call to order, we would
5 ask -- I know that Jared has asked y'all to -- if
6 you want to speak, to -- to fill out that form.
7 That's to match the transcribing of -- of the --
8 of the argument or the -- the comments with
9 that -- with the speaker. That's the only reason
10 that's there for.

11 And with that, if -- if anybody would like
12 to -- to begin, we're going to allot, I think, ten
13 minutes will be fine. We have an hour. I think
14 ten minutes would be fine, but if you -- we have
15 an hour, so if you need more time, you're welcome
16 to it.

17 And with that, if the first speaker would
18 like to come in and introduce themselves and
19 begin, we're here to take notes and listen.

20 DR. LARA STOOKSBURY: (INAUDIBLE) --

21 JARED GRANIER: Yeah. You should be
22 able to --

23 DR. LARA STOOKSBURY: Does it matter? Can
24 I just talk? Do I have to have it?

25 JARED GRANIER: Speak into it, just for the

1 recording, because we are recording it --

2 DR. LARA STOOKSBURY: Okay.

3 Jared Granier: -- in order to transcribe
4 it.

5 DR. LARA STOOKSBURY: Okay. Okay. All
6 right. My name is Lara Stooksbury. I was in born
7 in Louisiana and graduated vet school at LSU
8 School of Veterinary Medicine 14 years ago.

9 I practice small animal general practice,
10 full-time at, approximately, 60 or more hours a
11 week for six years; and then dropped to part-time
12 relief work to accommodate having a family.

13 I've worked as a small animal veterinary --
14 veterinarian in this capacity for the past eight
15 years, working relief an average of 20 hours a
16 week in Georgia, where we have been living due to
17 my husband's job. We moved back to Louisiana last
18 year.

19 Until moving back, I have never taken more
20 than the equivalent of a three-month maternity
21 leave completely away from work. I have always
22 had and still maintain an active license, carry
23 full liability insurance, always have had a DEA
24 license and been a full member of AVMA and my
25 state veterinary medical association.

1 I've always met or exceeded continuing
2 education requirements set forth by the Board in
3 the state in which I am licensed.

4 I'm Fear Free Elite Certified and have
5 never had a board complaint, always having
6 remained in good standing. I've worked relief in
7 many clinics as a solo practitioner and am
8 comfortable doing so. And have been offered
9 employment positions at every clinic I've relieved
10 for, even prior to the current veterinary
11 shortage.

12 I was denied Louisiana licensure due to
13 working part-time prior to applying. Sadly, I was
14 told by the Board that they believe me to be a
15 qualified veterinarian, but that rules prevent
16 them from approving my waivers due to having
17 consistently worked part-time rather than
18 full-time.

19 These are the same rules that are due for
20 change, and one in which we are comp- --
21 commenting on proposed changes today, yet nothing
22 is included in the proposed changes to address the
23 repeated denial of qualified veterinarians who
24 have worked part-time prior to application for
25 licensure.

1 I am now getting a Mississippi license.
2 I'll be commuting to Miss- -- to help Mississippi
3 vets and to service Mississippi pets, and paying
4 Mississippi income tax. I'll be driving 40 or
5 more minutes to work, when local veterinarians are
6 in desperate need of relief help.

7 There are two emergency clinics within ten
8 minutes of my home; one is a general practice who
9 has historically been opened 24-hours a day; they
10 now close at 10:00, due to lack of veterinary
11 help.

12 Another is a specialty hospital that
13 provides emergency care. It is now a
14 flip-of-the-coin as to whether they are open
15 overnight or not.

16 Several local GPs are in need of relief
17 work. I'll be driving right past many of these
18 local clinics on my commute to practice in
19 Mississippi.

20 My case is not an isolated incident. There
21 are several vets living in Louisiana who are
22 either denied licensure due to these rules or
23 don't qualify for waiver requirements, and so are
24 instead licensed in surrounding states and
25 commuting out of state in order to practice.

1 Many others refuse to apply at all as these
2 rules act as a deterrent for many to apply for
3 Louisiana licensure.

4 These rules create an unnecessary barrier
5 that directly hurts the State's current --
6 currently licensed veterinarians and the animals
7 that need to be served due to turning away
8 qualified veterinarians; in a time of veterinary
9 shortage and a profession in crisis, it is time
10 for this rule to change.

11 I have spoken to a veterinarian who owns a
12 practice in Louisiana and desperately needs relief
13 help. She's good friends with a vet who lives
14 locally to her, but who was denied licensure due
15 to working part-time prior to applying and,
16 therefore, computes into Texas to practice,
17 leaving her to continue to struggle to find relief
18 for her own veterinary practice.

19 It should be noted that the 32-hour a week
20 requirement is an arbitrary number. It was
21 arbitrarily chosen. There is zero data to support
22 this particular cutoff being in- -- included
23 within the rule, as there is zero data to suggest
24 that someone who practices in a part-time capacity
25 has any decrease in clinical ability or knowledge,

1 or that they would be a greater liability to their
2 patients.

3 Furthermore, the profession has changed and
4 the James Herriot Era of every vet being a
5 mixed-animal vet, who sees every species, is a
6 thing of the past.

7 The profession has diversified and the
8 types of paths a veterinarian can take with their
9 career. A house-call vet who offers
10 concierges-type care may see six cases a day.

11 In a corporate-GP setting, it's possible to
12 have a business model that focuses solely on
13 preventative care, in which a veterinarian may see
14 40 to 50 cases daily, but never have to think
15 about other facets of medicine.

16 ER veterinarians may also see high volume,
17 but never have to think about the preventative
18 care or routine non-life-threatening issues. High
19 volume spay-neuter vets can work on several
20 animals daily and yet potentially never assess a
21 conscious animal.

22 There's wild variation as to clinical
23 experience gained and sustained within a set
24 32-hours a week; and there's no standard by which
25 that 32-hours a week alone can be an accurate

1 measure of clinical ability and knowledge.

2 It should also be noted that veterinarians
3 who are not -- who are currently licensed within
4 Louisiana can work part-time or not at all
5 indefinitely, and remain actively licensed to
6 practice by obtaining minimum CE requirements and
7 paying their renewal fees.

8 It is also acceptable for a veterinarian to
9 maintain an inactive status on their license for
10 up to five years and return with no limitations
11 placed upon them, as long as CE requirements are
12 met and the appropriate fees are paid.

13 Veterinary licensure in general allows for
14 a change in practice-type and scope at any point
15 within a licensee's career, allowing a
16 veterinarian to make a complete change in the
17 species they treat after not having worked in that
18 sector for potentially decades or ever at all.

19 There's no oversight for these changes in
20 practice type, no requirement to prove they aren't
21 a liability to the very species they haven't seen
22 medically prior to their switch.

23 These double standards need to stop.
24 What's good for the goose is good for the gander,
25 as they say.

1 There's no basis for continuing to uphold
2 outdated rules that have a direct negative impact
3 on the State's veterinarians and veterinary
4 clients, as well as many qualified colleagues who
5 are denied licensure when the standards for
6 Louisiana's own currently licensed veterinarians
7 are not to the same level.

8 Lastly, the 32-hour a week requirement is
9 discriminatory, even if unintentionally so.
10 Disparate impact is a very real type of
11 discrimination that violates Title VII of the
12 Civil Rights Act of 1964, and refers to practices
13 that adversely affect one group of people of a
14 protected characteristic more than another, even
15 though the rules are formally neutral.

16 In other words, disparate impact occurs
17 when, quote: Policies, practices, rules, or other
18 systems that appear to be neutral, result in a
19 disproportionate impact on a protected group.

20 Of the veterinarians who reported as
21 working part-time to the AVMA in 2020, 83.7
22 percent of those veterinarians are women. There
23 is a disparate impact that this rule creates on
24 women. It is also very ableist, excluding those
25 who have physical limitations that prevent them

1 from working full-time.

2 Bona fide occupational qualification
3 exceptions exist, but this would require that no
4 reasonable less stringent alternative is
5 available. Due to the fact that there's no data
6 to support that a practitioner who works part-time
7 has any decrease in clinical ability or presents
8 any increase in liability, this would not qualify.

9 The Board can move the practice
10 requirements set within the rules in order to
11 eliminate this impact that disproportionately
12 affects women with no negative effect on patient
13 safety or well-being.

14 I do commend the current Board for moving
15 to make changes to rules that have become
16 antiquated and have long been problematic, as
17 these rules have not been adequately modified to
18 keep up with the evolution of the veterinary
19 profession and changes are woefully overdue.

20 I -- however, I do believe that the Board
21 should revisit the proposed changes to the NAVLE
22 Retake Waiver requirements and eliminate the
23 32-hour a week requirement in order to include
24 veterinarians who have worked part-time prior to
25 application for Louisiana licensure, as those

1 would who qualify for a NAVLE Retake Waiver.

2 I respectfully ask the Board to take this
3 extra step in their proposed changes to the NAVLE
4 Retake Requirement rule in order to eliminate
5 inadvertent discrimination and maximize the number
6 of qualified veterinarians who can -- who can
7 obtain licensure within the State, to help the
8 State's current veterinarians and veterinary
9 patients.

10 I humbly ask that they reassess and add to
11 the proposed changes in order to eliminate
12 barriers for licensure that repeatedly restrict
13 the number of qualified veterinarians who become
14 licensed in Louisiana.

15 Thank you for your time.

16 STEPHEN VOGT: Thank you very much for your
17 comments, Dr. Stooksbury.

18 DR. LORI SCHEGA: Good morning.

19 JARED GRANIER: Good morning, Doctor.

20 DR. LORI SCHEGA: My name is Dr. Lori
21 Schega, and I'm a practicing small animal
22 veterinarian in Louisiana.

23 I'm a 1997 graduate of LSU School of
24 Veterinary Medicine. And I have practiced both
25 here and Florida for the last 25 years. I

1 currently provide relief services and work
2 part-time, approximately, 20 hours a week.

3 I'm here today to address the proposed
4 changes concerning amending Rule 303B for
5 licensure of the new language of: Applicant has
6 worked as a licensed veterinarian on average 32
7 hours per week in a private practice or its
8 equivalent continuously and without substantial
9 interruption for a period of five years
10 immediately preceding the application. If an
11 applicant does not meet these criteria, they're
12 required to take the NAVLE in order to be licensed
13 in Louisiana.

14 I'm concerned that not only the wording of
15 this change, but also the very basis of the rule
16 in and of itself.

17 Let's start with the wording, which appears
18 at face value very vague. What would constitute
19 the equivalent of working an average of 32 hours
20 continuously? What is the Board's definition of
21 substantial interruption?

22 Without being detailed, it seems as though
23 an applicant would have no idea what meets those
24 standards, since the rule fails to provide precise
25 specifications.

1 It appears ambiguous and the Board's ruling
2 on individual applications may not be consistent
3 in approving or declining an applicant for
4 licensure.

5 The very rule itself is outdated; so I
6 would like to address why we even have this rule
7 in 2022. I'm unsure when the rule was adopted,
8 nor how many years it has been on the books. At
9 the time that the rule was implemented, who
10 comprised the Board? Was it all men? Did we have
11 any women at the time on the Board?

12 The reason I'm inquiring about this is we
13 currently have a profession that is becoming
14 predominantly comprised of women, considering
15 veterinary schools across the country are now
16 composed of almost 70- to 80-percent female
17 students, it is easy to see how this would
18 disproportionately impact female graduates who
19 have chosen to practice part-time and still
20 accommodate raising a family.

21 Current Louisiana licensed veterinarians
22 are not obligated to work full-time or at all to
23 maintain licensure, but are required to maintain
24 annual CE hours.

25 Considering these out-of-state applicants

1 are also maintaining their respective state CE
2 requirements, this rule appears selective in its
3 enforcement and discriminatory in nature.

4 Doing a quick peruse of other surrounding
5 state veterinary practice acts and license
6 application requirements, it appears that Texas,
7 Arkansas, Mississippi, Alabama, Georgia, North
8 Florida, have any full-time work requirements.
9 Looking into in the Louisiana requirements for
10 physicians and dentists, to that apply for
11 licensure in Louisiana, they also do not have any
12 such rules or regulations with these limitations.

13 Even California, which has some of the most
14 stringent rules and regulations for numerous
15 professions, only require, approximately, 16 hours
16 a week for the preceding three years, prior to
17 applying for a veterinary license there.

18 This rule negatively impacts any
19 out-of-state applicant that has taken a leave of
20 absence for practice due to a medical issue, a
21 physical disability or a mental disability, family
22 obligations, COVID-work restrictions, military
23 deployment, or being the spouse of a military --
24 or married to a military spouse, the FMLA Leave,
25 or from obtaining a license in our state unless

1 they take the NAVLE.

2 At a time when there's a veterinarian
3 shortage across the country, rules such as this
4 will continue to inhibit qualified veterinarians
5 from seeking licensure in our state.

6 Current proposed changes to decrease these
7 barriers to licensing need to go further than what
8 is currently being proposed.

9 We hope the Board realizes that this
10 outdated and apparently discriminatory rule needs
11 to be changed so that Louisiana is competitive in
12 attracting veterinarians to live and practice
13 here.

14 As a side note, I would also hope the Board
15 addresses issues with our state preceptorship
16 requirement as this, too, limits qualified
17 veterinarians from wanting to live and practice
18 here. No other state has this requirement.

19 In conclusion, I thank the Board for giving
20 us the opportunity to speak today and have our
21 voices heard.

22 I would like to leave you with some
23 comments from fellow veterinarians across the
24 country when they discovered about this rule in
25 Louisiana: Reason 103,826, why Louisiana

1 continues to repel talent. That state will
2 continue to decay. Sounds like some old white guy
3 proposed this legislature.

4 All of Louisiana licensing requirements are
5 some of the most prohibitive in the country. No
6 one in power has ever seemed to be interested in
7 updating them to compare to other states. They've
8 continued to allow discriminatory rules to stand
9 and sacrifice colleagues' careers and limit
10 in-state veterinary help.

11 I have never seen a licensing board or
12 organization so staunchly to prohibit qualified
13 graduates, including in state, from receiving
14 licensure. It does nothing to hurt -- but hurt
15 them and discourages anyone from moving to or
16 working in Louisiana.

17 This is insane. Remind me never to move to
18 Louisiana. If stuff like this keeps up, there
19 won't be anymore vets.

20 Louisiana was on our short list of states
21 we were looking at to move to, we will scratch
22 Louisiana off that list now. I would never move
23 anywhere that would make me retake the NAVLE.
24 Louisiana is heading towards a major vet shortage.

25 Thank you for your time.

1 STEPHEN VOGT: The Board very much
2 appreciates your comments. Thank you.

3 DR. KATE CAMP: Good morning.

4 STEPHEN VOGT: Good morning.

5 DR. KATE CAMP: Hi. I'm Dr. Kate Camp. I
6 graduated from the LSU School of Veterinary
7 Medicine in 2002. And I -- my first job out of
8 school was in Mississippi; but wisely, I went
9 ahead and applied for my Louisiana license and
10 have had it for the last 20 years. And thank
11 goodness, because I have been working part-time
12 for the last 18 of those 20 years.

13 If I was required to retake the NAVLE, I
14 would let this license lapse. I would keep my
15 Mississippi license. I live in Slidell. It's
16 easy to do relief there. I would not practice
17 here.

18 The reason why I work part-time has to do
19 with quality of life. And I believe all
20 veterinarians want that, whether they're men or
21 women. And I believe in 2019, there was even a
22 survey AVMA did and, roughly, 30-some-odd percent
23 of men and women both wanted to work less. They
24 wanted to work less hours.

25 So I'm not sure where that the -- the

1 32-hour requirement comes from, but it would be
2 very hard for me to even -- even put on an
3 application how many hours I worked in the last
4 five years.

5 I do relief work. I do surgical relief for
6 someone. I do shelter medicine, and about half of
7 that is voluntary. I don't get paid. I do it
8 without proof. I mean, so about once a week --
9 one or two days a week, for three years straight,
10 I did not get paid at all to do that shelter work.

11 I started to get paid at one point -- I
12 didn't want to, because I said, you're going to
13 pay me, it will be a job, and I won't want to do
14 it anymore. But they insisted and, therefore, I
15 did get paid some. But I would invoice them about
16 six months out of the year, you know? I mean, I
17 don't -- I don't have to work full-time, so why
18 would I?

19 Yes, I had a child and that was one of the
20 reasons why I started to do relief work, but she's
21 16 now. I can work full-time, but I don't have
22 to. You couldn't pay me enough money to. You --
23 you couldn't.

24 I enjoy living, working full-time,
25 volunteering, helping animals, helping people; and

1 I want to do it so that I continue to have that
2 joy in the profession.

3 So if I had to retake that board exam,
4 there is just absolutely no way I would keep this
5 license.

6 So to me it just -- it's -- I have also
7 another -- of one of my classmates who doesn't
8 work at all, and she maintains her license. She
9 retired a couple of years ago, she still has her
10 active Louisiana license to practice, and she
11 could go back to work tomorrow. It's not fair.

12 So it's just -- it's -- what's the proper
13 word? It's not equitable to require out-of-state
14 veterinarians to have this number of hours they've
15 worked in the last five years or else you have to
16 sit this dreaded board exam, which you're going to
17 have to pay however much money to do a prep class
18 and study and -- no, thank you. I mean, who wants
19 to do that?

20 So besides that, the preceptorship
21 requirement, I've spoken with at least one other
22 vet- -- relief veterinarian, who upon getting
23 licensure here, had to do an eight-week
24 preceptorship, and it was unpaid.

25 Once again, to have to pay somebody to work

1 -- or -- or rather, to have to take a
2 preceptorship where you can't arrange that as --
3 part of my preceptorship, when I got this license,
4 was at my job. You know, I got hired, they signed
5 up to be preceptor, and part of my preceptorship
6 was paid as part of my -- my first job out of
7 school.

8 So as a relief veterinarian, well, you've
9 got to line up a great gig to get eight weeks
10 full-time, paid, and have them sign up to be your
11 preceptor; which, if you're lucky enough to cover
12 maternity leave or something like that -- yay, for
13 you, but this person had to work for free for
14 eight weeks full-time -- it's ridiculous. I'm
15 sorry.

16 And not only that, it's insulting. It's --
17 it's -- it's just an insult to licensed practicing
18 veterinarians, whether they're part-time or not,
19 coming in from other states to require this. And
20 I thought the preceptorship was started to give
21 new grads an idea of the business side of
22 veterinarian medicine; and why would a
23 veterinarian who's already experienced and
24 licensed and practicing, need to do that?

25 So it seems to me it would be very easy to

1 waive that requirement. You know, I -- I -- I
2 don't know what's involved in creating these
3 proposals and changing things like this, but there
4 must be some way to -- to allow waivers of this
5 board exam and this preceptorship for -- for
6 people who work part-time, like myself.

7 I don't think I'm an unqualified
8 veterinarian. And y'all don't either, because I'm
9 still licensed.

10 So that's all I have to say. Thank you.

11 STEPHEN VOGT: Thank you, Dr. Camp. I
12 appreciate the comments.

13 Y'all want to supplement your statements in
14 any way? We've got plenty of time and I had to
15 wear for a suit.

16 JARED GRANIER: You had to put pants on
17 instead of shorts.

18 STEPHEN VOGT: Right.

19 FEMALE SPEAKER: Are we allowed to ask
20 questions?

21 STEPHEN VOGT: Absolutely not. No, I'm
22 sorry. Through our (inaudible) orders say we
23 don't -- we -- this time was set aside for public
24 comment. Q&A is not what we're prepared for.
25 It's not -- it's not what this -- the purpose of

1 this -- this hearing is for.

2 Besides, we can't speak for the Board
3 without talking to them; you know, so...

4 FEMALE SPEAKER: Do we know the follow-up
5 to this and the time frame before the next
6 meeting, will this be addressed with the Board?

7 STEPHEN VOGT: The next Board meeting?

8 SPEAKER: Uh-huh.

9 STEPHEN VOGT: We -- I don't know -- will
10 we -- I'm not sure if this will be taken up at the
11 next -- I'm not sure of the time line. Jared is
12 --

13 JARED GRANIER: It's --

14 STEPHEN VOGT: -- more versed on that than
15 I am.

16 JARED GRANIER: It's on the June 2nd
17 agenda. I'm hoping that it gets addressed, that
18 these comments go -- go to the Board. The written
19 comments that were due by the May 10th deadline,
20 were already -- were sent to them ahead of time of
21 the Board -- the Board Book going to them, which
22 went out last week.

23 STEPHEN VOGT: Right.

24 JARED GRANIER: If I can get all of you
25 guys' comments transcribed and to the Board prior

1 to the meeting so they can include those in their
2 readings before the meeting, then I'm hoping that
3 they'll actually speak on this rule change that --
4 that they're currently doing and -- and debate
5 what they're going to do with it.

6 If not, or if they don't feel that they're
7 prepared yet, if they need more time to read
8 through those comments and -- and deliberate on
9 it, individually before they talk about it as a
10 Board, then it will get pushed to the August
11 agenda.

12 STEPHEN VOGT: There are two time tracts
13 going here, our -- our Board meetings are already
14 preset for the -- and then you have your
15 rulemaking tract to -- of the comments.

16 FEMALE SPEAKER: And those are closed
17 meetings?

18 STEPHEN VOGT: No. No. Absolutely not.

19 JARED GRANIER: They're open meetings.

20 FEMALE SPEAKER: We can attend those as
21 well?

22 JARED GRANIER: Correct.

23 STEPHEN VOGT: Absolutely, it's an open
24 meeting. The only matters that are closed are
25 those matters discussed in executive session.

1 FEMALE SPEAKER: We would definitely
2 appreciate it, what was said here, could be
3 included as soon as possible.

4 JARED GRANIER: It's -- yep.

5 STEPHEN VOGT: That's -- that's -- that's
6 the goal. That's the goal and procedure. We will
7 do it. It's just a matter of timing.

8 FEMALE SPEAKER: Well, thank y'all for
9 doing this.

10 FEMALE SPEAKER: Yes.

11 JARED GRANIER: Well, thank you guys for
12 coming.

13 STEPHEN VOGT: I guess, I don't --

14 FEMALE SPEAKER: Oh, I want to add to mine.

15 STEPHEN VOGT: Sure. Okay.

16 FEMALE SPEAKER: The reason why I was able
17 to come to this meeting, Thursday morning, is
18 because I work part-time. Thank you.

19 FEMALE SPEAKER: I think they're
20 (inaudible).

21 FEMALE SPEAKER: Anyone would (inaudible)
22 --

23 STEPHEN VOGT: If -- if there are no
24 further comments, I guess we'll adjourn now.

25 FEMALE SPEAKER: Yeah.

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STEPHEN VOGT: Thank you.

FEMALE SPEAKER: Thank you.

JARED GRANIER: Thank you very much, guys.

FEMALE SPEAKER: Jared, I can send you
the -- (inaudible) I can send you the
transcription of what I just said.

JARED GRANIER: You know, I'm going to --

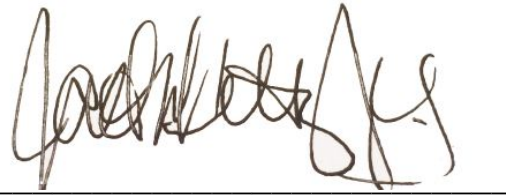
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C E R T I F I C A T E

I, JACKIE MENTECKY, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 31st day of May, 2022.



JACKIE MENTECKY

Potpourri

POTPOURRI

Department of Agriculture and Forestry Board of Veterinary Medicine

Notice of Public Hearing—NAVLE Waiver, VTNE Waiver, and RVT State Jurisprudence Exam Requirement (LAC 46:LXXXV.303 and 803)

In the April 20, 2022 edition of the Louisiana Register, the Board of Veterinary Medicine published a Notice of Intent to amend its rules relative to the waiver language for the NAVLE and VTNE application requirements for licensure as well as the rule language relative to the RVT state jurisprudence requirement for licensure. The original proposed rule can be seen at www.lsbvm.org/rulemaking-projects. Pursuant to the board's consideration of comments and testimony received during the May 26, 2022 public hearing and during the period for written comment submission from April 21 to May 10, the board proposes to reduce the average number of weekly hours required for waiver eligibility from 32 hours to 20 hours. This proposed reduction in hours is mirrored in the RVT's waiver of VTNE application requirement.

The original proposed rule already affords the Board greater discretion relative to gaps in employment in the five year period preceding the date of application for Louisiana licensure in determining when a licensed veterinarian applying for a Louisiana license has been a practicing veterinarian when the passing of the national examination (NAVLE) is older than five years. The proposed amendment to the required average number of hours allows waiver eligibility for part-time veterinarians with respect to the NAVLE application requirement. The proposed amendment to the VTNE waiver will also allow waiver eligibility for part-time registered veterinary technicians with respect to the VTNE application requirement.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 3. Licensure Provisions

§303. Examinations

A.-B.4.a. ...

b. has worked as a licensed veterinarian an average of 20 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of five years immediately preceding his application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994). LR 40:309 (February 2014), LR 48:

Chapter 8. Registered Veterinary Technicians §803. Examinations

A. - I. ...

J. The requirement for taking the national examination (VTNE) may be waived when an applicant:

a. ...

b. has been employed as a registered or certified veterinary technician an average of 20 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of three years immediately preceding his application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994). LR 40:309 (February 2014), LR 48:

Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery. Comments will be accepted from June 21, 2022 until 3:00 p.m. on Friday, July 8, 2022. All written comments must be dated and include full name and original signature of the person submitting the comments as well as an email address or a mailing address.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:30 a.m. on Thursday, July 14, 2022 at 5825 Florida Blvd, Baton Rouge, LA 70806. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. Parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier
Executive Director

2206#025

PUBLIC HEARING - LOUISIANA BOARD OF VETERINARY MEDICINE

Regulatory Project 2022-1 ~ Proposed Amendments to LAC 46LXXXV.303.803 - NAVLE Waiver, VTNE Waiver, & RVT State Jurisprudence Requirement

Second Public Hearing held on: **July 14, 2022**

MINUTES

I. CALL TO ORDER

Executive Director, Jared Granier, called the hearing to order at 9:35am.

II. THOSE PRESENT

Board:

Jared Granier Board Executive Director

Guests:

Melanie Talley representing Louisiana Veterinary Medical Association

III. COMMENTS


Regulatory Project 2022-01 ~ LAC 46LXXXV.303.803 - NAVLE waiver, VTNE waiver, & RVT State Board Exam Requirement Rule 1015. The Notice of Intent concerning the amendments to LAC 46LXXXV.303.803 were available prior to the public hearing via the Board website, the Louisiana Boards and Commissions website, in the Louisiana Register - April Edition, and via email notification to all licensees and other interested parties.

Following the June 2 Board meeting in which the Board amended the original Notice of Intent, the Board conducted a second public hearing on July 14, 2022. There were no written comments received and no parties other than the aforementioned LVMA representative attended this second public hearing.

IV. ADJOURN

The public hearing was adjourned at 10:30am.

Minutes reviewed and approved by full Board on August 4, 2022.



Larry Findley Sr., DVM
Board Secretary-Treasurer



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August 29, 2022

**RE: Public Comments to Proposed Regulatory Project 2022-1 ~
LAC 46LXXXV.303.803 - NAVLE Waiver, VTNE Waiver,
& RVT State Jurisprudence Exam Requirement**

Dear Dr. **XXXXXX**,

Thank you for submitting written comments pertaining to the proposed amendments to the Notice of Intent for LAC 46LXXXV.303.803 rules published in the *2022 Louisiana Register, Volume 48, April Edition*. In accordance with Section 953 of the Louisiana Administrative Procedures Act, the Board must issue responses to written or oral comments and submissions related to regulatory activity.

At its June 2, 2022 meeting, after full consideration and discussion of all written comments and oral arguments presented, the Board has determined that there was a need for responsive action to be taken, specifically with respect to the average number of weekly hours required for waiver eligibility. As such, the Board voted to reduce the average of required weekly hours worked for waiver eligibility from 32 hours to 20 hours. This proposed reduction in hours will be mirrored in the RVT's waiver of VTNE application requirement. The Board published its intent to amend the original Notice of Intent in the *2022 Louisiana Register, Volume 48, June Edition*, and scheduled a second public hearing on July 14, 2022 to receive public comments and testimony on the proposed revisions to the original proposed rule in Regulatory Project 2022-1. Public notification of the second public hearing was distributed via email to all licensees and notice posted on the LBVM's website.

Overall, many of the comments received, both written and oral, were focused on a core set of topics. The following is a summary of these topics, together with the Board's response thereto.

Topic: *Lack of action on the Board creating barriers to entry of veterinarians in a time of veterinary shortages in the nation/worldwide.*

Response: The Board recognizes that it is time for rules to be reviewed and updated, and with this current regulatory project, the Board is in fact beginning to take action to reduce barriers of entry but must do so while still working within the framework of the statutes of the Louisiana Veterinary Practice Act and the Louisiana Administrative Procedures Act when considering current administrative rule changes. Additionally, the focus of this particular rulemaking action is with respect to Rules §303 and §803 only, specifically the rules regarding waiver eligibility for the two national exams – the NAVLE and the VTNE, respectively. There are statutory limitations as to what amount of action can be taken at this time.

Several comments indicated the desire to completely remove the requirement to retake the national exam if a candidate for licensure previously passed the exam. Unfortunately, this simply is not possible with administrative rulemaking and would require legislative action to amend the



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Louisiana Veterinary Practice Act if the Board so chooses to eliminate that requirement for retaking the national exam. The removal of the national exam retake requirement may be a future debate taken on by the Board; however, even if the possibility of future legislative amendments would be the direction the Board wishes to take, these potential changes will take several years to complete and are still very much dependent on the disposition of the state legislature at the time it would be introduced.

Submitted Comment: *“I don’t know what triggered this licensing change but I hope you communication with the veterinarians of your state to find out how desperate they are for veterinarians at this time and how this could negatively impact them.”*

Response to Comment: There were several comments similar to the above given example which seemed to indicate that licensees felt the Board was taking adverse action in this rulemaking proposal when, in fact, the Board’s current rulemaking action is actively lessening the restrictiveness of the current rule related to the waiver requirements for the retake of NAVLE and VTNE.

Topic: *Discriminatory effects of current rule for situations such as maternity leave, extended sick leave, military deployments/reassignments, etc.*

Response: Many responses were directed specifically at the current Rule §303.B language rather than the proposed amendment in the Notice of Intent published in April 2022. While the Board concurs that there is a potential for unintentional discriminatory effects of the current rule as it is written, it must be noted that this was also, in part, the rationale for the currently proposed rulemaking action. While the proposed rule amendment may not explicitly state exceptions to the statutory requirement for employment history for the period of five years preceding the date of application, the Board amended the rule to include the language of “continuously and without substantial interruption”. While this may seem ambiguous, when reviewing petitions for waivers it does afford the Board greater legal discretion relative to gaps in employment in the five-year period preceding the date of application for Louisiana licensure due to situations such as maternity leave, extended sick leave, mental health leave, military reassignments, etc.

Topic: *Current rule §303 and original proposed Notice of Intent requiring full-time employment with minimum of 32 hours on average per week excludes part-time and relief veterinarians from waiver eligibility.*

Response: After full consideration and discussion of all written comments and oral arguments presented, the Board determined that there was a need for further responsive action to be taken, specifically with respect to the average number of weekly hours required for waiver eligibility. As such for Rule §303, the Board is proposing a reduction of the average of required weekly hours worked for waiver eligibility from 32 hours to 20 hours. This proposed reduction in hours will be mirrored in the RVT’s waiver of VTNE application requirement in Rule §803. The proposed amendment to the required average number of hours allows waiver eligibility for part-time veterinarians with respect to the NAVLE application requirement. The proposed amendment to



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the VTNE waiver will also allow waiver eligibility for part-time registered veterinary technicians with respect to the VTNE application requirement.

Topic: *The current rule and proposed Notice of Intent negatively affects active military and/or spouses of military.*

Response: Concerning the effects on licensure of active military and spouses, although this current amendment includes modification specific to Rules §303 and §803 only, rule §307 is specific to active military and spouses. The proposed Notice of Intent also does allow for Board discretion to account for possible short spans of inactivity from practice for active military and spouses with respect to being re-stationed, etc. Additionally, the Board is currently drafting a rulemaking proposal (2022-B) which will amend rules related to expedited licensure for active military and their spouses as required by LA R.S. 37:§3651. Once the proposal is complete, it will move into the Regulatory Projects and undergo the rulemaking process. More details regarding Regulatory Proposal 2022-B ~ Expedited License for Military & Spouses can be found at www.lsbvm.org/rulemaking-proposals.

Topic: *The preceptorship requirement for Louisiana licensure is another restrictive barrier to entry for out-of-state practicing veterinarians, especially those who work part-time.*

Response: The current proposed amendments do not include Rules §1101-§1123 of Chapter 11 of the Louisiana Veterinary Practice Act. Suggestions proposing changes to that section are outside the scope of the proposed rule changes. Nevertheless, the Board had already scheduled to review the Preceptor Program rules at the August '22 Board meeting. After greater discussion at this meeting, the Board voted to discontinue the Preceptor Program and remove it as a requirement for DVM licensure. More details regarding the status of Regulatory Proposal 2022-D ~ Preceptorship Requirements for DVM Licensure can be found at www.lsbvm.org/rulemaking-proposals.

Topic: *Human medical counterparts do not have any such comparable requirements for licensure. Neither the Louisiana Physician Practice Act nor the Louisiana Dental Practice Act have any regulations requiring that potential licensees need to have worked full-time in order to obtain licensure, nor are time restrictions placed upon the validity of their national board exam scores. There are no comparable requirements that would support that these rules within the veterinary practice act are necessary.*

Response: The Louisiana Veterinary Practice Act (La. R.S. 37:1511 et seq.) is legislation which established the Board and gave it administrative powers and authority to make Rules to effect its purpose, and provides that the Board may issue a license without requiring the applicant to take the national examination (NAVLE) in instances where the applicant has been for the five year period immediately preceding the filing of his application a practicing veterinarian in another state with equivalent licensing requirements or where during the five year period the applicant had successfully passed all examinations required of first time applicant in rules prescribed by the Board (La. R.S. 37:1522). Board rules are subordinate to the provisions of the Practice Act and must comply with its provisions. Accordingly, the Board cannot waive the requirement that the



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national examination be passed within the five-year period immediately preceding the filing of the application. The Board has taken steps in this Rule amendment to ease the requirements of being considered a practicing veterinarian from more stringent, inflexible standards that have been in place for years, yet retain criteria as required by the Practice Act beyond the mere holding of an out of state license.

Topic: *There seems to be a double-standard for in-state licensees versus veterinarians who wish to enter and practice within the state of Louisiana, and it would appear that new license applicants are held to a higher standard than the state's own current licensees, further solidifying that these barriers for licensure are unnecessary for license qualification.*

Response: The Louisiana Veterinary Practice Act (La.R.S.37:1511 et seq.), legislation which established the Board and enumerated its powers and authority, including the scope of Rulemaking, provides in mandatory language the requirements for instate licensees to have their licenses renewed (LA.R.S. 37:1524). Similarly, the Practice Act prescribes those requirements for licensing out of state veterinarians whose national examination scores are more than five years older than the date of the filing of the application (LA.R.S,37:1522). Additionally, in state licensees are subject to Board supervision while holding their Louisiana licenses in terms of confirmation of continued fitness to hold a Louisiana license based on investigations made with allegations of improper or negligent conduct, requirements as to the amount and quality of continuing education hours and from data required on annual renewal. These standards of conduct, continuing education and an annual confirmation of the absence of impermissible conduct are not present for Board supervision for those veterinarians practicing out of state.

Again, the Board would like to thank you for your comments regarding this regulatory action being taken, and we encourage you to keep posted on all upcoming rulemaking activity at www.lsbvm.org/rulemaking.

Respectfully for the Board,

Jared B. Granier, MBA
Executive Director