



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



February 8, 2023

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

**Electronic Mail - Delivery
Receipt Requested**

RE: Report No. 1 of 2 for Regulatory Project 2022-3 ~ LAC 46LXXXV.101.105
~ Petitions for Rule Modification

Dear Senator Cortez:

In accordance with the provisions of the Administrative Procedure Act, the Board of Veterinary Medicine is submitting the enclosed rulemaking documents - specifically, the Fiscal and Economic Impact Statement and the Notice of Intent - related to proposed amendments to LAC 46LXXXV.101.105. The Notice of Intent will be published in the February 20, 2023 issue of the *Louisiana Register*. These changes are proposed under the authority of the Louisiana Veterinary Practice Act, La. R.S. 37:1518, et seq. The proposed changes are fully explained in the Notice of Intent and Fiscal and Economic Impact Statement. The Occupational Licensing Review Commission approved the initiation of this project during their January 19, 2023 meeting. In connection with this regulatory project, the following items are enclosed:

- Notice of Intent
- Fiscal & Economic Impact Statement

As indicated in the Notice of Intent, if the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1:00p.m. on Wednesday, March 29, 2023 to receive public comments and testimony on this proposed rule. We will summarize any comments received and our responses thereto in our next report to you.

In the event you have any questions or need additional information about this project, 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
Commissioner of Agriculture, LDAF – Via Email: commissioner@ldaf.state.la.us
Editor, *Louisiana Register* - Via Email: Reg.Submission@la.gov; Catherine.Brindley@la.gov
President, LBVM – Via Email: astevens@lsbvm.org
Legal Counsel, LBVM – Via Email: shvogt@bellsouth.net

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Petitions for Rule Modification (LAC 46:LXXXV.101.105)

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, regarding the petitions for rulemaking in section 101, providing clearer instructions on submitting petitions for the adoption of new rules or for amendments or repeal of an existing rule. The proposed amendment to section 105 also delivers greater clarity on submitting petitions related to application decisions made by the Board. This Rule is adopted on the date of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXV. Veterinarians

Chapter 1. Operations of the Board of Veterinary Medicine

§101. Information, Agency Office, Request for Rules or Action

A.–C....

~~D. Submitting Information to the Board. Persons who wish to request adoption, amendment or repeal of rules, who seek to institute disciplinary proceedings, or who have other business of whatever kind or character before the board may do so at the principal office of the board during regular business hours.~~

D. Submission of Rulemaking Petition. In accordance with R.S. 49:953(C)(1), any interested person may petition the Board to adopt a new rule, or to amend or repeal an existing rule.

1. To petition the Board for changes to an existing rule or for the adoption of a new rule, an interested person shall submit a written letter to the Board. The petition shall include:

- a. petitioner’s name and address;
- b. the specific text or a description of the proposed language desired for the adoption or amendment of a rule in the LA Veterinary Practice Act, or the specific rule and language in the LA Veterinary Practice Act identified for repeal;
- c. justification for the proposed action; and,
- d. the petitioner’s signature.

2. The rulemaking petition shall be mailed to the Board by certified mail and addressed to:

LA Board of Veterinary Medicine
ATTN: Executive Director

5825 Florida Blvd
Baton Rouge, LA 70806

3. Upon receipt, a rulemaking petition shall be reviewed by the full Board at its next available meeting date. Within 90 days of receipt of the rulemaking petition, the Board shall either:

- a. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or
- b. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

E....

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 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:1327 (October 1993), LR 23:966 (August 1997), LR 25:2226 (November 1999).

§105. Appeals and Review

A. Applicants for Licensure or Examination. Any applicant desiring to review his or her (hereinafter in this title, the masculine pronouns "he," "him," and "his" shall be deemed to include the feminine pronouns "she," "her," and "hers") national examination and/or the master answer sheet and/or the examination questions shall make arrangements with the national examination service vendor and/or any person, firm, corporation or entity charged by the Board of Veterinary Medicine with the preparation, grading and/or administration of the national examination(s). The Board of Veterinary Medicine shall not provide to applicants:

- 1. reviews of the questions contained on the national examination;
- 2. the answers to the questions contained on the national examination; or
- 3. any applicant's score on the national examination.

B. Persons Aggrieved by a Decision of the Board

1. Any person aggrieved by a decision of the board may, within 30 days of notification of the board's action or decision, petition the board for a review of the board's actions.

~~2. Such petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office.~~

2. Such a petition shall be submitted in the form of a written letter to the Board. The petition shall include:

- a. petitioner's name and address;
- b. the specific grievance and any details related to the Board's decision; and,
- c. the petitioner's signature,

3. The petition shall be mailed to the Board by certified mail and addressed to:

LA Board of Veterinary Medicine
ATTN: Executive Director
5825 Florida Blvd
Baton Rouge, LA 70806

34. Upon receipt of such petition, the board may then proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such action as it deems expedient, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter; but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony or evidence unless so required by statute or other rules or regulations of the board.

45. The party requesting the appeal shall pay all costs incurred by the board for review and appeal proceedings called in accordance with §105, and such costs shall include, but not be limited to, board member expenses, court reporter fees, investigative fees, attorney's fees, and administrative costs.

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 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:345 (March 1993), LR 23:966 (August 1997), LR 23:1529 (November 1997), LR 25:2226 (November 1999).

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 and Impact Statement

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 Monday, March 13, 2023. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the 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 Monday, March 13, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1:00p.m. on Wednesday, March 29, 2023 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit www.lsbvm.org/rulemaking-projects after Monday, March 13, 2023. 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, MBA
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: LAC 46:LXXXV.101.105

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

There will be no costs or savings to state or local governmental units, except for the cost associated with publishing the proposed rule amendment, which is normally included in the annual operating budget of the Board of Veterinary Medicine (Board), which is estimated at \$750 in FY 2023. The proposed rule amendment will provide clearer instructions on submitting petitions for the adoption of new rules, or to amend or repeal existing rules as well as greater clarity on submitting petitions related to application decisions made by the Board.

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

The proposed rule amendment will not affect revenue collections of state or local governmental units.

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

The proposed rule amendment has no impact on directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendment will have no effect on competition or employment.