

## NOTICE OF INTENT

### Department of Agriculture and Forestry Board of Veterinary Medicine

#### Rules of Professional Conduct (LAC 46:LXXXV.Chapter 10)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and the 2022 Louisiana Administrative Code Review, the Louisiana Board (“Board”) of Veterinary Medicine has conducted a comprehensive review of Chapter 10 and intends to notify the public with this repromulgation of the sections below as is. The historical notes shall be updated to reflect this Chapter 10 rule review.

### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXV. Veterinarians

#### Chapter 10. Rules of Professional Conduct

##### §1001. Purpose and Scope

A. The rules of professional conduct shall govern the professional conduct of the members of the veterinary profession in the state of Louisiana. These rules of professional conduct shall be cumulative of all laws of the state of Louisiana relating to the professional conduct of veterinarians and to the practice of veterinary medicine in this state, and shall include the American Veterinary Medical Association's Principles of Veterinary Medical Ethics. In the event the Principles of Veterinary Medical Ethics contradict the Louisiana Veterinary Practice Act and/or the board's rules, the latter shall govern.

B. If any provision of these rules or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the rules which can be given effect without the invalid provisions or applications; and to this end, the provisions of these rules are declared severable.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990), amended LR 25:2227 (November 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

##### §1003. Conflicting Interest

A. It is unprofessional and a violation of these rules to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this rule, a member represents conflicting interests if, when employed by a buyer to inspect an animal for soundness, he accepts a fee from the seller. Acceptance of a fee from both the buyer and seller shall be deemed prima-facie evidence of fraud.

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 16:228 (March 1990), amended LR 19:1325 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

##### §1005. Encroachments upon Another's Practice

A. Any direct or indirect effort which in any way encroaches upon the practice of another veterinarian is a violation of these rules. It is the right of any veterinarian, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful veterinary services, generally after communication with the veterinarian of whom complaint is made.

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 16:229 (March 1990), amended LR 20:1380 (December 1994), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1009. Professional Responsibility**

A. A veterinarian upon his own responsibility must decide what employment he will accept in his professional capacity and what course of treatment will be followed once he has accepted employment. The responsibility for advising questionable or unusual treatments rests upon the veterinarian.

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 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1013. Corruption, Deception, or Betrayal of the Public**

A. A veterinarian shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust or directed toward the deception or betrayal of the public.

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 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1015. Personal Responsibility of Licensee**

A. It is unlawful for a person to practice veterinary medicine, as defined in the Louisiana Veterinary Practice Act and the board's rules, who does not possess a current license issued by the board, unless he falls within an exception defined in section 1514 of the Practice Act and/or the board's rules. The reason for the license requirement is to ensure that any person involved in the actual practice of veterinary medicine, including the control of decision-making authority regarding veterinary patient care, is amenable to professional regulation and discipline by the board in order to protect the public and animals. The license is personal and individual to the veterinarian holder to lawfully practice veterinary medicine. The owner, member, officer, or director of a business entity, such as a partnership, corporation, or limited liability company, with a function that includes the provision of veterinary medicine does not have to possess a license issued by the board; however, the actual

practitioner of veterinary medicine involved in patient care must be licensed by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 25:1628 (September 1999), LR 31:928 (April 2005), amended by the Department of Health, Board of Veterinary Medicine, LR 44:587 (March 2018), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1017. Professional Services**

A. The professional services of a veterinarian shall not be controlled or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian's responsibilities and qualifications are individual. He shall avoid all relations which direct the performance of his duty by or in the interest of such intermediary. A veterinarian's relation to his client is personal, and his responsibility shall be direct to the client or his authorized agent.

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 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1021. Display of License**

A. Each veterinarian shall have posted or displayed at his office in full view of his clients, his original Louisiana license to practice veterinary medicine and his current year's license renewal certificate.

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 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1023. Degree of Treatment**

A. Veterinarians shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession.

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 16:229 (March 1990), amended LR 19:1326 (October 1993),

repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1029. Promoting Unlicensed Person Unethical Activity**

A. A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

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 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1031. Direct Supervision of Laypeople, Unlicensed Veterinarians, and Technicians**

A. Licensed veterinarians employing and/or supervising persons in any or all of these categories shall make themselves familiar with and strictly adhere to the definitions and limitations as defined in Chapter 7 of these rules. Failure to observe the restrictions, definitions, and/or limitations of this rule shall be considered a breach of the rules of professional conduct and may result in the suspension or revocation of the license of the supervising veterinarian.

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 16:230 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1033. Certificate of Health**

A. A licensed veterinarian in this state shall not issue a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animal that said animal meets the requirements for the issuance of such certificate. Only a licensed veterinarian can sign the certificate of health.

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 16:230 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1035. Assurances to Clients**

A. It is professionally dishonest for a licensed veterinarian to guarantee a cure. A veterinarian must avoid bold and confident assurances to clients,

especially where the employment may depend upon such assurance.

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 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1037. Humane Treatment and Care**

A. A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

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 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1041. Confidential Relationship**

A. A licensed veterinarian shall not violate the confidential relationship between himself and his client.

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 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1045. Solicitors**

A. Utilization of the services of solicitors is reprehensible in the veterinary profession. A licensed veterinarian shall not participate in arrangements which share the proceeds from professional services with individuals who may have been instrumental in his having been selected to perform the particular service.

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 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§1047. Professional Advantage**

A. Any veterinarian who uses present or past position or office of trust deliberately to create for himself any individual professional advantage or to coerce, or to deceive the public shall be in violation of the rules of professional conduct.

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 16:231 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1049. Sanitation Requirements

A. A licensed veterinarian is required to maintain his entire premises in such state of sanitation as to comply with the public health requirements of the city and/or parish in which located and/or the public health laws of the state of Louisiana.

B. Sanitary methods for the disposal of deceased animals shall be provided and maintained in compliance with all local and state health regulations.

C. Contaminated waste such as syringes, needles, surgical blades, and any contaminated materials shall be disposed of in accordance with local, state and federal laws.

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 16:231 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1053. Business Names

A. Business names used by veterinary facilities and licensed veterinarians should provide the general public and other practitioners with a clear understanding of the kind and extent of veterinary services being offered. The following provisions shall govern the selection and use of business names in the veterinary profession.

1. The business name of a *hospital* or *clinic* as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary," in connection with the words, "hospital" or "clinic;" or

b. if a business name of a *hospital* or *clinic* as defined and classified in §§700 and 711 of this Part does not comply with §1053.A.1.a, there shall be a legible sign at the business entrance clearly identifying the facility as either a veterinary or animal hospital or clinic. The designation chosen shall be based on the standards set forth in §711 of this Part.

2. The business name of a *mobile clinic* as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary" in connection with the words, "mobile clinic;" or

b. if the business name does not comply with §1053.A.2.a, a legible sign shall be placed at the business entrance of the mobile clinic identifying it as a veterinary or animal mobile clinic.

3. Any other business name used by a licensed veterinarian who does not operate a veterinary or animal *hospital*, *clinic*, or *mobile clinic* as defined and classified in §§700 and 711 of this Part must clearly indicate the kind and extent of veterinary medical services which are being offered to the public.

B. The name shall exclude the advertising of special services such as: boarding, grooming, clipping, or any special service, professional or nonprofessional.

C. In the event the clinic is incorporated without a change of name (with the exception of including the words, "incorporated" or "incorporation") or in the event the name is protected under the assumed name statutes of this state, then in either event the corporate name will be acceptable if used prior to the effective date of the Professional Incorporation Act or, in use of assumed names, if in compliance with the assumed name statutes prior to the effective date of this rule.

D. In instances where a clinic is limited exclusively in its practice to emergency service, the word "emergency" may be included in the name.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 25:1249 (July 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1055. Controlled Substances

A. It is unprofessional conduct for a licensed veterinarian to fail to observe and/or comply with any and all provisions of Chapter 7 concerning the prescribing and dispensing of drugs.

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 16:231 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

**§1059. Particular Acts, Statements, or Situations Constituting "False, Deceptive, or Misleading Claim"**

A. "False, deceptive, or misleading statement or claim" includes, without limitation, a statement or claim which:

1. contains a prediction of future success or guarantees that satisfaction or a cure will result from the performance of professional services;
2. contains a testimonial about or endorsement of a veterinarian or a combination of a veterinarian's name or photograph and his identity as a veterinarian as part of a testimonial, endorsement, or sales promotion of a veterinary or nonveterinary product or service except that this prohibition does not apply to endorsements of valid, nonprofit charitable organizations whose purpose is to promote veterinary medicine and animal health;
3. refers to secret methods of treatment or special services which characterize the ways of a charlatan;
4. concerns illegal transactions;
5. is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;
6. contains statistical data or other information based on past performance or case reports;
7. contains a statement of opinion as to the quality of professional services or a representation regarding the quality of professional services which is not susceptible of verification to the public;
8. states or implies that a veterinarian is a certified or recognized specialist unless he is board certified in such specialty;
9. is intended or is likely to create an inflated or unjustified expectation;
10. contains a material misrepresentation of fact;
11. omits to state any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;
12. would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;
13. contains a representation or implication that is likely to cause an ordinary prudent layman to misunderstand or be deceived or fails to contain

reasonable warnings or disclaimers necessary to make a representation or implication not deceptive; or

14. relates to professional fees other than:

- a. a statement of the fixed fee charged for a specific professional service, provided that the description of such services would not be misunderstood or be deceptive and that the statement indicates whether additional fees may be incurred for related professional services which may be required in individual cases; or
- b. a statement of the range of fees for specifically described professional service, provided that there is reasonable disclosure of all relevant variables and considerations affecting the fees so that the statement would not be misunderstood or be deceptive, including, without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

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 16:231 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

**§1061. Advertising Time Requirements**

A. Any advertisement of price for routine veterinary services permitted under board rule shall be valid and binding on the advertising veterinarian for not less than six months following the date it is last offered, and the veterinarian offering same shall honor all client requests for such veterinary service made by veterinary clients within the six-month period following the last date such advertisement was presented to the public unless there is contained in the advertisement a specific time limitation on the availability of the service or product at the advertised price; further, all such services must be completed within a reasonable time from the first patient appointment or such patient's request for veterinary service.

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 16:232 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

**§1065. Other Governmental Agencies**

A. It shall be considered unprofessional conduct for a veterinarian to violate any ordinance, regulation,

rule, and/or law of any local, state or federal government or agency.

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 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50: