



LOUISIANA BOARD OF VETERINARY MEDICINE

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August 12, 2024

Senator J. Cameron Henry, Jr.
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

**Electronic Mail - Delivery
Receipt Requested**

RE: Report No. 2 of 2 for Regulatory Project 2024-04
~ LAC 46LXXXV.1007, 1011, 1025, 1039, 1051, 1057 & 1063
~ Rules of Professional Conduct

Dear Senator Henry:

In accordance with the provisions of the Administrative Procedure Act, the Board of Veterinary Medicine published the first Notice of Intent related to proposed amendments to LAC 46LXXXV.1007, 1011, 1025, 1039, 1051, 1057, & 1063 in the July 20, 2024 edition of the *Louisiana Register*. This Notice of Intent amended the display of degrees, the conduct of one's practice, and means of advertising. Of greater substance is the proposed amendment in section 1039 related to a veterinarian's receipt of client consent in non-emergency situations. The amendment of section 1057 protects patient/client confidentiality related to social media posts.

The period for submission of public comments was July 21 to August 9, 2024 during which time the Board received no public comments and no requests for a public hearing.

This Notice of Intent does not apply to the requirement that an occupational regulation be submitted to the Occupational Licensing Review Commission for review as it does not meet the criteria of an occupational regulation as defined under the terms of La. R.S. 37:43 in that it neither hinders nor allows an individual to use an occupational title or work in a lawful occupation. This proposed Rule does not alter the methodology of the board in requiring veterinarians, registered veterinary technicians, or certified animal euthanasia technicians to apply for and renew licenses to practice veterinary medicine.

Pending no legislative oversight recommendations by either the House or Senate Agriculture, Forestry, Aquaculture, and Rural Development Committees, the Board intends to submit the Final Rule to the Office of the State Register for publication in the October 20, 2024 issue of the *Louisiana Register*.

Please contact me directly at director@lsbvm.org or 225-925-6620 if the Board may be of any assistance to you concerning this rule.

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
President, LBVM – Via Email: lfindley@lsbvm.org
Legal Counsel, LBVM – Via Email: shvogt@bellsouth.net

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Professional Conduct (LAC 46:LXXXV.Chapter 10)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board ("Board") of Veterinary Medicine proposes to amend LAC 46:LXXXV. Sections 1007, 1011, 1025, 1039, 1051, 1057, and 1063 regarding the display of degrees, the conduct of one's practice, and means of advertising. Of greater substance is the proposed amendment in §1039 related to a veterinarian's receipt of client consent in non-emergency situations. The proposed amendment of §1057 protects patient/client confidentiality related to social media posts. All other proposed amendments are cleaning up and making rule language more uniform and consistent.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 10. Rules of Professional Conduct

§1007. Corrupt or Dishonest Conduct

A. Veterinarians shall expose, without fear or favor, before the proper tribunal or the board corrupt or dishonest conduct in the 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 by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§1011. Service under the Law

A. No veterinarian shall render any service or advice involving disloyalty under the law. A veterinarian must also observe and advise his client to observe statutory law.

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

§1025. Display of Degree

A. A licensed veterinarian shall not use or display any certificate or title pertaining to veterinary medicine granted by any institution not approved by the American Veterinary Medical Association (AVMA) or by the board.

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

§1039. Conduct of One's Practice

A. ...

B. Prior to the commencement of general anesthesia in a non-emergency situation, when practical, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall be placed in the patient's medical record. The anesthesia consent form shall be in writing and include the following:

B.1. - D. ...

E. In a non-emergency situation where circumstances render it impossible to have the owner or duly authorized agent execute the written anesthesia consent form prior to the administration of anesthesia, oral consent may be obtained from the owner or authorized agent, in which case the oral consent shall be witnessed by one person and documented in the patient's medical record. The licensed veterinarian shall advise the owner or the authorized agent of the risks associated with the use of general anesthesia and that results cannot be guaranteed and shall obtain oral verification the owner or duly authorized agent has the authority to provide consent and understands the information provided.

F. Prior to the commencement of an euthanasia procedure, a licensed veterinarian shall meet personally with the owner or duly authorized agent of the owner and have him execute a euthanasia consent form which shall be placed in the patient's medical record. The euthanasia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent gives full and complete authority to euthanize and dispose of the animal in whatever manner the veterinarian deems appropriate;

3. that to the best of the owner or duly authorized agent's knowledge that animal has not bitten any person or animal during the last 15 days prior to presentation and has not been exposed to rabies;

4. that the owner or duly authorized agent understands euthanasia as personally explained by the veterinarian and gives permission to end the animal's life; and

G. The licensed veterinarian may address the issues of civil liability, payment arrangements and/or other issues of concern in the anesthesia consent form and/or euthanasia consent form, however, the inclusion of such issues are at the discretion of the licensed veterinarian and are not required by the board to be addressed in the forms.

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 27:1238 (August 2001), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§1051. Removal of Accreditation

A. A licensed veterinarian whose accreditation has been or is subject to being revoked or removed by state or federal authority may be subject to disciplinary action by the board upon proof of the acts or omissions constituting the grounds for removal or revocation of his accreditation.

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

§1057. Advertising

A. *Advertising*—newspaper, magazine, and periodical announcements and listings, radio and television; professional cards; professional announcement cards; office and other signs; letterheads; telephone listings; any electronic communications; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

B. - C.3. ...

4. use any client details or photos in social media posts without client permission.

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

§1063. Specialty List

A. ...

B. A veterinarian may not use the term *specialist* for an area of practice for which there is not AVMA recognized certification, nor may a veterinarian state or imply that he is a certified or recognized specialist unless he is board-certified in such specialty.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 23:968 (August 1997), LR 24:335 (February 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

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 Friday, August 9, 2024. 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 Friday, August 9, 2024. 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 Monday, August 26, 2024 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 Friday, August 9, 2024. 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: Professional Conduct**

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 resulting from the proposed rule change, except for the costs associated with publishing, which is included in the annual operating budget of the Board of Veterinary Medicine (Board). The proposed rule change is to allow a veterinarian to obtain oral consent from the owner or authorized agent in a non-emergency situation where circumstances render it impossible to obtain written consent prior to the administration of anesthesia.

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

The proposed rule change 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 NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will help the veterinarians administer care more effectively and expediently to patients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Jared B. Granier
Executive Director
2407#056

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

