



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 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 2024-07a
~ LAC 46LXXXV.700, 701, 702, 704, 705, 707, & 712
~ Veterinary Practice

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.700, 701, 702, 704, 705, 707, & 712 in the August 20, 2024 edition of the Louisiana Register. These changes are proposed under the authority of the Louisiana Veterinary Practice Act, La. R.S. 37:1518, et seq and are fully explained in the Notice of Intent and Fiscal and Economic Impact Statement.

The period for submission of public comments was August 21 to September 9, 2024 during which time the board received only one public comment and no requests for a public hearing. After considerable discussion about the comment received, it was the board's decision considering many factors that the in-person and physical examination requirement be clarified as consistent with prior interpretations of our regulatory provisions and "best practices" in establishing the crucial relationship between veterinarian, client and patient that allows for the ethical and efficacious practice of veterinary medicine. This decision and interpretation is also consistent with the provisions of the AVMA's Model Practice Act and federal requirements from the FDA for the use of regulated animal prescription drugs.

As no further amendments are being made to this Notice of Intent, the board continued with the rulemaking process in accordance with the Louisiana Administrative Procedure Act.

The Notice of Intent was submitted for review on October 22, 2024 to the Department of Justice's Occupational Licensing Review Program (OLRP). A favorable DOJ Opinion was received on November 26, 2024 from the OLRP review along with approval to move forward in the rulemaking process.

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 January 20, 2025 issue of the *Louisiana Register*.

Included in this Summary Report for Regulatory Project 2024-07a are the following documents:

- Notice of Intent
- Fiscal and Economic Impact Statement
- Public Comment Received and Board Response to Comment
- Opinion received from Department of Justice's OLRP



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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. More details regarding all rulemaking activity by the board may be found on the board's website at www.lsbvm.org/rulemaking.

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



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

To: Mr. Jared B. Granier
Executive Director
Louisiana Board of Veterinary Medicine

From: Jessica Weimer, Section Chief
Louisiana Department of Justice
Occupational Licensing Review Program

Date: November 22, 2024

Subject: OLRP File No. 2024.10.22 LBVM Veterinary Practice Rules
Proposed Amendments to LAC 46:LXXXV §§700, 701, 702, 704, 705, 707, and 712

I. Summary

The Louisiana Board of Veterinary Medicine (the “**Board**”) has proposed to amend LAC 46: LXXXV §§700, 701, 702, 704, 705, 707, and 712 regarding the Rules of Professional Conduct (collectively the “**Proposed Amendments**”). The Board published a Notice of Intent to promulgate the Proposed Rules in the Louisiana Register on August 20, 2024.¹ The notice invited written public comments and requests for oral presentation, argument, or a public hearing through September 9, 2024.² The Board received one comment during the public comment period from Loren Breen, Director of Policy, Research, & Government Relations of the Animal Policy Group regarding Proposed Amendment to §700, in particular. The Board reviewed the comment and provided a response pursuant to the Louisiana Administrative Act (the “**APA**”) on October 21, 2024.

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Rules to the Louisiana Department of Justice’s Occupational Licensing Review Program (the “**OLRP**”) on October 22, 2024. The OLRP reviews proposed occupational regulations of participating state occupational licensing boards.³ The OLRP invited public comments on the Proposed Amendments October 23, 2024 through November 6, 2024 and received no comments. As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC LXXXV §§700, 701, 702, 704, 705, 707, and 712 adhere to clearly articulated state policy but are not occupational regulations with reasonably foreseeable anti-competitive effects requiring input from OLRP.

II. Analysis

A. The Board’s Statutory Authority

¹ Louisiana Register, Vol 50, No 8 p. 1163-1165

² Id. P 11165

³ LA RS 49:260 (B)

The Board is a state regulatory body created “to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine.”⁴

The Board has been granted the statutory authority to adopt, amend, or repeal all rules and regulations necessary to serve its purpose, including establishing standards of professional conduct for the practice of veterinary medicine, in accordance with the provisions of the APA.⁵ The statutory authority given to the Board through the Louisiana Veterinary Practice Law (LA R.S. 37:1511 et al.) for the purpose of enabling the Board to effectively supervise the practice of veterinary medicine are to be construed liberally to accomplish this objective.⁶

B. Proposed LAC 46:LXXXV §§701, 702, 704 and 712 Regarding Veterinary Practice

An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁷ The Louisiana Administrative Procedure Act (“*APA*”) defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁸ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁹

The Board proposes wording and/or stylistic changes to LAC 46: LXXXV §§701, 702 and 704 that do not alter the intent or substantive meaning of the existing regulations. The Proposed Amendment to §701 changes the spelling of “*Anaesthesia*” to “*Anesthesia*.” The Proposed Amendment to §702 corrects a reference to §702.F.3 from a prior version of the rule to the correct §702E.1 and §702.E.3. It further rephrases “*nonboarding (hospitalized or ill) animals*” with a more concise phrase “*non-boarding animals (hospitalized or ill)*.” The Proposed Amendment to §704 replaces “Board of Veterinary Medicine” with “board.” Lastly, the Proposed Amendment to §712 corrects a typographical error of “lay person” to “layperson.” These rules are not Occupational Regulations with reasonably foreseeable anti-competitive effects, and thus do not require input from the OLRP. Therefore, the Board may proceed with promulgation of these amendments in accordance with the Louisiana APA.

C. Proposed LAC 46:LXXXV §700 Regarding Definitions

The proposed changes (i) reclassifies “Laypeople” and redefines same as a “layperson,” (ii) expands upon the definition of an unlicensed veterinarian, and (iii) redefines when a Veterinarian-Client-Patient Relationship (“*VCPR*”) exists. Under the current rule, a VCPR exists by virtue of an examination of the animal or a review of the animal’s records. The Proposed Amendment establishes the existence of a VCPR following an in-person, physical examination of the animal,

⁴ LSA-R.S. 37:1511

⁵ LSA-R.S. 37:1518 (9)

⁶ LSA-R.S. 37:1518 (C)

⁷ LSA-R.S. 49:260 (G) (4)

⁸ LSA-R.S. 49:951 (8)

⁹ Black’s Law Dictionary, 12th Edition p. 116

and eliminates the review of the records as creating the VCPR. While this rule may govern the veterinary practice, it does not have any reasonably foreseeable anti-competitive effects that would limit entrance into or the continued practice of veterinary medicine. Therefore, because this rule does not require input from the OLRP pursuant to LA RS 49:260, the Board may proceed with promulgation of the amendment in accordance with the Louisiana APA.

D. Proposed LAC 46:LXXXV §705 Regarding Prescribing and Dispensing Drugs

The Board recommends amending §705(D) by removing the phrase “of Chapter 7 of these rules.” This phrase is repetitive to the rule and does not alter the intent or substantive meaning of this rule. As such, this rule is not an Occupational Regulation with reasonably foreseeable anti-competitive effects, and thus do not require input from the OLRP. Therefore, the Board may proceed with promulgation of this amendment in accordance with the Louisiana APA.

The Board recommends further amending §705 (O) to eliminate the specific list of drugs a licensed veterinarian may lawfully prescribe and/or dispense to a deer farmer licensed by, and in good standing with the Department of Agriculture and Forestry. This occupational regulation expands the scope of the current rule by eliminating the list and allowing for the lawful prescription/dispensation of any legend or controlled drugs to licensed deer farmers. The Board also proposes amending §705 (O)(11) by eliminating the same established list of drugs and expanding the scope of the current rule by allowing for the lawful prescription/dispensation of any legend or controlled drug in consistency with the Proposed Amendment to §705 (O). The Board has the authority to adopt or amend all regulations necessary to promote the public health, safety, and welfare of the people of this state.¹⁰ Because this amendment extends the authority of the practitioner to prescribe and/or dispense legend and controlled drugs, and there are no foreseeable anti-competitive effects, the Board may promulgate this amendment in accordance with the APA.

The Board further recommends adopting §705 (O)(6) by establishing a licensed deer farmer who obtains the drugs from the veterinarian shall be the only person allowed to use or administer the drugs on his deer for capture purposes and subsequent reversal of the effects of those drugs only. The current rule does not allow the deer farmer to use or administer the drugs for the reversal of the effects of those drugs. Because the Board is authorized to create rules promoting the health, safety, and welfare of the people against incompetent, dishonest, or unprincipled practitioners of veterinarian medicine¹¹, the Board has the statutory authority to create rules establish rules regarding the administration of drugs prescribed by veterinarians. However, this proposed rule does not have any foreseeable anti-competitive effects, and as such, the Board may proceed with promulgation in accordance with the APA.

E. Proposed LAC 46:LXXXV §707 Regarding Accepted Livestock Management Practices

The current rule §707 only applies to Livestock Management Practices. The Proposed Amendment expands the accepted practices to allow for Equine Management as well. The Proposed

¹⁰ LSA- R.S. 37:1518(9), LSA-R.S. 37:1511

¹¹ LSA-R.S. 37:1511

Amendment further extends the teaching of artificial insemination techniques to both livestock and equine, rather than only cattle. This Proposed Amendment is an expansion of the current rule and does not have any reasonably foreseeable anti-competitive effects requiring input from the OLRP. Therefore, the board may proceed with promulgation of this rule in accordance with the APA.

III. Determination

The Board is a state regulatory body created to promote the public health, safety, and welfare by safeguarding the state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine.¹² The Board holds the statutory authority to adopt, amend, or repeal all rules necessary to ensure the policy of the state is met and upheld.¹³ The Proposed Amendments are within the Board's statutory authority and adhere to clearly articulated state policy. However, upon review, the OLRP has determined the Proposed Amendments do not have any reasonably foreseeable anticompetitive effects on the practice of veterinary medicine. As such, the board may proceed with promulgation of the Proposed Amendments without further input from the OLRP and in accordance with the APA.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM



Jessica B. Weimer, OLRP- Section Chief
Public Protection Division
Louisiana Department of Justice
olrp@ag.louisiana.gov

¹² LSA-R.S.37:1511

¹³ LSA-R.S. 37:1518 (9)



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October 21, 2024

Department of Justice
Attn: Civil Division- Occupational Licensing Review Program
1885 N. 3rd St.
Baton Rouge, LA 70802
Email: olrp@ag.louisiana.gov

**Electronic Mail - Delivery
Receipt Requested**

RE: OLPR Report for Regulatory Project 2024-07a
~ LAC 46LXXXV.700, 701, 702, 704, 705, 707, and 712
~ Veterinary Practice

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.700, 701, 702, 704, 705, 707, & 712 in the August 20, 2024 edition of the *Louisiana Register*.

This Notice of Intent amended the Veterinarian-Client-Patient-Relationship definition relative to in-person, physical examinations. It also amended the definition of an unlicensed veterinarian to include DVM graduates who have not yet passed the national examination and to also include those individuals whose license is in an expired status for failure to properly renew their license by the September 30th deadline. An additional amendment provides greater discretion to licensed veterinarians with respect to the allowable drugs prescribed and dispensed to deer farmers. All other proposed amendments are cleaning up rule language.

The period for submission of public comments was August 21 to September 9, 2024 during which time the Board received only one public comment and no requests for a public hearing. The sole public comment along with the Board's response is included in this OLRP report.

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

From: [Loren Breen](#)
To: [LBVM, Executive Director](#)
Subject: Attn: Jared B. Granier - Rule-making comments
Date: Monday, September 9, 2024 4:26:45 PM
Attachments: [image001.png](#)

Dr. Granier and Louisiana Board of Veterinary Medicine,

My name is Loren Breen; I am the Director of Policy, Research, and Government Relations at Animal Policy Group. We work with the animal health community, providing a voice to over 90,000 veterinary professionals. I would like to submit comment related to the rulemaking process for [LAC 46:LXXXV. 700, 701, 702, 704, 705, 707, & 712.](#)

We respectfully ask that you not amend your language that would restrict the establishment of a VCPR by adding “in-person, physical”, and removing animal records as a means for a veterinarian to keep with care for the animal.

In the past two years we have seen more and more states pass laws allowing a veterinarian to establish care through telemedicine. Arizona’s 2023 pro-telehealth care bill for example was supported by coalition that came together to support the bill including the Humane Society, the Animal Defense League, Arizona Farm Bureau, and the ASPCA. The American Veterinary Medical Association and the Arizona Veterinary Medical Association were also at round table discussions during the shaping of the bill and withdrew their opposition of the bill after an agreed upon version was presented to legislators.

Since then, California, Florida, and Washington DC have passed bills that allow a veterinarian to establish care using telemedicine, providing over 1/3 of US citizens with access to care via telemedicine. All laws passed require a veterinarian to hold a license in the state where they practice telemedicine, giving the state board oversight authority of their activities. These laws in no way force a veterinarian to use telemedicine, but trust highly-trained professionals to provide the best care possible, which for many people may only be accessible through telehealth. Restricting care by telemedicine disproportionality affects persons with low-income, older populations, and persons with mobility issues. There are many aspects of care that absolutely require hands-on care. We wish every person had access to an in-person veterinarian on-demand. Unfortunately, the vast shortage of veterinarians severely limits that possibility. Letting a wishlist scenario cloud our judgement and impede progress leaves our pets with reduced access to care.

We have included the Arizona language on the following page for reference. We appreciate your time and dedication to the veterinary profession and Louisiana pets.

Best,

Loren Breen
Director of Policy, Research
& Government Relations
(520) 975-9880
animalpolicygroup.com





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October 21, 2024

**RE: Public Comments to Proposed Regulatory Project 2024-07a ~
LAC 46LXXXV.700, 701, 702, 704, 705, 707, & 712 – Veterinary Practice**

Dear Ms. Breen,

Thank you for submitting written comments pertaining to the proposed amendments to the Notice of Intent for LAC 46LXXXV.700, 701, 702, 704, 705, 707, & 712 published in the *2024 Louisiana Register, Volume 50, August 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 October 3, 2024 meeting, the board was presented your comment regarding amendment requiring that the VCPR be established by virtue on an in-person, physical examination of the patient.

The board is aware of the ever-changing landscape regarding the use of electronic means in serving the public and public owned animals. However, after considerable discussion it was our board's decision considering many factors that the in-person and physical examination requirement be clarified as consistent with prior interpretations of our regulatory provisions and "best practices" in establishing the crucial relationship between veterinarian, client and patient that allows for the ethical and efficacious practice of veterinary medicine. We would also point out this is consistent with the provisions of the AVMA's Model Practice Act and federal requirements from the FDA for the use of regulated animal prescription drugs.

As no further amendments are being made to this Notice of Intent at this time, the board will continue with the rulemaking process in accordance with the Louisiana Administrative Procedure Act.

Again, the board would like to thank you for your comments regarding this regulatory action being taken.

Respectfully for the Board,

Jared B. Granier, MBA
Executive Director

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Veterinary Practice (LAC 46:LXXXV. 700, 701, 702, 704, 705, 707, & 712)

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. Sections 700, 701, 702, 704, 705, 707, and 712. Of greater substance is the proposed amendment of section 700 to the Veterinarian-Client-Patient-Relationship definition relative to in-person, physical examinations and the definition of an unlicensed veterinarian as well as the proposed amendment to section 705 providing greater discretion to licensed veterinarians with respect to the allowable drugs prescribed and dispensed to deer farmers. All other proposed amendments are cleaning up rule language. This Rule is adopted on the date of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

§700. Definitions

...

Animal Control Officer—a bona fide employee of a governmental agency meeting the requirements of R.S. 37:1514(21).

...

~~Laypeople~~*Layperson*—~~individuals who are a person who is~~ not registered and/or licensed in any of the categories defined in this Rule.

...

Unlicensed Veterinarians—individuals who have completed an approved, accredited program of instruction and have received a degree as a Doctor of Veterinary Medicine, or if foreign educated have completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) program through the American Association of Veterinary State Boards (AAVSB), but who have not ~~been issued a licensed yet successfully passed the national exam (NAVLE) or have not been issued a license~~ by the board to practice veterinary medicine in the state of Louisiana. Individuals who have a Louisiana license in an expired status are also unlicensed veterinarians.

Veterinarian-Client-Patient-Relationship—exists when:

1. – 3. ...

a. the veterinarian or associate veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an in-person, physical examination of the animal(s) and/or the animal's records, and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; or

b. – c. ...

...

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 19:1328 (October 1993), amended LR 20:666 (June 1994), LR 20:1381 (December 1994), LR 24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009), LR 40:308 (February 2014), LR 49:640 (April 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§701. Record Keeping

A. – v. ...

vi. The documentation standards set forth above do not mandate a particular format, however, a record must include these elements, as well as any other document

required by law or the board's rules. Examples include General ~~Anaesthesia—Anesthesia~~ Consent Forms, Euthanasia Consent Forms, documents involving prescribing, administering, or dispensing legend drugs or controlled substances, and billing invoices or statements of services or products provided. The veterinarian shall be ultimately responsible for the content and maintenance of the record.

b. – D.9. ...

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 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1328 (October 1993), LR 20:1381 (December 1994), LR 23:969 (August 1997), LR 24:941 (May 1998), LR 25:872 (May 1999), LR 33:2424 (November 2007), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§702. Direct Supervision

A. – B. ...

C. A *Registered Veterinary Technician* (RVT) as defined in §700 shall perform all tasks or procedures under direct supervision of a licensed veterinarian, except:

1. an RVT may perform the duties listed in ~~§702.F.3~~ ~~§702.E.1~~ without the direct supervision of a licensed veterinarian, but the RVT is required to follow the record keeping requirements found in ~~§702.F.3~~ ~~§702.E.3~~; and

2. an RVT may administer medications and/or treatments to ~~nonboarding (hospitalized or ill) animals~~ ~~non-boarding animals (hospitalized or ill)~~ without direct supervision by a licensed veterinarian under the following conditions:

a. – f. ...

D. ...

E. A ~~lay person—layperson~~ shall perform all tasks or procedures under direct supervision of a licensed veterinarian under the following conditions and with the exception described in ~~§702.F.1~~ ~~§702.E.1~~.

1. A ~~lay person—layperson~~ may administer medications to boarding animals without direct supervision by a licensed veterinarian if the medication is directed to be used orally or topically and if the licensed veterinarian has recorded the exact treatments to be given in the animal's medical record.

2. When a ~~lay person—layperson~~ administers medications to ~~nonboarding animals~~ ~~non-boarding animals~~ under the direct supervision of a licensed veterinarian, the licensed veterinarian must personally check the animal and update the treatment plan in the medical record at least once every 24 hours.

3. When a ~~lay person—layperson~~ administers medications, with or without direct supervision, the ~~lay~~

~~person—layperson~~ shall keep a written record of all treatments which are performed, and that written record shall be incorporated into the animal's medical record.

4. The licensed veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the work delegated to a ~~lay person~~ ~~layperson~~.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1329 (October 1993), LR 24:940 (May 1998), LR 40:309 (February 2014), LR 49:640 (April 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§704. Consulting and Providing Legend and Certain Controlled Substances

A. Legend Drugs

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency seeks to administer legend drugs to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the ~~Board of Veterinary Medicine board~~ and who obtains the legend drugs.

2. – 5. ...

B. – F. ...

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 20:666 (June 1994); amended LR 24:334 (February 1998), LR 25:519 (March 1999), LR 26:317 (February 2000), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§705. Prescribing and Dispensing Drugs

A. – C. ...

D. Records shall be maintained in accordance with ~~§701 of Chapter 7 of these rules~~.

E. – N. ...

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

1. – 5. ...

6. The licensed deer farmer who obtains the drugs from the veterinarian shall be the only person allowed to use or administer the drugs on his deer and for capture purposes and subsequent reversal of the effects of those drugs only.

7. – 10. ...

11. The prescribing and/or dispensing veterinarian shall comply with all state and federal laws and/or regulations regarding the prescribing and/or dispensing of ~~Rompun (legend drug), Telazol (controlled substance), Ketamine (controlled substance)~~ any legend or controlled drug, or a mix ~~of these drugs thereof~~, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry.

12. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1329 (October 1993) LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998), LR 25:1249 (July 1999), LR 25:1627 (September 1999), LR 27:51 (January 2001), LR 30:797 (April 2004), LR 37:1571 (June 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§707. Accepted Livestock & Equine Management Practices

A.1. – 2. ...

3. the carrying out of schools and short courses, teaching A.I. ~~Techniques to cattlemen techniques for livestock and equine~~, prospective A.I. technicians, and university agricultural students by qualified university faculty, cooperative extension service specialists, and qualified employees of NAAB-CSS approved A.I. organizations;

4. – 10. ...

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 9:213 (April 1983), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:969 (August 1997), LR 24:1933 (October 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§712. Alternative Therapy and Collaborative Treatment

A. ...

B. Direct supervision as used in this Section means the supervising veterinarian must be on the premises where the alternative therapy and/or collaborative treatment are being performed and is directly responsible for the on-going evaluation and/or diagnosis. A ~~lay person-layperson~~ (a person not licensed, registered, or certified by the board)

cannot perform surgery, on-going evaluation and/or diagnosis, prognosis, or prescribe treatment, medicines, or appliances as set forth in §702.A.2.

C. – F. ...

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 23:970 (August 1997), amended LR 38:357 (February 2012), 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 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, September 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 Monday, September 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 Wednesday, September 25, 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 Monday, September 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: LAC 46:LXXXV.Chapter 7

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

There will be no costs or savings to state or local governmental units resulting from the proposed rule change, except for the cost associated with publishing, which is included in the annual operating budget of the Board of Veterinary Medicine (Board). The proposed rule change defines an unlicensed veterinarian, requires an in-person physical examination to establish the Veterinarian-Client-Patient-Relationship, and gives discretion to the licensed veterinarian with respect to the allowable drugs prescribed and dispensed to Louisiana deer farmers.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

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

The proposed rule change will help better protect the public and animals of Louisiana from the unlicensed practice of veterinary medicine and by requiring an in-person, physical exam for the establishment of the Veterinarian-Client-Patient-Relationship.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT

The proposed rule change is anticipated to have no effect on competition or employment.