

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
June 2, 2016**

Minutes

I. CALL TO ORDER

Board President, Dr. Patrick Bernard, called the meeting to order at 8:30 a.m.

II. ROLL CALL –

Roll call was taken by Board Secretary-Treasurer, Dr. Fenton Lipscomb, with the following results:

Those present:

Patrick R. Bernard, DVM	Board President
John S. Emerson, DVM	Board Vice President
Fenton Lipscomb, DVM	Board Secretary-Treasurer
J. Edwin Davis, DVM	Board Member
William H. Green, DVM	New Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

None.

Guests:

LVMA - Lauren Landry, Bland O'Connor
LSU-SVM – (11:00am) Joel Baines, DVM, Dale Paccamonti, DVM, Joseph Taboada, DVM, Mark Mitchell, DVM, Mark Acierno, DVM

III. APPROVAL OF MINUTES

A. Board Meeting April 7, 2016

The Board reviewed the minutes from the April 7, 2016 Board meeting. Motion was made by Dr. Lipscomb to accept the minutes as presented, seconded by Dr. Davis, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

- A. Ms. Parrish and Dr. Lipscomb presented the financial reports for the month of March and April 2016 for review. Following discussion and questions, motion was made by Dr. Emerson to approve the financial reports as presented, seconded by Dr. Lipscomb, and passed unanimously by voice vote.

B. Budget Forecast FY2016; Certificate of Deposit Investment Authority to Purchase – Ms. Parrish presented a budget forecast for FY2016 for review and discussion. Revenues reported were 105% of budgeted through April 2016. Overages in budget totals on specific expense items were defined. Ms. Parrish stated that FY2016 Board budget should be close to target.

Ms. Parrish reviewed rates and accrued interest amounts for certificates of deposit (CDs) for FY2016. Motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to

authorize Ms. Parrish, Executive Director, in association with the Board Secretary-Treasurer elect, Dr. Davis, to make internal fund transfers for the purchase of CDs during FY2017. Motion passed unanimously by voice vote.

C. Compliance Questionnaire for Audit Engagement – The Board reviewed the compliance questionnaire for the engagement of the auditor for the FY2016 audit to be performed after June 30, 2016. The compliance questionnaire answers general questions relative to the Board's actions during the fiscal year. Motion was made by Dr. Lipscomb, seconded by Dr. Green to approve the compliance questionnaire as presented. Motion passed unanimously by voice vote.

V. REQUEST FOR APPEARANCE

A. LSU-SVM Faculty Licensure – Following discussion, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, and passed unanimously, that the following will apply to Faculty Licensure: (1) most importantly, it was again reiterated to the representatives of LSU-SVM that the Rule requires all applications/fees to be submitted (and approved by the LBVM) prior to commencement of practice effective October 1, 2016; (2) given the Rule was promulgated on October 20, 2015 with an effective date of October 1, 2016, which intentionally provided approximately a year to accommodate LSU-SVM's revenue item and protocol, it is the responsibility of each applicant to comply with the application payment for the privilege to practice. Accordingly, each applicant must officially submit payment per the Rule. However, as an alternative, in an effort to accommodate LSU-SVM's protocol and perhaps streamline payment, it was requested to provide to the LBVM office a list of names in order for the LBVM to calculate and send an invoice to the school for the total amount for the largest group of applicants (primary group) on an annual basis. Upon receipt of the invoice, LSU-SVM may then submit the applications for each individual applicant with one check for the total amount of fees; and (3) the LBVM will enforce the Rule, as promulgated, regarding the legal supervision of interns, however, should an intern qualify for a Faculty License under the requirements of the Rule, then LBVM will issue such and regulate accordingly.

VI. DVM ISSUES

Motion was made by Dr. Lipscomb to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law, seconded by Dr. Emerson, and passed unanimously by voice vote.

Upon conclusion of executive session to review and consider all items in VI, motion was made to return to regular session by Dr. Emerson, seconded by Dr. Lipscomb, and approved unanimously by voice vote, to specifically address each item in the respective sections as follows:

A. Gwen R. Fuselier, DVM – Request Status Change – Request for Active DVM License Status – Following review of the documentation provided by Dr. Fuselier, motion was made by Dr. Green, seconded by Dr. Lipscomb, to approve Active DVM

status for Renewal Year 2015-2016 upon receipt of renewal fees, late renewal fees and 20 CE credits for each year while Inactive/Retired status. Motion passed unanimously by voice vote.

VII. DVM APPLICANT ISSUES

- A. Chance Lee Armstrong, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2010 graduate of Auburn University School of Veterinary Medicine, licensed in Florida and Alabama. Following review of the documentation submitted by Dr. Armstrong, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of retake of the national examination and preceptorship requirements pending receipt of employment documentation which meets the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- B. Robert G. Cunningham, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1986 graduate of Mississippi State University College of Veterinary Medicine, licensed in Mississippi and Alabama. Following review of the documentation submitted by Dr. Cunningham, motion was made by Dr. Lipscomb, seconded by Dr. Green, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed by majority vote: Yeas – Drs. Bernard, Lipscomb, Emerson and Green, Nay – Dr. Davis.
- C. John A. Etheridge, Jr., DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2007 graduate of Mississippi State University College of Veterinary Medicine, licensed in Mississippi, Alabama, Arkansas and Tennessee. Following review of the documentation submitted by Dr. Etheridge, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed by majority vote: Yeas – Drs. Bernard, Lipscomb, Emerson and Green, Nay – Dr. Davis. .
- D. Rene’e Danielle Lewis, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2010 graduate of LSU School of Veterinary Medicine, licensed in Nevada. Following review of the documentation submitted by Dr. Lewis, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

- E. Clare M. Scully, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2011 graduate of University of Tennessee, licensed in Oregon. Following review of the documentation submitted by Dr. Scully, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, to approve waiver of retake of the national examination and preceptorship requirements pending receipt of employment documentation which meets the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- F. Alisha H. Spivey, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2007 graduate of LSU School of Veterinary Medicine, licensed in Georgia. Following review of the documentation submitted by Dr. Spivey, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- G. Christopher A. Adams, DVM – Request for Waiver of Preceptorship Requirement** – 2015 graduate of Royal Veterinary College, licensed in Kansas. Following review of the documentation submitted by Dr. Adams, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- H. Candace P. Autin, DVM – Request for Waiver of Preceptorship Requirement** – 2014 graduate of LSU School of Veterinary Medicine, licensed in Georgia. Following review of the documentation submitted by Dr. Autin, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- I. Jonvel A. Cruz-Sanabria, DVM – Request for Waiver of Preceptorship Requirement** – 2015 graduate of LSU School of Veterinary Medicine, licensed in Texas. Following review of the documentation submitted by Dr. Cruz-Sanabria, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- J. Rebecca A. Csomos, DVM – Request for Waiver of Preceptorship Requirement** – 2012 graduate of University of Pennsylvania, licensed in Pennsylvania, New York and Wisconsin. Following review of the documentation submitted by Dr. Csomos, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents

provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

- K. Adam C. Duris, DVM – Request for Waiver of Preceptorship Requirement** – 2013 graduate of LSU School of Veterinary Medicine, licensed in Nevada and Pennsylvania. Following review of the documentation submitted by Dr. Duris, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- L. Kelly M. Evans, DVM – Request for Waiver of Preceptorship Requirement** – 2015 graduate of University of Florida College of Veterinary Medicine, licensed in Pennsylvania and Florida. Following review of the documentation submitted by Dr. Evans, motion was made by Dr. Emerson, seconded by Dr. Lipscomb, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- M. Steven Fernandez, DVM – Request for Waiver of Preceptorship Requirement** – 2013 graduate of University of Pennsylvania, licensed in New Jersey, Pennsylvania and Texas. Following review of the documentation submitted by Dr. Fernandez, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to deny waiver of preceptorship requirements as the documents provided do not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- N. Cody C. Johnson, DVM – Request for Waiver of Preceptorship Requirement** – 2013 graduate of Texas A&M University, licensed in Texas. Following review of the documentation submitted by Dr. Johnson, motion was made by Dr. Lipscomb, seconded by Dr. Green, to deny waiver of preceptorship requirements as the documents provided do not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- O. Lachlan W.M. Miscamble, DVM – Request for Waiver of Preceptorship Requirement** – 2014 graduate of University of Melbourne, licensed in Mississippi. Following review of the documentation submitted by Dr. Miscamble, motion was made by Dr. Lipscomb, seconded by Dr. Emerson, to deny waiver of preceptorship requirements as the documents provided do not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

VIII. POLICY, PROCEDURE, AND RULES

A. **General Rule Update** - None.

B. **Policy and Procedure** – None.

C. **Practice Act, Rules/Related Matters/Declaratory Statements**

1. SCR 65 (2016 Legislative Session) was discussed regarding the N.C. Dental case and its effect on administrative boards and commissions. The first meeting will be called in September 2016, hosted by DHH, with all affected boards and commissions required to send representatives pursuant to SCR 65. The LBVM elected to send Mr. Tomino, as its General Counsel, or its President as an alternative, as the LBVM representative regarding the subject matter. The coalition will provide answers/alternatives to the Legislature in the 2017 Session for consideration regarding addressing the N.C Dental case's holding/legal effect.

2. A query was submitted by Alexander Patubo with the Core Institute regarding whether a lay person can perform an x-ray and/or MRI. Following discussion, motion was made by Dr. Green, seconded by Dr. Lipscomb, and passed unanimously, that an x-ray and/or MRI can only be performed by a lay person (defined as a person not possessing a veterinary license issued by the LBVM) by order or prescription from a LA licensed veterinarian. There cannot be direct patient access for the lay person. Furthermore, the LA licensed veterinarian must be on the premises for any sedation/anesthesia for the x-ray and/or MRI to be performed, as well as remain on the premises for an emergency/aftercare issues that may arise. In addition, the results obtained from an x-ray and/or MRI must be sent to the referring/ordering LA licensed veterinarian for interpretation/diagnosis and then communication by him with the client/patient.

3. A query was submitted by Dr. Gary Balsamo regarding jurisdictional issues and legalities of a lay person opening a veterinary pharmacy, as well as whether a LA licensed veterinarian may lawfully open an independent pharmacy for animal drugs, or must the pharmacy be associated with a veterinary hospital or clinic. Following discussion, motion was made by Dr. Green, seconded by Dr. Lipscomb, and passed unanimously, that pursuant to LBVM Rules 705A(1) and (2), it is a violation of the law for a veterinarian to dispense a legend drug or controlled substance to the owner of an animal if there has been no prior establishment of the veterinary-client-patient relationship (VCPR) by the dispensing veterinarian with the owner/client. The dispensing of a legend drug or controlled substance to an end-user (i.e. a non-client with whom there is no VCPR) is a retail transaction and is regulated by the LA Board of Pharmacy. It is the LBVM's understanding that the dispensing pharmacist and the pharmacy must qualify and possess separate licenses issued by the LA Board of Pharmacy. A veterinarian's license issued by the LBVM will not legally suffice.

In comparison, the LA Board of Wholesale Drug Distributors licenses and regulates the wholesale distribution between manufacturers/wholesalers to another wholesaler, for example one veterinarian to another veterinarian down the street. There is no end-user, generally speaking, in this scenario, and

obviously no VCPR. Again, a veterinarian's license issued by the LBVM will not legally suffice. However, the LBVM has allowed one veterinarian to obtain a legend drug from another veterinarian down the street on a very isolated/limited basis when the dispensing veterinarian, who has established the VCPR, obtains the legend drug and then dispenses it to his own client/patient. In short, one cannot legally just send his client/patient down the street with a prescription to the second veterinarian to obtain the drug.

With regards to Dr. Balsamo's specific question addressing a legal difference in a veterinarian opening an independent pharmacy, or must it be associated with a veterinary facility, the response above remains applicable. Any scenario involving the subject matter of his query and a licensed veterinarian would be closely reviewed by the LBVM to determine if there is any violation of the LA Veterinary Practice Act and/or the LBVM's Rules. In addition, a violation of the laws/rules enforced by these other agencies also exposes a veterinarian's license to sanction by the LBVM. It was also suggested that he submit his query to the LA Board of Pharmacy and the LA Board of Wholesale Drug Distributors, as well as the DEA, for a response pursuant to their respective jurisdiction regarding "a member of the public" opening a pharmacy. However, such "member of the public" cannot legally practice veterinary medicine without a license issued by the LBVM.

4. A query was submitted regarding the administration of certain named vaccines. Following discussion, motion was made by Dr. Green, seconded by Dr. Lipscomb, and passed unanimously, that only a veterinarian licensed by the LBVM can lawfully administer the canine influenza vaccine, intranasal bordetella vaccine, and/or injectable bordetella vaccine due to the required diagnosis to first determine if the use of the drugs are being administered to a healthy animal, as well as to address any emergency/aftercare complication that may arise from the vaccine. Furthermore, with regards to the canine influenza vaccine and the injectable bordetella vaccine, there is the added factor that such administration is an invasive procedure due to the injection.

5. A query was submitted regarding an out-of-state mobile/bus entering LA to perform spay/neuter to aid local communities in controlling pet overpopulation. Following discussion, motion was made by Dr. Green, seconded by Dr. Lipscomb, and passed unanimously, that the program described clearly falls within the definition of the "practice of veterinary medicine" as set forth in Section 1513(4) the LA Veterinary Practice Act which requires that a veterinarian licensed by the LBVM must perform. In the McSweeney case, the LA Supreme Court concluded that a qualified, non-governmental, federally tax-exempt corporation, could not legally be involved in the practice of veterinary medicine, but rather was limited to the protection of animals which was not expressly defined by the Court. However, the Court's decision allows such qualified legal entities for the protection of animals to employ or contract with a veterinarian or veterinarians licensed by the LBVM to perform all veterinary medical aspects of the proposed program. In summary, as set forth in the law and confirmed by the LA Supreme Court in McSweeney, the actual practice of veterinary medicine in the proposed

program must be within the authority and hands of the veterinarian or veterinarians licensed by the LBVM. The inquiring person will also be advised that there are other provisions which are applicable to the proposed program such as drug issues, sanitation requirements, VCPR, advertising, etc. Specifically, there are issues of how will the drugs (storage, inventory and dispensing or administration) be handled, as well as oxygen being available for the patients. A caution will be also provided that the laws and regulations regarding the storage and use of legend drugs and controlled substances, which are intricate to the practice of veterinary medicine, are also enforced by other state and federal governmental agencies. The important concern for aftercare and emergency scenarios will also be stated.

IX. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued:

Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

DVM

3363	Shoemaker	Meghan Lara
3364	Hopes	Leslie Erin
3365	Craft	Nicole Rene'
3367	Keany	Kirstin Maureen
3368	Peloso	John Gerard
3369	Addison	Meredith
3370	Brown	Adam Nicholas
3371	Dozier	Crystal Marie
3372	Fader	Sarah McReynolds
3373	Fazio	Danielle Bellefontaine
3374	Fox	Jeanne Treuting
3375	Hudspeth	Jessica Erin
3376	Laffitte	Kristi Marie
3377	Manuel	Erin Bergeron
3378	Raaphorst	Abbey Mary
3379	Sancho	Justin Marc
3380	Schindler	Kelli Theresa
3381	Barnes	Julie Michelle
3382	Theriot	Heather Richanne
3383	Strief	Justin Marc

RVT

8353	Miller	Haley Elizabeth
8354	Saft	Amanda Lynn
8355	Bailey	Tenashia Dorsha
8356	Keen	Kelly Ann

CAET

9774	Rowland	Dasia Rosina
9775	Fagan	Madison E.

9776	Pappenhagen	Kathleen
9777	Capers	Adrienne Bettina
9778	Comeaux	Morgan Leigh
9779	Field	Addie Jo
9780	Simmons	Jeff Thomas
9781	Forestier	Victoria Dale
9782	Warner	Tamara Hope
9783	Schlamp	Alexis Keelin
9784	Ortiz	Jami Carol
9785	Daliet	Troy Lamont

B. Election of Officers – Nominations were taken as follows: John Emerson, DVM, Board President; Fenton Lipscomb, DVM, Board Vice-President; J. Edwin Davis, DVM, Board Secretary-Treasurer. Motion was made by Dr. Green to close nominations, seconded by Dr. Bernard and passed unanimously by voice vote.

Motion was made by Dr. Green to install, by acclamation, Dr. John Emerson as Board President, Dr. Fenton Lipscomb as Board Vice-President, and Dr. J. Edwin Davis as Board Secretary-Treasurer for fiscal year 2017, seconded by Dr. Bernard and passed unanimously by voice vote, effective August 1, 2016.

C. Authorization to Sign Checks (President, Secretary-Treasurer, Executive Director), Review of Board Member Positions – Motion was made by Dr. Lipscomb to afford Dr. Emerson, Board President-elect, all the powers associated with the office of the President of the Board including the power to execute contracts and other documents and to conduct business on behalf of the Board effective August 1, 2016, seconded by Dr. Davis and passed unanimously by voice vote.

Authorization to sign checks drawn on the Board's account was given to Dr. Emerson, Board President-elect, Dr. Davis, Board Secretary-Treasurer-elect, and Ms. Parrish, Executive Director, effective August 1, 2016.

D. Annual AAVSB Conference – Ms. Parrish was given authority to attend the annual AAVSB conference in September 2016 in Scottsdale, Arizona as representative of the LBVM.

X. EXECUTIVE SESSION

Motion was made by Dr. Emerson to go into executive session to discuss issues and receive legal advice regarding potential contested matters and personnel matters, seconded by Dr. Green, and passed unanimously by voice vote. Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Lipscomb, seconded by Dr. Davis, and approved unanimously by voice vote.

A. Administrative Assistant Annual Review – Ms. Parrish requested input from the Board members regarding the review for the current Administrative Assistant, who has been with the board office for 5 months. Formal review will be performed by Ms. Parrish incorporating comments received, and any merit increase will be awarded to Ms. May effective July 1, 2016.

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B. Executive Director Annual Review – Annual review was performed of the Executive Director. A copy of the evaluation was given Ms. Parrish. Merit increase of 5% was awarded to Ms. Parrish effective July 1, 2016.

There were no other actions.

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Davis, seconded by Dr. Emerson, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 3:13 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on July 28, 2016.

Fenton Lipscomb, DVM, Board Secretary-Treasurer