

BOARD MEETING - LOUISIANA BOARD OF VETERINARY MEDICINE
April 1, 2021

Minutes

I. CALL TO ORDER

Board President, Dr. Keri Cataldo, called the meeting to order at 8:35am.

II. ROLL CALL

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

Those present:

Keri A. Cataldo, DVM	Board President
Joseph Bondurant, Jr., DVM	Board Vice President
Alfred G. Stevens, DVM	Board Secretary-Treasurer
Trisha C. Marullo, DVM	Board Member
James R. Corley, DVM	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel

Guests:

John Walther	Assistant Commissioner, Animal Health & Food Safety
Felix Vanderlick	Healthcare Professional's Foundation of LA
Dr. D. Hammond	Healthcare Professional's Foundation of LA
Katie Dalton	Healthcare Professional's Foundation of LA

Statement of Obligations was read aloud by Dr. Stevens to all present for the meeting.

III. APPROVAL OF MINUTES

A. Board Minutes for February 4, 2021

The Board reviewed the minutes from February 4, 2021. Motion was made to accept the minutes as presented by Dr. Marullo, seconded by Dr. Bondurant, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – January & February '21

Mr. Granier and Dr. Stevens presented the financial reports for the months of January and February '21 for review by the Board. Mr. Granier informed the Board that all financial matters are in order and the Board is projected to come in well within budget. Motion was made by Dr. Stevens to accept the financial reports as presented, seconded by Dr. Marullo, and passed unanimously by voice vote.

B. Investments – CD Balances

Mr. Granier and Dr. Stevens presented the CD investment figures to the Board. The Board was reminded that Mr. Granier is monitoring current CD rates and that four of the CDs mature in June '21 at which time, with the approval of the Board and Board Treasurer, these

funds will likely be moved to ECFU with a higher yielding rates. The Board will vote at next Board meeting in June '21 on making these financial moves with the maturing CDs. No motion was required for this agenda item.

C. Contract Amendment for CPA, FY 2020-2023

Mr. Granier presented the Board with an amendment for the contract with the Board's CPA from a three-year total of \$15,000 to \$18,000. With additional work necessary this year from the CPA to resolve some outstanding journal entries and to realign expense accounts to ease the reporting to Boards and Commissions, the annual contracted amount for this fiscal year may be exceeded. Motion was made to accept the contract amendment as presented by Dr. Corley, seconded by Dr. Stevens, and passed unanimously by voice vote.

D. Credit Card Processing Fee Change

Mr. Granier proposed a credit card processing fee change for the FY2022. Rather than a flat \$8.00 fee per transaction, the Board was shown several percentage-based options. Mr. Granier recommended the Board adopt a 2.80% fee per transaction. Motion was made to implement a 2.80% per transaction fee as presented by Dr. Corley, seconded by Dr. Marullo, and passed unanimously by voice vote.

E. Possible Fee/Surcharge for Paper Renewal Requests

With the transition to an exclusive online, electronic renewal process for the FY 2022, the Board discussed a possible fee/surcharge for those licensees who insisted on having a paper renewal form mailed to them. Throughout the FY 2021 renewal cycle, all licensees were informed of the Board's move to exclusively accepting online renewals. Motion was made to table this agenda item until next year by Dr. Stevens, seconded by Dr. Corley, and passed unanimously by voice vote.

F. NAVLE Contract Adoption

Mr. Granier presented to the Board the 2021-2024 NAVLE Letter of Agreement. Among the notable changes by ICVA in the agreement from the most recent 2020 update include: 1) a fee increase from \$690 to \$705; and 2) the NAVLE testing windows for '21-'22 cycle are November 15, 2021 to December 11, 2021 and April 11 to April 23, 2022. Motion was made by Dr. Marullo to accept the agreement as presented, seconded by Dr. Corley, and passed unanimously by voice vote.

(Public Comments)

Motion was made by Dr. Marullo 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. Corley, and passed unanimously by voice vote.

V. ADMINISTRATIVE HEARINGS

A. Case #20-1210 D - *This agenda item was moved to the June meeting.*

B. Case #21-0831 V - Mr. Vogt and the investigating board member presented the facts of the case, submitted exhibits for review, and a Consent Order for consideration by the Board. Gist: Failure to meet the acceptable standards of veterinary medicine, more particularly: 1) Malpractice in the care of the patient 2) Misleading statements concerning the scope of care that would be afforded the patient after hours and on weekends. For violation of RS 37:1526.A(14), and Rules, Title 46, Part LXXXV, Sections 1001 et seq., more particularly

Section 705(B), 705(D), 705(F) and 705(K), 1065 and the AVMA Code of Ethics principle II.B; Also, LRS 37:1526.A and Rules, Title 46, Part LXXXV, Sections 106 and 1401 et seq, a Consent Order whereby Respondent pays a \$1,000 fine, a reimbursement of investigative costs of \$2,500, and receives a formal reprimand for said violations.

VI. DVM, RVT, AND CAET ISSUES

A. None at this time

VII. DVM APPLICANT ISSUES

- A. **Brooke N. Clement, DVM – Request Waiver of Preceptorship** - 2017 graduate of LSU SVM, licensed in FL. The Board reviewed the documentation submitted by Dr. Clement. Motion was made by Dr. Bondurant, seconded by Dr. Marullo, to **approve** waiver of the 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, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- B. **Bethanne M. Eddy, DVM – Request Waiver of NAVLE Retake & Preceptorship** - 2012 graduate of Purdue CVM, licensed in TX and IN. The Board reviewed the documentation submitted by Dr. Eddy. Motion was made by Dr. Bondurant, seconded by Dr. Marullo, 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, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- C. **Angela N. Griggs, DVM – Request Waiver of NAVLE Retake & Preceptorship** - 2010 graduate of Ross University CVM, licensed in TX, IA, and OH. The Board reviewed the documentation submitted by Dr. Griggs. Motion was made by Dr. Bondurant, seconded by Dr. Marullo, 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, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- D. **Daniel J. Markwalder, DVM – Request Waiver of NAVLE Retake & Preceptorship** - 1991 graduate of Purdue CVM, licensed in IL, MN, WI, and FL. The Board reviewed the documentation submitted by Dr. Markwalder. Motion was made by Dr. Bondurant, seconded by Dr. Marullo, 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, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- E. **Christine E. Smith, DVM – Request Waiver of NAVLE Retake & Preceptorship** - 2009 graduate of Washington State CVM, licensed in ID, KS, and AK. The Board reviewed the documentation submitted by Dr. Smith. Motion was made by Dr. Bondurant, seconded by Dr. Marullo, 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, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

Upon conclusion of executive session, motion was made to return to regular session by Dr. Stevens, seconded by Dr. Bondurant, and approved unanimously by voice vote. All votes related to applicant and licensee issues above were made out of executive session.

VIII. POLICY, PROCEDURE, AND RULES

A. General Update – The Board had a general discussion regarding the following list of rule-making items in progress. Mr. Vogt, Legal Counsel, was directed to have the Continuing Education Emergency Rule drafted and ready for review and vote for the June '21 meeting. Mr. Vogt will also continue working on the rule changes as they pertain to the Licensure for Military & Spouses as required by recent legislation. The Board will continue to address these items of interest, with further discussions in future Board meetings as the rulemaking process develops. No motion made on any of the General Update agenda items.

- 1. Licensure for Military & Spouses, Required Rule Changes**
- 2. Continuing Ed Emergency Rule for '21-'22 CE Period ('22-'23 Renewal Period)**
- 3. CAET, Proposed Regular Rule Change**
- 4. NAVLE, Proposed Regular Rule Change**
- 5. Telemedicine / Telehealth Rule(s)**
- 6. Senate Bill 28, Act 219 Repeal of Rules 403.A(4) & 1227.A(6) - CE Requirements for Licensees with CDS License**
- 7. RVT - Expired Rule**

B. Policy and Procedure

- 1. Proposed Update to Complaint/Case Outcome Terms** - Mr. Vogt, Legal Counsel, discussed with the Board the desire to update the current terms used for investigation outcomes to reflect a more accurate determination that has been traditionally used (“no provable violation”) when a complaint is dismissed.
- 2. Out of State Applicant Inquiry Related to Preceptorship/NAVLE Waiver**
Mr. Granier presented communication from a potential license applicant from out-of-state who expressed dissatisfaction in the waiver rules for preceptorship and NAVLE requirement for licensure. Board discussed upcoming rulemaking efforts related to these waiver requirements. No motion made.

C. Declaratory Statements

- 1. None at this time**

D. General Agenda

- 1. Massage Therapy & Alternative Therapy Treatment** - In response to a query regarding the requirements for providing canine massage therapy in Louisiana, Rule 712 was cited, noting, among other things, the need for a prescription for the service

by a licensed veterinarian who has a VCPR, the provider having board certification, license or registration in the field, direct supervision by the prescribing veterinarian and prior written consent by the owner. Refer to the entirety of Rule 712. Where there is no certification for the field, the Board must approve the level of education.

E. Consent Agenda Opinions

1. Answered

- i. Allowances While Completing Application Process** - Consultation by an out of state veterinarian with a Louisiana licensed veterinarian is an exception to the unauthorized practice of veterinary medicine in this state. However, consultation cannot be an act constituting the practice of veterinary medicine in this state without full licensing. There is no statutory exception allowed for incomplete steps for licensing and market need.
- ii. At-Home Care for Clients** - In answer to a query posed by a licensee as to what services may be performed from a traditional vehicle (not equipped as a mobile clinic), Rule 711 C was cited, providing generally: patient cannot be brought into the vehicle, written agreement with a local hospital for emergency care with a prominently displayed notice of address, etc; veterinarian must remain on premise until discharge; record keeping in accordance with Rules; compliance with Board rules re: the maintaining, administration etc. of CDS. Consultation is allowed for nutrition/behavioral matters. Testing is allowed; treatment of non-emergent illness allowed. See Rule 711 C in its entirety
- iii. Legal Requirements for Euthanasia** - A consent form with required content is required prior to euthanasia (see Rule 1039 E)
- iv. Original Serum for Patients Not in Records** - Deferred for more information re: the proprietary interests in original formula serums.
- v. Accepted Practices for Electronic Record-Keeping** - Rule 701 was cited to a practitioner wanting to know his obligations regarding the retention of forms
- vi. Seeking Clarification of Who Maintains Records** - Rule 701 was cited to a practitioner wanting to know the responsibilities of maintaining medical records
- vii. CAET - Euthanasia Drug Choice** - A practitioner requested information concerning the ordering and use of a euthanizing agent other than sodium pentobarbital by a lead CAET. Section 1225 of the Board Rules was cited as authority for the limitation of drugs that can be ordered by a lead CAET.

2. Proposed

- i. Questions Related to Starting an Exclusive House Call Practice** - The Board approved a proposed response dealing with the contracts that must be in place, whether copies must be provided to the board in advance (emergency care), what services may be provided from a wellness and preventative care clinic (excluding treatment), and related issues for a house call practice from a

traditional vehicle not equipped as a mobile clinic. Rule 711 C and E and related Rules were cited to the veterinarian posing the query.

IX. PRECEPTORSHIP ISSUES

A. None at this time

IX. CONTINUING EDUCATION ISSUES

A. None at this time

IX. MISCELLANEOUS MATTERS

A. **Healthcare Professionals' Foundation of Louisiana** - Mr. Vanderlick, Ms. Dalton, and Dr. Hammond presented to the Board the scope of services and resource opportunities provided by Healthcare Professionals' Foundation of Louisiana both to the Board and to its licensees. HPFLA is a non-profit foundation offering advocacy services to healthcare professionals in Louisiana. Its primary role is to assist in the treatment process and monitoring of individuals with impairments and/or special considerations. Motion was made by Dr. Corley, seconded by Dr. Stevens, to direct Mr. Granier to aggressively pursue a contract for services with HPFLA and to have a contract proposal ready for Board review at its June Board meeting, with the general terms of the contract proposal to not exceed \$30,000/annually for a three-year term. Motion passed unanimously by voice vote.

B. New Licenses and Certificates Issued

DVM

3803	Kayla M.	Smith
3804	Michael James	Warshaw
3805	Samantha Kimberly	Tate

Faculty DVM

Faculty 77	Brenda Ruth	Austin
Faculty 222	Melanie Areta	Mironovich
Faculty 223	Shelby Allison	Nester
Faculty 224	Vanna Marie	Dickerson
Faculty 225	Renata	Sampaio Costa
Faculty 226	Karla Mariet	Fraga
Faculty 227	Stephanie A.	Kleine

RVT

8519	Brianna Ashton	Jeter
8520	Rebecca Ann	Courville Brown
8521	Emma Clare	Howland
8522	Jaclyn Kelliann	Stablier

CAET

9943	David Joseph	Lagattuta, Jr.
9942	Johnny Wayne	White
9941	Heather Marie	Rodrigue

9936	Alexis Dupre	Chaisson
9938	Heidi Dean	Hebert
9940	Barbara L.	Higginbotham
9937	Kelsey Renee	Freeman
9939	Stephen Frederick	Heinrich

C. Update on Management Software for Licensees/Applicants/Complaints

Mr. Granier updated the Board on the progress of its new license management software. The new system is still scheduled to go live with the '21-'22 renewal cycle opening date of July 1, 2021. No motion made.

D. Licensure Issue Update - Reported Out-of-State Conviction

Board made no motion and deferred this agenda item, as Mr. Vogt informed the Board that there has still been no further progress made in the reported conviction. The Board will continue to re-visit of this matter at future Board meetings until so time as there is actionable details discovered. No motion made.

E. AAVSB's Continuing Education Contract with CE Broker

The Board discussed publication related to AAVSB's use of CE Broker as its CE tracking platform for RACE providers, and the issues some RACE providers and licensees are having with the platform. Mr. Granier will continue to monitor AAVSB's tracking of CE and report to the Board any updates and/or changes. No motion made.

F. AAVSB Guidance to DVMs on the Use of Cannabidiol (CBD)

The Board was presented with AAVSB's proposed CBD guidelines for veterinarians. These guidelines made be used by AAVSB Member Boards when and/or if a Board so chooses to draft or edit their own regulations and policies. The Board again discussed taking no regulatory or rulemaking action at this time regarding the prescription or use of CBD by veterinarians. No motion made.

G. AAVSB Responses – State Residents Require Licensure to Read Pathology?

A practice query was posed regarding the necessity of a pathologist residing in the state to be licensed as a veterinarian before being able to do consulting work. The aiding in the diagnosis is a practice of veterinary medicine. While a pathologist may consult with a licensed veterinarian, if the consultation is from a Louisiana resident the act is a practice of veterinary medicine so that licensing is required. See Rule 703 as applied to La. R.S. 37:1513 (4).

H. Scammers Posing as Medical Board Members and Law Enforcement Agents

Mr. Granier presented a communication from the FBI informing the private sector of a financial fraud scheme targeting medical professionals for financial gain. Scammers are contacting medical professionals and claiming to be agents of the professional's medical board, agents of the DEA and agents of the FBI, and claiming the professional's medical and drug licenses have been compromised and are being used by other entities in a drug trafficking scheme. No motion made.

X. EXECUTIVE SESSION

A. None at this time

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Marullo, seconded by Dr. Bondurant, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 2:35pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on June 3, 2021.

A handwritten signature in black ink that reads "Alfred G. Stevens DVM". The signature is written in a cursive style with a horizontal line underlining the name.

Alfred G. Stevens, DVM, Board Secretary-Treasurer