

BOARD MEETING - LOUISIANA BOARD OF VETERINARY MEDICINE
April 7, 2022

Minutes

I. CALL TO ORDER

Board President, Dr. Joseph Bondurant, Jr., called the meeting to order at 8:33am.

II. ROLL CALL

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

Those present:

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

Guests:

Dean Oliver Garden	LSU School of Veterinary Medicine
Melanie Talley	Louisiana Veterinary Medical Association
Trishia Hadley	Louisiana Association of Veterinary Technicians
Dr. Lara Stooksbury	Petitioner for Waiver of Preceptorship & NAVLE

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

Dr. Bondurant gave Dean Garden the floor, at which time Dean Garden gave the Board a general update on noteworthy news regarding the LSU SVM and its progress is moving forward with its core mission.

III. APPROVAL OF MINUTES

A. Board Minutes for February 3, 2022

The Board reviewed minutes from February 3, 2022. With no further discussion on the minutes as given, motion was made to accept the minutes as presented by Dr. Stevens, seconded by Dr. Marullo, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports – January & February ‘22

Mr. Granier presented the financial reports for the months of January and February '22 for review by the Board. Mr. Granier informed the Board that all financial matters are in order and the Board is still projected to remain within its overall budget for the end of FY2022. An amended budget for FY 2022 will be presented to the Board at its June '22 meeting. Motion was made by Dr. Stevens to accept the financial reports as presented, seconded by Dr. Cataldo, and passed unanimously by voice vote.

B. Investments – CD Balances

Mr. Granier presented the current CD investment figures to the Board. Mr. Granier will continue to monitor revenues and expenditures to determine if any CDs could be purchased

in the fourth quarter of FY2022, and if so, a request for approval to purchase additional CDs will be presented to the Board at its June '22 meeting. Motion was made by Dr. Stevens to accept CD details as presented, seconded by Dr. Cataldo and passed unanimously by voice vote.

C. Audit Report, FY2021

Mr. Granier presented the FY 2021 legislative auditor’s report for review. Mr. Granier discussed the report’s exceptions, specifically the written policies and procedures in the report, noting that resolving these policy and procedure exceptions is being prioritized during FY 2023. No motion made or action taken on agenda item.

D. LA Legislative Auditor Update to Contract with Independent CPA/Auditor

Mr. Granier informed the Board that the LA Legislative Auditor’s office has amended its policy related to payments made to third-party auditors. The Board will know may the auditing CPA directly rather than payment being made through the LLA office.

Additionally, the LLA informed Mr. Granier that the contract with the current auditing CPA, Mr. William Mercer, was being cancelled effective April 30, 2022. This is due to the continued delay in the final report being prepared and submitted to the LAA in a timely fashion. LLA will assign a new auditor to the Board at which time Mr. Granier will present the new contract to the Board President. No action was taken on this matter.

E. Updates to NAVLE Letter of Agreement

Mr. Granier presented the proposed addendum to the Letter of Agreement with ICVA for the national veterinary licensing examination (NAVLE) for review. No monies are involved in this contract as the applicant pays the examination fee directly to ICVA. These exam fees are increasing in the addendum. No action was taken on this matter, as the contract with ICVA runs until April 30, 2024.

V. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued

Mr. Granier reported all new licenses and certificated issued listed below from 1/20/22 to 03/18/22. Motion was made by Dr. Stevens to accept and ratify all issued licenses as given, seconded by Dr. Cataldo, and passed unanimously by voice vote.

License Number	Licensee	License Status	Initial License Date
10065	Erica Periman	DVM - Active	Feb-02-2022
10066	Brooke Eymard	DVM - Active	Feb-02-2022
10067	Claire Hannah	DVM - Active	Feb-03-2022
10068	Samantha Freudenthal	DVM - Active	Feb-03-2022
10069	Katie Burchfield	DVM - Active	Feb-03-2022
10070	Arturo Otamendi	DVM - Active	Feb-03-2022
10071	James Whitlow	DVM - Active	Feb-09-2022
10072	Joseph Incandela	DVM - Active	Mar-07-2022
10073	Danielle McCarthy	DVM - Active	Mar-07-2022

License Number	Licensee	License Status	Initial License Date
Faculty 1041	Stephanie Dennis	DVM - Faculty - Active	Feb-02-2022
Faculty 1042	Aubrey Traina	DVM - Faculty - Active	Mar-03-2022
Faculty 1043	Haley Leeper	DVM - Faculty - Active	Mar-08-2022

License Number	Licensee	License Status	Initial License Date
20034	Jacob Harris	RVT - Active	Mar-08-2022
20035	Chelsea Burns	RVT - Active	Mar-16-2022

License Number	Licensee	License Status	Initial License Date
9710	Greysheleka Lewis	CAET - Active - Full	Feb-02-2022
30026	Sasha Thomas	CAET - Active - Full	Feb-02-2022
30027	Jennifer Chartier	CAET - Active - Full	Feb-02-2022

B. Update: State Board Exam Online Option Through AAVSB

Mr. Vogt informed the Board he is still in negotiations with AAVSB related to the liability clauses of the contract for AAVSB to be our vendor for an online option to the State Jurisprudence Exam. Mr. Vogt expects resolution within a couple of weeks, at which point Mr. Granier can start working with AAVSB to get online exam created. No action was taken on this matter.

C. 2022 FARB Conference – July 21-22, 2022

Mr. Granier requested attendance approval for the 2022 FARB conference titled “2022 Innovation in Regulation Conference” on July 21-22 in Washington, D.C. This leadership conference will focus on workforce management, license mobility and misinformation in the regulatory space. Mr. Granier will present to the Board at its June '22 meeting an updated conference agenda and final estimated cost once more details are available. Motion was made by Dr. Cataldo approve attendance for Mr. Granier at the FARB conference on July 21-22, seconded by Dr. Findley, and passed unanimously by voice vote.

D. Lincoln Memorial CVM – Master of Veterinary Clinical Care Degree

The Board discussed the MVCC degree being offered by Lincoln Memorial and its potential impact on Registered Veterinary Technicians in the state. Advanced programs similar to the MVCC at Lincoln Memorial would not change the regulatory abilities of RVTs. And while the Board does not foresee any immediate need for regulatory change to current rules regarding RVTs, it will continue to monitor the national landscape on similar degrees being offered. No action was taken on this matter.

E. 2022 IPMA-HR Southern Region Conference, May 22-25, 2022 (Baton Rouge, LA)

Mr. Granier requested attendance approval for the 2022 IPMA-HR Southern Region Conference on May 22-25 in Baton Rouge, LA. The conference offers training in a variety of HR and management topics. Motion was made by Dr. Stevens approve attendance for Mr. Granier, seconded by Dr. Marullo, and passed unanimously by voice vote.

F. Report on AAVSB Board Basics & Beyond Conference, March 31 to April 2

Dr. Marullo and Mr. Granier presented reviews of topics and discussions from the 2022 AAVSB Board Basics and Beyond conference in Kansas City, MO. No action was taken on this item.

VI. CONTINUING EDUCATION ISSUES

A. None at this time

VII. PRECEPTORSHIP ISSUES

A. Review of Chimp Haven Application for Preceptorship Site Approval

The Board reviewed a preceptorship assessment questionnaire for Chimp Haven, a primate research facility. Upon review and in accordance with Rule §1103 of the LA Veterinary Practice Act, the request for preceptorship site approval was granted for Limited Approval. Motion was made by Dr. Marullo to grant Limited Approval, seconded by Dr. Cataldo, and passed unanimously by voice vote.

VIII. POLICY, PROCEDURE, AND RULES

A. General Update

1. *Status Update:* LAC 46LXXXV.303.803 - NAVLE waiver, VTNE waiver, & RVT State Board Exam Requirement

Pursuant to prior motion and approval from the Board, changes to Sections 303 B (4) (b) concerning the waiver of the re-taking of the NAVLE for out of state applicants for licensure where the test results are greater than five years old were made and formal Rule making protocol initiated to allow the Board greater discretion to award waivers. Additionally, changes to Rule 803 to allow a waiver process for RVTs seeking certification in Louisiana where the VTNE scores are greater than 3 years old were made and Rule making protocol initiated, along with a requirement that RVTs pass a state board exam in lieu of a state practical exam, the requirement of which was deleted from Rule 803 F. A discussion on the progress of formal Rule making was held. No motion made, and no action was taken on this matter.

2. *Rule Proposal:* Expedited Licensure for Active Military and Spouses

A discussion concerning the legislative mandate of Rule changes concerning the licensing of individuals with military training, licensing endorsements of military spouses and dependents as per La. R.S. 37:3651 as affecting present Rule 307 concerning the expedited issuance of license for individuals with military qualifications was had. General counsel was instructed to research and advise the Board on the feasibility of a new Rule combining the two provisions vs. separate Rule making to comply with 37:3651, and any related Rules requiring modification or amendment. General counsel will undertake this assignment and advise the Board at a later date. No motion made, and no action was taken on this matter.

3. *Discussion:* License Allows Intern Practice Prior to Issuance of License

Preliminary discussions concerning the issuance of faculty licenses to graduates of the LSU-SVM applying for internships considering the availability of out of state licenses without preceptorships and the necessity or desirability of licensing for the duties required and supervision in place for those duties. No consensus or direction was given, the matter to be considered on another date. No motion made, and no action was taken on this matter.

B. Policy and Procedure

1. None at this time

C. Declaratory Statements

1. None at this time

D. General Agenda

1. None at this time

E. Consent Agenda Opinions

1. Answered

- i. **Does Signature/Name Used at Clinic Have to Match Legal Name**

A query was posed by a veterinarian regarding the definition and use of “legal” and maiden names for practice identification, licensing and DEA registration purposes. The practitioner was advised that under Louisiana law the “legal” name of an individual remains the name on his/her birth certificate until a change is made by petition, which then becomes the “legal name”. For licensing purposes, the applicant was advised that if the license was issued using what is now the maiden name of the practitioner, upon renewal the present legal name should be used. For identification purposes at the practice, there is no prohibition to using a part of the legal name (e.g. maiden name with first name) as long as the non-use of the “legal name” is not done in a manner that would deceive the public as to the true identity of the practitioner.

- ii. **Protocols for Death of DVM / Clinic Owner**

The heir of a deceased veterinarian and clinic owner sought guidance from the Board regarding his obligation, if any, to keep the practice open so that clients’ records could be transferred. Additional questions concerning the inventory, safekeeping and disposal of controlled drugs were also posed. The Board advised that it does not regulate facilities but that a living licensee is obliged to keep records for 5 years from the date of the last treatment of a patient. The heir was referred to succession obligations, the DEA and the Louisiana Board of Pharmacy for advice on the questions posed.

- iii. **Written Prescriptions for Clients**

A licensed veterinarian requested guidance from the Board on his obligation under the Rules to honor requests by online pharmacy and retailers to fill prescription requests directly from the vendor, and must he maintain fax connections for that purpose vs. providing the client with a written prescription for a medication. Rule 705 G (1-4) was cited to the veterinarian which provides in part that the obligation to provide a written prescription under acceptable circumstances only applies to a direct request by a client with whom a veterinarian-client-patient relationship has been established.

- iv. **Restrictions on Marking Up Compounded Drugs**

A licensed veterinarian inquired as to the propriety of charging a client for compounded drugs beyond the actual cost of the components. With the assumption that no undisclosed agreement existed between the practitioner and the compounding pharmacy or the existence of a conflict of interest, or appearance of a conflict, the practitioner was cited the provisions of Rule 1039 A and the obligation to deal with clients on the highest plane of honesty, integrity and fair dealing in the amount charged for services, facilities, appliances and drugs. He was also cited the AVMA’s principles of veterinary medical ethics, adopted by the Board, which allows a veterinarian to charge for services performed, including a fee for services provided in conjunction with the use of third-party providers such as laboratories, pharmacies and consulting veterinarians. A veterinarian is also allowed to charge a fee for a

client's request for a prescription in lieu of dispensing, provided said fees are fairly reflective of the work done.

- v. **Is it Required to Maintain Paper and Digital Records for Five Years**
A query was posed regarding the Rule requirement of maintaining medical records for 5 years in the context of transitioning from paper to a paperless records system - i.e. do both or parts of paper files have to be maintained? Section 701 of the Board Rules allow for the maintenance of electronic records and no particular format is required by Rule. However, the format must allow both the attending veterinarian and any subsequent attending veterinarian access for the benefit of a patient. Further, consent forms must be in a form so as to allow the reproduction and capture of a signature by the client.
- vi. **Questions Regarding Pet Crematory Licensing**
An individual inquired of the Board information concerning the licensing of pet crematories and was referred to the Sanitation Code, outside the province of the Board, for provisions concerning the disposition of animal remains. The State's Public Health Veterinarian was identified with contact information as well.
- vii. **Exotic Animals / Wolf-Dog Hybrid**
A veterinarian received a call from a prospective, out of state client concerning a specialized procedure needed for a patient the caller indicated was 37.5 per cent wolf mix. No documentation or records were, at that time provided. The caller cited a provision that is provided as a courtesy on the Board's website, LAC Title 76, part V, regarding the possession of potentially dangerous wild quadrupeds, including Wolf-Dog hybrids. The question posed was whether these provisions prohibited the veterinarian from examining/treating the animal. After advising that the provision as cited had been amended and was not a regulatory component of the Board's jurisdictional authorities, the veterinarian was referred to the LDWF. However, it was noted that the prohibition against possessing a wolf-dog hybrid had expired on January 1, 1997, subject to local ordinances. Without an authoritative opinion given, the veterinarian was advised of the changes in the LAC provisions concerning the prohibited possession of an animal that is indistinguishable from a wolf or represented to be a wolf in the absence of bona fide documentation to the contrary. The treatment of animals the State prohibits the possession of is not addressed in the Board's regulatory authorities and the veterinarian was referred to the LDWF for an authoritative response to the question posed.
- viii. **Are Complaints Considered Public Record**
The Board received a question concerning complaints filed against a veterinarian - i.e. are they public records? The question as posed was answered in the negative. The Public Records Law provides an exception to a records production where records concerning the fitness of any person to receive or continue to receive a license is involved. Such are not public records - only a "final determination made by the board and any legal grounds upon which the action is based" are public records. Without such a final determination, a complaint is not a public record.
- ix. **Non-Veterinarian Ownership of a Clinic**
The sister of a licensed veterinarian who owns a veterinary practice inquired whether, as a non-veterinarian, she could purchase a portion of the practice.

Rule 1015 was cited as authority allowing the owner, member, officer or director of a business entity to be a non-veterinarian. The personal responsibility of the licensed veterinarian practicing at such a facility is maintained by Board Rule, which includes control of decision-making authority notwithstanding practice ownership.

x. **How Long to Keep Euthanasia Paperwork at LASPCA**

A CAET posed a question to the Board, essentially: how long does a paper document have to be maintained when its contents are also maintained electronically? She was advised that dual maintenance is not required but that either form must be maintained for a period of 5 years from the last record of treatment/evaluation (see item vi, above). Records concerning controlled drug inventory must be kept 5 years from the end of the calendar year for which they are kept. These provisions apply to licensed veterinarians in LA, which may not be applicable to the context of the inquiry.

xi. **Paper Versus Digital Recordkeeping**

Another paper to digital record keeping system query was posed. A response as per items vi and xi, above, was given.

2. Proposed

i. None at this time

F. Expedited / Emergency Opinion

i. None at this time

After review and discussion of all General Agenda and Consent Agenda Opinion items, motion was made by Dr. Stevens, seconded by Dr. Findley, to ratify the responses. Motion passed unanimously by voice vote.

(Public Comments)

Dr. Stooksbury was present at the meeting to discuss her waiver requests for the preceptorship and NAVLE retake with the Board. Motion was made by Dr. Stevens to go into executive session and invite Dr. Stooksbury into executive session to discuss her confidential request for waiver, seconded by Dr. Findley, and passed unanimously by voice vote. After making her presentation to the Board, Dr. Stooksbury was asked to step out of the meeting for Board discussion. Motion was made by Dr. Stevens to come out of executive session vote on and to present to Dr. Stooksbury the Boards decision – seen below - on her waiver request, seconded by Dr. Findley, and passed unanimously by voice vote. Dr. Marullo motioned to go back into executive session to discuss the remaining confidential matters regarding licensees and applicants not subject to public disclosure as per the law, seconded by Dr. Findley, and passed unanimously by voice vote.

IX. ADMINISTRATIVE HEARINGS

A. None at this time

X. DVM, RVT, AND CAET ISSUES

A. None at this time

XI. DVM APPLICANT ISSUES

- A. Jonathan Bergmann, DVM - Request Waiver of Preceptorship & NAVLE Retake**
The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Bergmann. Motion was made by Dr. Cataldo, seconded by Dr. Marullo, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria 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. Alana Canupp, DVM - Request Waiver of Preceptorship & NAVLE Retake**
The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Canupp. Motion was made by Dr. Cataldo, seconded by Dr. Marullo, to approve waiver of retake of the national examination and preceptorship requirements as the documents provided meet the waiver criteria 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. Bianca Le, DVM - Request Waiver of Preceptorship**
The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Le. Motion was made by Dr. Cataldo, 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 time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- D. Ashton J. Richardson, DVM - Request Waiver of Preceptorship**
The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Richardson. Motion was made by Dr. Cataldo, 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 time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.
- E. Lara Stooksbury, DVM - Request Waiver of Preceptorship & NAVLE Retake**
The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Stooksbury as well as her testimony and presentation. Motion was made by Dr. Cataldo, seconded by Dr. Marullo, to deny waiver of retake of the national examination and preceptorship requirements as the waiver criteria of full-time employment was not met for the period of time immediately preceding the date of application. Motion passed unanimously by voice vote.
- F. John Trahan, DVM - Request Waiver of Preceptorship**
The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Trahan. Motion was made by Dr. Cataldo, 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 time period immediately prior to application, and licensure in good standing in another jurisdiction. Motion passed unanimously by voice vote.

XII. EXECUTIVE SESSION

A. Update on Civil Litigation

The Board requested an update on the status of a civil suit filed by the board against a non- licensee practicing veterinary medicine - equine dentistry - without being employed by a veterinarian, having the status of a registered equine dentist or being a licensed

veterinarian. General counsel provided the update.

B. Operational Guidance Request Related to NAVLE/Preceptorship Waiver Petitions

The Board was advised of requests for the issuance of licenses to out of state licensees who do not qualify for immediate issuance of licenses - i.e. where a waiver is required, where the application falls between Board meetings. The Board gave instructions that a formal board decision is needed where a waiver is requested (e.g. NAVLE retake/preceptorship) and that provisional licenses are not authorized by the Practice Act or Board Rules in such a context.

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

XIII. ADJOURN

There being no further business before the Board, motion was made by Dr. Marullo, seconded by Dr. Findley, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 2:40pm.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on June 2, 2022.

Trisha C Marullo
Trisha C Marullo (Jun 7, 2022 11:22 CDT)

Trisha Marullo, DVM, Board Secretary-Treasurer