

## LA Board of Veterinary Medicine – Board Meeting Agenda – June 6, 2024

### I. CALL TO ORDER

Board President, Dr. Trisha Marullo, called the meeting to order at 8:39am.

### II. ROLL CALL

Roll call was taken by Board Secretary-Treasurer, Dr. Cataldo-Rogers, as follows:

Those present:

Trisha C. Marullo, DVM	Board President
Larry L. Findley, Sr, DVM	Board Vice President
Keri A. Cataldo-Rogers, DVM	Board Secretary-Treasurer
Jesse S. Brandon, DVM	Board Member
Christine D. McHughes, DVM	Board Member
Jared B. Granier	Board Executive Director
Stephen H. Vogt	Board General Counsel

The Board's Statement of Obligations (below) was read aloud by Dr. Cataldo-Rogers to all present for the meeting. Attendees were given the opportunity to introduce themselves (if desired) and to make public comments to the Board. No written comments were received prior to June 6, 2024.

**Statement of Obligations, Revised by Board Legal Counsel on October 6, 2020** – The Louisiana Board of Veterinary Medicine (being a state regulatory agency within the LA Department of Agriculture and Forestry) is a governmental entity whose mandate is to protect the public/animals by enforcing its jurisdiction of interpreting and implementing applicable laws, and the rules it promulgates, regarding the acceptable standard of veterinary care in LA. The Board has sole and sovereign authority in Louisiana over the practice of veterinary medicine as granted to it by the Legislature. The Board members are appointed by the Governor and confirmed by the Senate and take an Oath of Office. The Board members in discharge of their duties are also held to the ethical standards of state government officials. By statute, candidates for the Governor's consideration for appointment to the Board are made by the state professional association. While a Board member may hold general membership in a professional association, he is legally and ethically bound to his Oath of Office and will discharge his duties without any considerations or goals beyond his lawful obligations on the Board. A Board member does not represent the interests of the practitioners of veterinary medicine or a professional association while he serves on the Board, nor will he use his office to engage in any conduct which may constitute restraint of lawful trade.

### III. APPROVAL OF MINUTES

#### A. Board Minutes for April 4, 2024

The Board reviewed minutes from April 4, 2024. With no discussion on the minutes, motion was made to accept the minutes as given by Dr. Findley, seconded by Dr. Brandon, and passed unanimously by voice vote.

### IV. FINANCIAL MATTERS & CONTRACTS

#### A. Financial Reports – March & April '24

Mr. Granier presented the financial reports for the months of March and April '24 for review by the Board. Mr. Granier informed the Board that all financial matters are in order. There were no questions regarding financial reports reviewed by the Board

members. Motion was made by Dr. Findley to accept the financial reports as presented, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice vote.

**B. FY2024 Year-End Budget Projection Review**

Mr. Granier presented a preliminary amended budget for FY2024 for Board review and discussion. FY2024 budgeted figures were adjusted to bring the FY2024 final budget within acceptable variances in accordance with the '23 Legislative Auditor's AUP Reporting. Mr. Granier will present to the Board a final amended budget for FY2024 at the August '24 meeting. Motion was made by Dr. Findley, seconded by Dr. Cataldo-Rogers to approve the preliminary amended budget as presented. Motion passed unanimously by voice vote.

**C. Investments, CDs - FY 2024**

Mr. Granier reviewed accrued interest amounts for current certificates of deposit (CDs) for FY2024. CDs will continue to roll over as they mature unless withdrawal is requested from the Board by Mr Granier. It was indicated that the most recently matured CD on June 3, 2024 was reinvested with an interest rate of 5.10%, down from 5.50%. Motion made by Dr. Findley, seconded by Dr. Cataldo-Rogers, to accept the investment report as presented. With no further discussion, the motion passed unanimously by voice vote.

**D. Election of Officers (Effective 8/1/24) - Review of Board Member Positions**

Motion was made by Dr. Cataldo-Rogers, seconded by Dr. Brandon to nominate Dr. Findley as President. Motion passed unanimously by voice vote.

Another motion was made by Dr. Brandon, seconded by Dr. Marullo to nominate Dr. McHughes as Vice-President. Motion passed unanimously by voice vote. A final motion was made by Dr. Marullo, seconded by Dr. Cataldo-Rogers to nominate Dr. Brandon as Secretary-Treasurer. Motion passed unanimously by voice vote. Election for the nominations was held, with unanimous roll call votes all in favor of the selections.

Motion was made by Dr. Cataldo-Rogers to install, by acclamation, Dr. Larry Findley Sr., as Board President, Dr. Christine McHughes as Board Vice-President, and Dr. Jesse Brandon, as Board Secretary-Treasurer for Fiscal Year 2025. The motion was seconded by Dr. Findley and passed unanimously by voice vote, effective August 1, 2024.

**E. Status of New Board Member Appointments**

Mr. Granier informed the Board that on May 21, 2024, the Governor's Office confirmed the appointments of Drs. McHughes and Brandon. No motion made or action taken on this matter.

**F. Contract/Banking Authority (President, Secretary-Treasurer, Director)**

Authorization to sign checks drawn on the Board's account was given to Dr. Larry Findley, Board President-elect, Dr. Jesse Brandon, Board Secretary-Treasurer-elect, and Mr. Jared Granier, Executive Director, effective August 1, 2024. Motion was made by Dr. Findley, seconded by Dr. Cataldo-Rogers and passed unanimously by voice vote.

**G. Contract Review – HPFLA (Peer Assistance Program)**

Mr. Granier presented the proposed contract renewal with the Healthcare Professionals' Foundation of Louisiana for review. HPFLA is the wellness advocacy and monitoring group for the Board's Peer Assistance Program. The proposed contract would span for FY2025 to FY2027, with a ceiling of \$13.50 per active licensee cost (approximately \$30,000 annually). Motion was made by Dr. Findley, seconded by Dr. Cataldo-Rogers to approve the contract. Motion passed unanimously by voice vote.

#### **H. Contract Review – Thibaut, Thibaut, & Vogt (Legal Counsel)**

Discussion on this agenda item was moved to into executive session. Mr. Granier presented a renewed contract with Thibaut, Thibaut, & Vogt, LLC for legal services for FY2025 to FY2027. While the contract was a single year for FY2024 as required by the Louisiana Office of State Procurement, the Board would like to renew the legal contract for three years, if permitted. Upon conclusion of all executive session items and with the Board returned to regular session, motion was made by Dr. Findley to accept the renewed contract with condition that it be written for a three-year term, if allowed by the LA OSP. The motion was seconded by Dr. Brandon. With no further discussion, the motion passed unanimously by voice vote.

#### **I. Contract Review – Dept. of Justice Occupational Licensing Review Program**

Mr. Granier presented the proposed contract renewal for participation in the OLPR. The OLRC currently provides active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. Motion was made by Dr. Brandon, seconded by Dr. Findley, to approve participation by the Board in the DOJ's OLRP program for FY2025. With no further discussion, the motion passed unanimously by voice vote.

#### **J. Request for Purchase of New Computer Hardware**

Motion was made by Dr. Marullo to add this item to the agenda for discussion, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice. Mr. Granier then presented a quote for the purchase of new computer hardware to replace the current hardware which is over 13 years old. The quoted amount of \$1,847.14 for two new hard drives and required display cables was presented to the Board for review. Motion was made by Dr. Cataldo-Rogers, seconded by Dr. Brandon, to approve request to purchase new computer hardware as quoted by Mr. Granier. With no further discussion, the motion passed unanimously by voice vote.

### **V. STATUTES, RULES, POLICIES & PROCEDURES**

#### **A. Rulemaking Projects, Proposals, & Discussions**

##### **1. LAC 46LXXXV.103 - Meetings of Boards via Electronic Means**

Mr. Granier updated the Board on the rulemaking process regarding section 103 of LAC 46:LXXXV. The final rule was published in the *Louisiana Register* May '24 edition on May 20<sup>th</sup>. The final rule will be effective on the date of promulgation. No action was needed or taken on this item.

##### **2. LAC 46LXXXV.400.403.405.409.411.413.800.811.1200.1227 - Chapter 4. Continuing Education and Rules 811 & 1227**

Mr. Granier advised the Board that the Notice of Intent - which amends Chapter 4 as well as Chapters 8 and 12 of LAC 46:LXXXV relative to the definition of online continuing education and the maximum hours for online continuing education – was published in the *Louisiana Register's* March 20 the edition. Following publication, the Board received only one comment during the period of public comment. The comment addressed a clerical error in the writing of the Notice of Intent regarding the maximum number of allowable online continuing education hours for RVTs (Registered Veterinary Technicians). The public comment submission and response along with the correction was be submitted for review and approval in the Summary Report to the Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development as well as the Louisiana Department

of Justice's Occupational Licensing Review Program. No motion made, and no further action was taken or needed on this matter.

**3. LAC 46LXXXV.Chapter 10 - Repromulgation of Rules of Professional Conduct**

In accordance with the 2022 Louisiana Administrative Code Review, after a comprehensive review of Chapter 10 the Board repromulgated all sections of Chapter 10 that were not amended in V.A.4 of the agenda below. The request for repromulgation was submitted to the *Louisiana Register* and published in the Louisiana Register May '24 edition on May 20th. No motion made, and no further action was taken or needed on this matter.

**4. LAC 46LXXXV.1007.1011.1025.1039.1051.1057.1063 - Rules of Professional Conduct**

On May 8th, 2024, the Notice of Intent and Fiscal & Economic Impact Statements were submitted to the Louisiana Legislative Fiscal Office for review. Mr. Granier informed the Board that approval from the LA LFO is still needed before moving forward with the rulemaking process. No motion made, and no further action was taken or needed on this matter.

**5. LAC 46LXXXV.Chapter 7 - Veterinary Practice**

The Board reviewed a Notice of Intent drafted by Mr. Granier in accordance with the proposed changes by the Board at its Oct. '23 meeting for rule amendments to section §700 relative to the definition of the Veterinary-Client-Patient-Relationship, and section §705 relative to the allowable drugs prescribed and dispensed to deer farmers. Sections §701, §702, §704, §707, §712, and §714 were also included for housekeeping changes with no substantive overall effect to the Chapter. Motion made by Dr. Cataldo-Rogers to approve moving forward with the rulemaking process for these sections and with the repromulgation process of all Chapter 7 sections not amended in the Notice of Intent, seconded by Dr. Findley. With no further discussion, the motion passed unanimously by voice vote. The rulemaking process for the Notice of Intent and the request for repromulgation will begin as soon as possible by Mr. Granier.

**6. LAC 46LXXXV.Chapter 9 - Review of Peer Assistance Program for Impaired Veterinarians**

In accordance with the 2022 Louisiana Administrative Code Review, the Board conducted a comprehensive review of Chapter 9. After extensive discussion, motion was made by Dr. McHughes to repromulgate all sections of Chapter 9, seconded by Dr. Findley. With no further discussion, the motion passed unanimously by voice vote. The request for repromulgation will be submitted by Mr. Granier to the *Louisiana Register* for publication in the June '24 edition on June 20<sup>th</sup>.

**7. LAC 46LXXXV.Chapter 13 - Review of Zoo Personnel**

In accordance with the 2022 Louisiana Administrative Code Review, the Board conducted a comprehensive review of Chapter 13. The Board discussed enforcement of sections §1303.C, §1305.B, and §1305.C, and instructed Mr. Granier to begin steps to gather these documents from these licensed veterinarians for Board review. After discussion, motion was made by Dr. Findley to repromulgate all sections of Chapter 13, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice vote. The request for repromulgation will be submitted by Mr. Granier to the *Louisiana Register* for publication in the June '24 edition on June 20<sup>th</sup>.

## **B. Policies and Procedures**

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 – Answered**

### **1. Is the 3-Year Rabies Vaccine Accepted in Livingston Parish**

A licensed veterinarian practicing in Livingston Parish asked if a three year Rabies vaccine was “legal” in that Parish, wishing to convert his patients to same per manufacturer’s instructions. He was reminded that the Louisiana Department of Health has exclusive jurisdiction of this issue under the Rabies Control Law, La.R.S. 40:1269.1. The board requires that its licensees obey all local, state and federal laws and regulations, but it is not the primary regulator over all things concerning patient care. Contact data was given so that the practitioner could obtain an authoritative opinion.

### **2. Is it legal for a non-veterinary party to attempt to restrict or censor a DVM's professional communications regarding a case for which they were the attending DVM**

A licensee asked of the board of the “legality” of non-veterinarians restricting his access to information and consultations relevant to his practice and the care of aquatic animals. The context was that the attending veterinarian had reached out to the professional community for input relevant to patient care, designed to be confidential. The employer of the licensee objected to this effort and subsequently required the attending veterinarian to obtain permission to communicate with persons outside employment. The veterinarian asked of the legality of this practice and restrictions imposed by a non-veterinarian employer. The licensee was advised that the board can only respond to issues that arise under the specific regulatory provisions with which the board has been given to regulate the practice of veterinary medicine in the state (Practice Act, Board Rules and AVMA’s ethical principles) and does not give advice on legal matters involving general civil and criminal laws, including laws governing employment matters. The licensee was advised that irrespective of employer dictates, a licensee is required to follow the board’s regulations and under the difficult circumstances of having to choose regulatory compliance vs. employer dictates, must opt for the former. The board does not have the power to regulate facilities, and looks to the obligations of the licensee that actually provides patient care for compliance with its regulations. See Rule 1015.

### **3. Can a Shelter Hire a Person Who Tests Positive For Marijuana if They Don’t Handle Medications**

The operator of a local shelter that tests all employees for the use of marijuana, on or off the job, asked the board if it were permissible to hire a person who had tested positive for off the job use where the potential employee would not be involved in the health care of patients (e.g. kennel worker), concerned about DEA regulations since its veterinarians were registered by the DEA and kept regulated medications on premises. The inquirer was advised that the board does not regulate the hiring of

employees for facilities that may provide health care to animals, and does not have the power to regulate facilities as such. While some workers may not be certified by the board, or be subject to disqualifying sanctions for drug use, their hiring is not a regulated matter. Further, a licensee may be prohibited from the delegation of duties to an employee assistant who is not qualified to perform those duties under the board's regulations, but the board does not have the power to regulate hiring practices as such. A kennel worker is not typically thought of as providing services that would constitute "the practice of veterinary medicine" that would involve the analysis of whether a delegation of duties was proper by a licensee knowing of impairing drug use by an employee. The licensee was also reminded that the possession of a DEA registration is not required by a licensee to practice veterinary medicine in Louisiana, but where a veterinarian does hold a registration, compliance with DEA regulations is required.

**4. It is Legal to Use a Rubber Signature Stamp on Rabies Certificates, Health Certificates and Prescriptions**

A licensee requested guidance from the board on the use of a rubber stamp as a signature on Rabies certificates, health certificates and prescriptions vs. a physical signature by the licensee. The licensee was advised that the Louisiana Board of Pharmacy has exclusive jurisdiction regarding the validity of a signature for a prescription of controlled drugs, and contact data was given to obtain an authoritative answer on that portion of the query. A rubber stamp signature is generally considered a facsimile of a signature under general legal principles. The use of such for Rabies certificates was deferred to the state medical officer and the exclusive jurisdiction of the La. Dept of Health, and contact data was given. As to the use of a rubber stamp signature on certificates of health, the Board Rules (1033) provide that only a licensed veterinarian can sign a certificate of health. To the extent the query is affected by that rule, the board requires a physical signature. The licensee was reminded, however, that the issue crosses jurisdictional lines and that the FDA may have its own regulations concerning the efficacy of signatures on certificates of health for animals to be transported across state lines.

**5. Is There an Explicit List of Allowed Duties for Veterinary Assistants**

This query is one frequently received by the board. Neither the current board nor its predecessors have attempted to codify all things that may be properly delegated to "veterinary assistants", as the answer to that question is exquisitely fact sensitive, depending on the qualifications of the assistant, the setting of the delegation, the degree of supervision by the delegating veterinarian and an interpretation of whether the specific duty sought to be assigned comes within the terms of the general prohibition that prevents all but licensed veterinarians from making a diagnosis, prognosis, prescribing, or performing surgery. Other stated prohibitions are the performing of "dental operations" as defined by Rule. The licensee making the inquiry was encouraged to narrow the scope of the query to specific duties but that as posed the question was too broad for a response.

**6. How Would I Go About Becoming a Registered Equine Dentist**

A layperson inquired of the method of becoming a "registered equine dentist" and was advised that the Louisiana legislature has prevented any further titling of "registered equine dentists" in Louisiana, having grandfathered those REDs in from future prohibitive legislation. The inquirer was advised of the ability of individuals to perform certain acts as direct employees of licensed veterinarians which would generally constitute the acts of an equine dental assistant (i.e. RVTs and persons with adequate training as approved by the board) and was advised of the requirements precedent to providing those services as a dental assistant - e.g. the

nature of employment with the employing veterinarian, the degree of supervision, the tasks allowed and prohibited, record keeping and VCPR establishing requirements, etc. This is a frequent query and more detailed responses can be found in prior board meeting minutes.

**7. What Are The Requirements for DVMs to Provide Emergency Services for Their Clients' Pets**

Are licensed veterinarians required to open their doors for emergency treatment services for established patients when there is no local facility that provides such services? A licensee asked the board of any regulatory requirement in such communities. The board does not require a facility to open to the public to provide emergency services per se. The board does not regulate facilities but does regulate those that practice veterinary medicine. In some instances the board may require a licensee to offer emergency services to an established patient (pending transportation to an emergency clinic), or to a new patient during regular office hours, but it does not designate what hours a facility must be available to provide veterinary services, emergency or otherwise. The board does require veterinarians who work in emergency facilities to post the hours of operation, and requires that licensees provide their clients with readily available information as to where emergency services may be obtained, consistent with the needs of the community. However, the board does not dictate when services of an emergency nature must be provided, generally.

**8. Can I Provide Telehealth Video/Phone Consults to Provide General Medical Advice, Triage & Educational Support to Pet Parents**

A licensed veterinarian inquired of the board the regulatory propriety of employment to provide, by electronic means only, "video consults" with non-established clients to provide "general medical advice", "triage" and "support or educational materials". The inquirer acknowledged under such proposed employment a VCPR would not be established and stated there would be no "diagnosing or prescribing of medications". The licensee was advised that the query lacked sufficient detail for an authoritative response, but was cautioned as follows - the "practice of veterinary medicine" is broadly defined under the Practice Act. In order to ethically practice veterinary medicine, a valid VCPR must first be established, which requires a physical examination. Under prior board decisions, advising a pet owner whether emergency care is needed is in fact a diagnosis of the exclusion of life-threatening conditions, which requires the VCPR established. Further general medical advice is seldom "general" - the pet owner is concerned with the condition of a particular animal, not what may be encountered by the public generally. Advice of such patient specificity requires the establishment of a VCPR and even advising of the use of over-the-counter medications comes within the definition of "prescribing" under the Board Rules, also requiring the prior establishment of the VCPR and its requisite physical examination.

**9. Allowing DVMs to Consult with Their Patients About CBD for Their Pets**

A licensee asked the board to be able to discuss with their clients the benefits of the use of CBD containing products after erroneously framing the issue around the premise that DVMs are not allowed to discuss these products with their clients. There have been numerous queries posted over the last few years concerning what practitioners are allowed to discuss, recommend or sell to clients and the regulatory parameters of such activities. The licensee was advised that there is no prohibition of veterinarians discussing CBD containing products with their clients by the board, nor could a reference in the past be found. Historically, any product prior to the passage of the Farm Bill that contained any compound from cannabis was a

scheduled 1 substance by the DEA and there would have been no purpose for a veterinarian-client discussion regarding such products as they could not be used for any purpose. However, hemp (as defined by law) may now be possessed in Louisiana legally. It is still regulated by the FDA, however, which forbids its marketing as a therapeutic product which can prevent, mitigate or cure a disease or is intended to affect the structure or function of the body (a drug). Further, legal hemp cannot be added to any animal food under FDA regulations. The licensee's duty is to assure what is sold to a client is legal under Louisiana and federal laws, and, as with any product, that it is efficacious for its intended use. To date, the FDA has not fashioned a framework for the use of hemp containing products due to the absence of pre-approval clinical studies.

#### **10. Must DVM Have VCPR to Authorize Rx & Does It Apply to Individual DVMs, Not the Hospital**

A licensee asked of the board whether a VCPR has to be established to authorize a prescription for a patient in the context of authorizing an online prescription request where the veterinarian who examined the patient is absent. The records of the patient are available for inspection under this scenario. The board responded that in order to issue a prescription a VCPR must first be established. The record keeping standards require that the veterinarian note in the patient's records the drug, dosage, method of administration and number of authorized refills for the prescription. If the veterinarian that did not have the VCPR with the client and patient is asked to refill the prescription, this is acceptable provided its refill is authorized in the medical record and there are no changes in the route of administration or dosage, nor any reason to believe the patient, if presented, would have a different condition if properly diagnosed.

#### **F. Consent Agenda Opinions – Proposed**

##### **1. Follow-up to “If Owner Purchases Injections, Can We Administer the Drug”**

A licensee who had first inquired of the board whether it was appropriate to administer on behalf of clients a “black market” drug for FIP, the drug being purchased by the client, asked for a follow up decision after additional research conducted since the first query was made. The board noted that the agent has not been approved for animal use and cannot be used “off label” as an unapproved FDA drug. Therefore, it cannot be administered by the licensee.

#### **G. Consent Agenda Opinions - Expedited / Emergency Opinions**

##### **1. How to Handle Possible Abandonment of Patient at LSU SVM**

A licensee asked the board about obligations to treat or stabilize a patient under these circumstances. A client presented a patient for treatment for symptoms following exposure to harmful chemical, then authorized minimal treatment designed to stabilize the patient. After the patient was taken into the treatment portion of the facility, the client revoked all permission through the front desk staff, then disappeared and actively avoided all communications thereafter. No payment was made for the authorized services before the client left the premises. Services that would be recommended going forward would be for maintenance (IV therapy and efforts to elevate the patient's temperature via ICU admission) until further assessment was clinically warranted. The licensee wanted to know the obligations of the school going forward. She was advised under the civil laws of abandonment the steps necessary to have a patient deemed abandoned (civil laws) and that ethical considerations require efforts to prevent suffering and to save life, with euthanasia in extreme cases deemed ethical treatment. These decisions must be made in good



faith by the practitioner on a case-by-case basis and the board cannot advise as to the exposure of the licensee to civil law obligations.

After review and discussion of all General Agenda and Consent Agenda Opinion items, motion was made by Dr. Cataldo-Rogers, seconded by Dr. Brandon, to ratify all opinions given. Motion passed unanimously by voice vote.

## **VI. MISCELLANEOUS MATTERS**

### **A. New Licenses and Certificates Issued**

Mr. Granier reported all new licenses and certificates issued - 59 total listed below - from 03/14/24 to 05/15/24. Motion made by Dr. Findley to accept and ratify all issued licenses as given, seconded by Dr. McHughes, and passed unanimously by voice vote. *{List of all new licenses and certificates issued can be found at the end of this document.}*

### **B. Office Updates – Applications, Renewals, Active Licensees, Complaints**

Mr. Granier reported to the Board statistics on applications, complaints, and continuing education review requests from March 14, 2024 to May 15, 2024. No motion made and no further action was taken on this matter. *{All statistics reported can be found at the end of this document.}*

### **C. Report on April 19th CAET Training at LASPCA in New Orleans, LA**

Mr. Granier and Dr. Cataldo-Rogers reported on the April 19<sup>th</sup> CAET training held at the LASPCA in New Orleans, Louisiana. There were 31 scheduled attendees for the CAET training. The LASPCA was a great facility and future CAET trainings are planned to be hosted at that facility. No motion made or action taken on agenda item.

### **D. AAVSB Annual Meeting – San Diego, CA, Sept. 25 to 28, 2024**

Mr. Granier reminded the Board of the AAVSB's 2024 Annual conference being held in San Diego, CA on September 25<sup>th</sup> to 28<sup>th</sup>. Mr. Granier's attendance is funded by the AAVSB as he is a committee member on the AAVSB Student Outreach Task Force. The AAVSB will fund at least one other attendee as the voting delegate from the Board. Dr. Findley also expressed interested in attending. Motion was made by Dr. Cataldo-Rogers, seconded by Dr. Marullo, for Mr. Granier to attend the conference for Mr. Granier and Dr. Findley. Motion passed unanimously by voice vote.

### **E. Executive Director Nomination for Seat on AAVSB's Board of Directors**

Dr. Marullo notified the Board of her letter of support for Mr. Granier's nomination for a possible seat on the American Association of Veterinary State Board (AAVSB) Board of Directors. The AAVSB will hold elections for its available seats on the Board of Directors at the 2024 annual conference being held in San Diego, CA on September 25<sup>th</sup> to 28<sup>th</sup>, 2024. Other Board members expressed their support of and enthusiasm for Mr. Granier's nomination. No motion made, and no further action was taken or needed on this matter.

## **VII. CONTINUING EDUCATION ISSUES**

### **A. CE Review Request – AMA-Sponsored “Digestive Disease Week”**

The Board was presented a request for continuing education approval by a licensee for attendance at the Digestive Disease Week conference sponsored by the American Medical Association. After discussion, motion was made by Dr. Findley to deny the acceptance of this continuing education activity for the annual license renewal, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice vote.

Motion made by Dr. Findley to go into executive session to discuss confidential matters regarding licensees, applicants, and administrative hearings not subject to public disclosure as per the law, seconded by Dr. Marullo, and passed unanimously by roll call vote.

All votes noted for the following agenda items in executive session were made at the end of discussion and out of executive session.

## **VIII. ADMINISTRATIVE HEARINGS**

### **A. Case #24-0206 – Proposed Consent Order**

A complaint was filed against a Louisiana licensee by an out of state resident who had consulted with the licensee via the internet with a “immediate advice” service. Communications were by text messages and concerned whether the complainant’s dog was in need of emergency services after ingesting a large amount of pizza dough. No VCPR was established as there was no physical examination of the patient. The licensee prescribed the use of an over-the-counter medication, then advised of the propriety of the use of an old prescription medication to assist the patient. When the patient’s condition changed, the licensee was not available for follow up consultation, which prompted the complainant to seek emergency care for the patient. She was advised that the patient did indeed have a condition requiring emergency care, that the advice given by the licensee was at best incomplete and at worst erroneous, and that the prescribed medication inhibited the care required at the emergency facility. The investigating board member found probable cause to proceed with a formal hearing based on unethical conduct (treatment/prescribing without a valid VCPR) and malpractice. A consent order was approved whereby the licensee was fined \$2000 (four violations, \$500 each), required to reimburse the board for the costs of its investigation (\$2000) and required to obtain an additional two hours of CE. Motion was made by Dr. Marullo to accept the conditions of the Consent Order, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice vote.

### **B. Case #24-1130 – Proposed Consent Order**

A licensee on renewal failed to disclose recent disciplinary action taken against her in another state. The basis for the disciplinary action in the neighboring state was the failure to disclose disciplinary action in a third state. The respondent’s explanation for the failure to disclose these matters to the board was unconvincing and supportive of a finding the falsifications were intentional and designed to avoid scrutiny of the board of the qualifications for renewal of a license. The board had accepted a similar explanation given by the Respondent upon initial licensure in Louisiana without taking action against Respondent. The investigating board member found probable cause to believe the Respondent engaged in a pattern of conduct that was deliberate and unethical. Rather than accept the terms of a Consent Order, the Respondent requested that her license be revoked in Louisiana. Motion was made by Dr. Marullo to accept the conditions of the Consent Order, seconded by Dr. Cataldo-Rogers. With no further discussion, the motion passed unanimously by voice vote.

## **IX. LICENSING ISSUES**

### **A. Case 21-1006 I**

A licensee practicing under a suspended license, with the suspension stayed while successfully participating in an approved drug treatment program, breached the terms of the program and took from a clinic prohibited drugs, diverting them to her own use. The stay of the suspension was lifted upon a showing of surveillance film and verbal testimony. The license is suspended indefinitely. Motion was made by Dr. Marullo to lift

the stay of the suspension from the Consent Order, effective June 6<sup>th</sup>, 2024. With no further discussion, the motion passed unanimously by voice vote.

## **X. APPLICANT ISSUES**

### **A. Travis Rollason, DVM – Waiver Request of NAVLE Retake**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Rollason. Motion made outside of executive session by Dr. Marullo, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

### **B. Shelly Ferris, DVM – Waiver Request of NAVLE Retake**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Ferris. Motion made outside of executive session by Dr. Marullo, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

### **C. Staci Jules, DVM – Waiver Request of NAVLE Retake**

The Board reviewed supplemental documentation submitted with the application for licensure from Dr. Jules. Motion made outside of executive session by Dr. Marullo, seconded by Dr. Cataldo-Rogers, to approve the requested waiver of the national exam retake requirement as the documents provided supported the waiver criteria for the required period of time immediately prior to application, and registration in good standing in another jurisdiction. Motion passed unanimously by voice vote.

### **D. Allison Searcy – Application Denial Due to Five Unsuccessful Attempts**

At the request of Mr. Granier, motion made by Dr. Marullo to add this item to the agenda for discussion, seconded by Dr. Cataldo-Rogers. Motion passed unanimously by voice vote. The Board discussed rule §303.B.7 which limits applicants to no more than five attempts to sit for the national exam, thereafter the applicant is no longer eligible for licensure in Louisiana and any application submitted is rejected. The Board reviewed application documentation along with national exam score history for Dr. Searcy. Motion made outside of executive session by Dr. Marullo, seconded by Dr. Cataldo-Rogers, to deny Dr. Searcy's application for licensure pursuant to rule §303.B.7. Motion passed unanimously by voice vote.

Upon conclusion of all administrative, licensing, and applicant discussions in executive session, motion made to return to regular session by Dr. Findley, seconded by Dr. Cataldo-Rogers, and approved unanimously by voice vote. All votes and action taken related to administrative hearings, applicant issues, and licensee issues above were made out of executive session.

Motion made by Dr. Findley to go into executive session to discuss confidential matters regarding civil litigation, legal consultation, and personnel reviews not subject to public disclosure as per the law, seconded by Dr. Marullo, and passed unanimously by roll call vote.

## **XI. EXECUTIVE SESSION**

### **A. *Update:* Civil Litigation, LBVM vs. O. Nyzhnyk (Suit No. 2021-9164 A)**

The Board was briefed on the status of its suit against an individual practicing equine dentistry without a license as a veterinarian and outside the employment of a

veterinarian by general counsel.

**B. Update: Civil Litigation, Pelican Institute vs. LBVM (Suit No. C-735730)**

The Board was briefed on the status of a civil suit filed against it on behalf of three DVMs who are/were licensed out of state and who either applied for a waiver of the requirement to retake the NAVLE or did not apply for licensure due to the Rule language adopted by the Board.

**C. Legal Strategy Discussion on Potential Litigations Against Non-Licensee Practice of Veterinary Medicine**

The board was briefed on the progress of several investigations of individuals alleging the practice of veterinary medicine without a license.

**D. Annual Review – Board Office Staff**

Administrative Assistant Annual Review – Mr. Granier presented to the Board his very favourable performance review along with the merit increase proposed for the current Administrative Assistant who has been with the board office for nine months. The approved merit increase of 7% will be awarded to Ms. Mayers effective July 1, 2024.

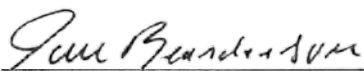
Executive Director Annual Review – Annual review was performed of the Executive Director. A copy of the favourable evaluation was given to Mr. Granier. The approved merit increase of 7% will be awarded to Mr. Granier effective July 1, 2024.

Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Brandon, seconded by Dr. Marullo, and approved unanimously by voice vote. Dr. Marullo motioned to accept performance reviews and merit increases as detailed above, seconded by Dr. Findley. Motion passed unanimously by voice vote.

**XII. ADJOURN**

There being no further business before the Board, motion was made to adjourn by Dr. Cataldo-Rogers, seconded by Dr. Findley, and passed unanimously by voice vote. The meeting was adjourned at 1:45pm.

Minutes reviewed and approved by full board on August 1, 2024.



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Jess Brandon, DVM, Board Secretary-Treasurer