

Louisiana

2023-01 ~ LAC 46LXXXV.301.801.1201 – Repeal of Letters of Reference Requirement for Applications

- 02-02-2023 Board voted to approve promulgation of rule amendments in compliance with LA R.S. 49:956. [[Meeting Minutes – 02-02-23](#)]
- 02-08-2023 Notice of Intent and Fiscal & Economic Impact Statements submitted to Legislative Fiscal Office for review.
- 02-28-2023 Legislative Fiscal Office approved fiscal and economic impact statement.
- 05-12-2023 Occupational Licensing Review Commission (OLRC) approved continuation of promulgation process.
- 05-16-2023 [First Report](#) submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 05-16-2023 [Notice of Intent](#) submitted for publication in [2023 Louisiana Register, Volume 49, June edition](#).
- 06-20-2023 Notice of Intent published in [2023 Louisiana Register, Volume 49, June edition](#).
- 06-21-2023 Period starts for submission of written public comment related to this rule proposal.
- 07-11-2023 Deadline for submission of written comments to Board. *See *instructions for submitting comments in Notice of Intent. Written comments will only be accepted from 6/21 to 7/11.*
- 07-26-2023 [Possible Public Hearing](#), if necessary — * *In accordance with [§953.A\(2\)\(b\)\(i\)](#), the Public Hearing for oral presentation or argument will be granted*

if requested within twenty days (by July 11th, 2023) after publication of the rule by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the legislature to which the proposed rule change has been referred under the provisions of R.S. 49:968. The Public Hearing will not be held if these conditions are not met. Notification will be made on this page and via email after July 11th.

2022-03 ~ LAC 46LXXXV.100.105 – Petition for Rule Modification

- 12-01-2022 Board voted to approve promulgation of rule amendments in compliance with LA R.S. 49:956. [[Meeting Minutes – 12-01-22](#)]
- 12-16-2022 Notice of Intent and Fiscal & Economic Impact Statements submitted to Legislative Fiscal Office for review.
- 01-05-2023 Legislative Fiscal Office approved fiscal and economic impact statement.
- 01-19-2023 Notice of Intent scheduled for review by Occupational Licensing Review Commission (OLRC).
- 01-19-2023 OLRC approved continuation of promulgation process. [[Meeting Minutes – 01-19-23](#)]
- 01-20-2023 [First Report](#) submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 02-20-2023 [Notice of Intent](#) published in [2023 Louisiana Register](#), Volume 49, February edition.
- 03-13-2023 Deadline for submission of written comments to Board. *See *instructions for submitting comments in Notice of Intent. Written comments are only accepted from 2/21 to 3/13.*
- xx-xxx-xxxx **Public Hearing Will NOT Be Held** — As there were no formal requests for a public hearing, pursuant to §953.A(2)(b)(i) there will be NO public hearing scheduled for oral presentation or argument regarding this proposed Notice of Intent. * *In accordance with §953.A(2)(b)(i), the Public Hearing for oral presentation or argument will be granted if requested within twenty days (by March 13th, 2023) after publication of the rule by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the legislature to which the proposed rule change has been referred under the provisions of R.S. 49:968. The Public Hearing will not be held if these conditions are not met. Notification will be made on this page and via email after March 13th if the public hearing is to be held.*
- 03-16-2023 [Summary Report](#) submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 05-12-2023 [Final Rule](#) to be reviewed by OLRC at its May 12, 2023 meeting.
- 05-12-2023 OLRC approved Final Rule for continuation of promulgation process.
- 08-20-2023 [Final Rule](#) to be published in [2023 Louisiana Register](#), Volume 49, August edition – effective 08/20/23.

The Louisiana Board of Veterinary Medicine discussed the following items and made these clarifications at their Spring board meeting:

Can Animal Control Officers Microchip Publicly Owned Pets

A licensee, noting a prior Board decision that prohibited animal control officers from microchipping animals that had not been captured and in formal possession of an animal control facility, inquired as to the present status of the prohibition. The licensee was advised by counsel that a search of the content of prior board decisions on the topic was not definitive but highly suggestive of a finding that such services are prohibited by the Practice Act and Board Rules implementing its provisions. A provisional opinion was issued, and ratified by the Board, that the exception to the Practice Act that, generally, where an employee of a governmental entity is acting within his official duties is not answerable to the board is not present with the scenario of privately owned patients being seen and microchips are inserted. That does constitute the practice of veterinary medicine and by rule, only a licensed veterinarian may do that, or a qualified employee under the direct supervision of a licensed veterinarian.

Governmental Contract for Care of Publicly Owned Animals

Can a licensed veterinarian employed by a governmental entity provide services to animals owned by the public? That essential question was posed to the Board in the context of a potential amendment to an ordinance expanding the role of a contract veterinarian to treatment of animals owned by the public vs. only those animals captured or surrendered to a public animal shelter. The Board responded that the Practice Act nor Board Rules prohibit this. The licensed veterinarian, despite the ownership and location of his employment, is answerable to the Board just as any other licensee employed in a private practice. These responsibilities include, but are not limited to, permissible delegation of veterinary tasks, equipment required for certain veterinary services allowed (e.g. surgery), the maintenance of proper records, the establishment of a valid VCPR, the DEA, and FDA's regulations and rules, and all other standards and requirements of practice set out in the Practice Act, Board Rules and the AVMA's principles of ethics—without regard to the ownership of the practice.

Can Faculty Licensee Prescribe for Personal Pet?

The board was asked whether regulatory authorities given to the Board allowed a faculty licensee to write prescriptions for non-controlled medications for their personally owned pets. The inquirer was advised provisionally (now ratified by the Board) that a faculty licensee is allowed by Board Rule to use his license “for all aspects of his employment at” LSU-SVM. This employment is not necessarily limited by physical location at the school, but the practice is limited to the scope of his employment by the school. Rule 303 E.

Animal Osteopath Practicing in Louisiana

A foreign osteopath inquired of the Board the regulations that come into play with a proposed practice in Louisiana. He was advised of the content of Rule 712, which requires an

order for services written by a licensed Louisiana veterinarian who has first established a VCPR with the owner, direct supervision by the licensed veterinarian (on-premises) who is also responsible and informed written consent given to the owner. The alternative therapist must possess a license or certificate issued by a regulatory authority in Louisiana or possess verification of an educational level acceptable to the Board in the subject matter of the alternative therapy. The inquirer was encouraged to write the Board (informal petition) offering evidence of the educational level obtained and requesting acceptance of the educational level as accepted.

Can Lead CAET Order/Maintain Federal Legend Non-Controlled Substances

A practice query was posed to the Board as to whether a Lead CAET could “legally” order and maintain non-controlled legend drugs for the sole purpose of “restraining, capturing and euthanizing” animals. He cited Rule 1225 (B) which allows CAETs qualified for “lead” status to be limited to Sodium pentobarbital, tiletamine hydrochloride and zolazepam hydrochloride, and ketamine hydrochloride. See

Can We Authorize Prescriptions via Phone or Fax to Another Pharmacy?

A licensee inquired of the Board whether it was acceptable under regulatory authorities to fax or phone in a prescription for a client with whom a valid VCPR to a national vendor of prescription medications. The licensee was advised, subject to board ratification, that the Board Rules do not require that as it is not a “direct request” by the client and that a prescription may be given to the client for appropriate medication to be filled via the national vendor, but that he may do so at his discretion and using his professional judgment as to the quality of the medications dispensed by that vendor. A telephone communication or fax is an acceptable form of communication and request that a prescription be filled.

Can Faculty Licensee Prescribe for Personal Pet?

La.R.S. 37: 1556 B and Rule 1225 B. Who and under what circumstances can order and maintain legend drugs in an animal control setting is governed by Rule 704 A (1) and (2). Rule 1209 B addresses the use (not ordering/maintaining) of Xylazine by a CAET, lead or otherwise, in the pre-euthanasia restraint of feral or fractious animals

What Limitations Are There for Non-Veterinarian Ultrasonographers

A query by a licensed veterinarian who had been approached by non-licensed ultrasonographers to use his facility was posed to the Board, asking if the non-licensees were allowed, under board regulations, to obtain ultrasound-guided fine needle aspirations for cytology who were not under the active supervision of a licensed veterinarian. He was advised under the circumstances posed that the activity would constitute the “practice of veterinary medicine” under the Practice Act and would be prohibited from doing such absent compliance with Rule 712 requirements—i.e. generally the licensed veterinarian must establish the VCPR, provide an order for the service, be responsible to the client with written, informed consent and under the active supervision of the veterinarian. Education must be via certification by a Louisiana regulatory board or an acceptable level of education. The inquirer was also cautioned that even though the operations of the proposal would not be a part of the veterinarian’s practice, only housed at a facility owned by a licensee, that it is a breach of

ethical principles to promote, aid, or abet in the practice of veterinary medicine by an unlicensed person. Rule 1029.

Filling a 90-Day Supply of a Controlled Drug

A licensee, at the suggestion of the Board of Pharmacy, asked the Board if it was against our regulations and laws to prescribe a 90-day supply of a controlled drug regulated by the DEA if a valid VCPR had been established and the supply was available in-house. He was advised that insofar as DEA regulations are concerned, the Board is a secondary regulator and will make no independent analysis or finding of DEA compliance (but will take action with a finding of non-compliance by the DEA) but there is no absolute prohibition against filling a 90-day supply. He was cautioned that the issuance of a prescription must be based on the establishment of a VCPR and ongoing knowledge of the condition of the animal or herd sufficient to maintain a VCPR and that professional, sound judgment should be used to maintain the VCPR during the prescription's life. Also, that prudence required satisfaction of the issue of any substantial chance such drugs would be diverted and that the convenience of the client to request a 90-day supply may be outweighed by these concerns.

Can Remote VCPR be Established, and Drugs Prescribed Remotely

A query was posed to the Board as to whether under Louisiana authorities it was acceptable for a licensed veterinarian to prescribe drugs solely remotely—i.e. through “telemedicine”. The inquirer was advised that under Board Rules—i.e. not applying to FDA legend drugs—a VCPR, which is needed to prescribe drugs— cannot be established remotely.

Disposition of Controlled Substances Logs

A licensee asked of the Board whether it was acceptable in a regulatory context to dispose of logs of controlled drugs when allowed to do so by the DEA. He was advised that the Board's Rules require that medical records be kept for a period of 5 years from the time of the last patient visit and that the mandatory content of medical records does not include the logs required to order and maintain controlled drugs that are not patient specific.

Legality of Telehealth or Telemedicine

An Oregon veterinarian whose client had moved to Louisiana asked if it was permissible to “consult” with the client via telemedicine. He was advised that under Louisiana law and Board Rules, this would not be permissible unless he was acting as a consultant for a Louisiana-licensed veterinarian. When the patient resides in the state in order to engage in the practice of veterinary medicine one must be licensed here or acting as a consultant for a local licensee with a VCPR. Further, in order to maintain a VCPR a personal examination is required to establish and then, under certain circumstances, maintain a VCPR, which cannot be done remotely.

Legal Difference Between Registered Veterinary technician vs Assistants

The Board was asked for a listing of those permissible duties an RVT can perform vs. a lay veterinary assistant. She was advised that no such listing exists—what can be done by those categories of employees is dependent on the task delegated, the degree of supervision, and the nature of the facility where the patient receives care. The inquirer was given a citation

regarding Rules that may govern the inquiry but otherwise, the question was too broad for an authoritative response.

Needing Help Regarding THC/CBD Products for Animals

The Board was asked for clarification on the recommendations for the use of THC and CBD contacting products. The lengthy response given in similar queries, answered in May and December of 2022 was cited.

Are IV Catheters & Pre-Anesthetic Blood Work Required for Small Animal Surgeries

A former Texas licensee recently licensed in LA asked whether the above described for small animal surgeries in Louisiana. He was advised that neither is mandatory per prior Board decision with regard to IV catheter use (April 2019 Board minutes) and that although Pre-Anesthesia blood work is advised, a client sufficiently informed of the inherent risks may refuse Pre-Anesthesia blood work. He also cited the content of the mandatory pre-anesthesia consent form. Rule 1039 B

Responsibility Involved for Volunteer of Services

A veterinarian contemplating retirement from work at an animal shelter asked the Board if she would be held accountable for work in advising of overall shelter health if that was done on a volunteer basis and not a part of her employment with the shelter. She was advised that her volunteer status would not be a shield for the obligations and duties required of any licensee and that as a volunteer she would not fit in an exception concerning the practice of veterinary medicine provided by the Practice Act for employees of governmental entities acting in the scope of employment.

What Can Veterinary Assistants and RVTs Legally Do in LA

An inquiry similar to query #10, above, was posed & answered in the same fashion.

Written Prescriptions for Clients

A client asked the Board if, under the Board's regulatory authorities, a veterinarian could refuse to write a prescription for an otherwise appropriate medication to be filled at the pharmacy of the client's choosing. He was directed to Rule 705 G and advised that under certain circumstances the request cannot be refused, but that the veterinarian prescribing the medication can charge a reasonable fee for those services incidental to work reasonably required. The conditions requiring issuing the prescription are, generally: the VCPR has been established and it has been determined the medication is appropriate; the medication is safe to administer at home; the patient's life is not endangered by a delay in administration; it is not for a controlled drug and is otherwise a proper medication; the prescription is directly requested by the client. Prior board decisions were also cited: a request by an online pharmacy for a prescription is not a direct request by the client; when the source has been proven, in the good faith experience of the veterinarian not to be reliable by providing on prior occasions out of date medication, sold in foreign countries or has been found lacking in purity, the Board will not compel the veterinarian to provide a written prescription to the client. Further, the reason for refusal must, basically, not be that some other person will receive the financial remuneration for the sale of the product.

Offering In-Home Euthanasia & Related Controlled Drug Storage Regulations

A licensee sought a citation of regulatory authorities specific to a proposed practice for in-home euthanasia and the accompanying regulations concerning storage of drugs regulated by the DEA (controlled drugs). The inquirer was referred to the primary regulators of the storage issue, the DEA, the Louisiana Board of Pharmacy, and the FDA. Certain general, ancillary questions not necessarily raised by the inquirer were cited but otherwise, the query was too broad and indefinite for an authoritative response.

