



Louisiana

## Opinions – Answered

### **1. Is the AVCA Exam/Course Recognized by Board for Chiropractic Alternative**

**Therapies?** A board-certified chiropractor (human medicine) asked the board if a particular course in animal chiropractic was board-approved so as to allow him to render chiropractic services to animals. He was advised of the board rule (712) that allows this alternative therapy to be administered by a layperson (person not licensed or certified by the board) if he possesses a license, registration, or certification issued by another regulatory authority in Louisiana, without specific training approved by the board in advance of treatment. Since the person posing the query is licensed by the Louisiana Board of Chiropractic Examiners, he is qualified to provide this therapy provided he works under direct supervision of the veterinarian who has established the VCPR with the client. The veterinarian has additional responsibilities in order to delegate this treatment to a layperson, including obtaining informed consent from the client in writing, the maintenance of records and confidentiality, and the assumption of responsibility for the therapy delegated.

**2. Can Hardcopy Records be Destroyed After Five Years?** A licensed veterinarian asked if paper records concerning patient appointments could be destroyed after 5 years and was advised that records may be retained in paper or computer-generated means and that the retention schedule is 5 years from the date of the last examination of the patient. If the required period has passed, then irrespective of format the records need not be retained. Specifically paper records can be destroyed after the 5 years have passed and within the five years if converted to electronic form, provided they are reproducible and contain the mandatory forms (i.e. anesthesia, euthanasia, informed consent, etc.)

**3. Can a Veterinarian Practice Under Maiden Name if Name is Changed on Driver's License?** The above question was posed and answered as follows: in Louisiana, a name on a birth certificate is the “legal name” which must be used until there is a legal change made under the civil laws. Louisiana does not recognize the common law right to assume the use of another name. The board's rules do not prohibit using a portion of the legal name of its licensees (e.g. where the legal name due to marriage has been changed but it is used in conjunction with the maiden name) as long as there are no circumstances which would confuse the public as to the true identity of the licensee.

**4. Is A New Graduate Who Has Not Passed NAVLE Able to Work for Louisiana State Racing Commission?** The Louisiana Veterinary Practice Act excludes board jurisdiction and the requirement for licensure to engage in the practice of veterinary medicine any employee of the

federal, state, or local government performing his official job duties. There must be a true “employee” status and not similar employment relationships (e.g. independent contractor) under the civil laws of Louisiana but as an employee of this commission licensure is not required and the failure to pass the NAVLE does not preclude employment by the Louisiana Racing Commission for the job duties assigned and described by the person posing the query.

**5. Can Medical Records Be Withheld Until Payment is Received?** This oft-asked question was again answered in the negative. A client is entitled to the medical records of a patient notwithstanding a balance owed to the practice. The collection of a debt is a civil matter not within the board’s jurisdiction. A reasonable cost of reproducing the record or a synopsis of the record may be charged by the veterinarian, but that cost is not associated with the account balance and must truly reflect reproduction costs.

**6. Can a Veterinarian Hold a Client’s Medical Records if a Bill is Owed?** The same question as item 5 was posed by a client and the client was advised this is not permissible.

**7. Are There LBVM Statute Regarding Humane Euthanasia By a Client?** A licensee asked the board if it was “legal” for a client to euthanize an animal owned by the client by gunshot. He was advised that under the board’s regulations, the practice of veterinary medicine and the board’s jurisdiction does not apply to the owner of the animal (La. R.S. 37:1514 (6)) but that the board cannot advise as to the legality of such acts under other Louisiana laws (e.g. cruelty provisions).

## **2024-07b ~ LAC 46LXXXV.Chapter 07 – Veterinary Practice (*Re-promulgation*)**

- 04-04-2024 In accordance with the APA, R.S. 49:950 et seq. and the 2022 LA Administrative Code Review, the Board conducted a comprehensive review of Chapter 7 and intends to notify the public with re-promulgation of all sections listed in Rule

published below. The historical notes shall be updated to reflect this Chapter 7 rule review. [[Meeting Minutes](#) – 04-04-24]

- 08-20-2024 [Final Rule](#) will be re-promulgated in [2024 Louisiana Register](#), Volume 50, August edition.

#### **2024-07a ~ LAC 46LXXXV.700, 701, 702, 704, 705, 707, and 712 – Veterinary Practice**

- 02-01-2024 The Board discussed and voted on amendments to several sections of Chapter 7, specifically §700 and §705. Minor amendments were made to clean the language up in Sections §701, §702, §704, §707, and §712. [[Meeting Minutes](#) – 02-01-24]
- 07-18-2024 Notice of Intent and Fiscal & Economic Impact Statements submitted to Legislative Fiscal Office for review. Waiting for approval to move forward with the rulemaking process.

#### **2024-04 ~ LAC 46LXXXV.1007, 1011, 1025, 1039, 1051, 1057, and 1063 – Rules of Professional Conduct**

- 04-04-2024 The Board discussed and voted on amendments to several sections, including §1007, §1011, §1025, §1039, §1051, §1057, and §1063. [[Meeting Minutes](#) – 04-04-24]
- 05-08-2024 Notice of Intent and Fiscal & Economic Impact Statements submitted to Legislative Fiscal Office for review.
- 06-28-2024 Legislative Fiscal Office approved fiscal and economic impact statement.
- 06-28-2024 [First Report](#) submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 06-28-2024 Notice of Intent submitted for publication in [2024 Louisiana Register](#), Volume 50, July edition.
- 07-20-2024 [Notice of Intent](#) published in [2024 Louisiana Register](#), Volume 50, July edition.
- 07-20-2024 Submission of written comments related to this rule proposal will be accepted only from July 21st to August 9th.
- 08-09-2024 Deadline for submission of written comments to Board. *\*See instructions for submitting comments in Notice of Intent.*
- 08-26-2024 [Public Hearing](#) tentatively to be held on August 26, 2024, at 1:00 pm **only if** the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied. To confirm whether or not a public hearing will be held, interested parties should revisit this page after Friday, August 9, 2024.

#### **2024-02a ~ LAC 46LXXXV.400, 403, 405, 409, 411, 413, 800, 811, 1200, and 1227 – Continuing Education Definitions & Requirements**

- 05-23-2023 The Board discussed and voted to better define online participation and to maintain in-person requirement for at least 50% of annual continuing education hours. [[Meeting Minutes – 05-23-23](#)]
- 02-29-2024 Notice of Intent and Fiscal & Economic Impact Statements submitted to Legislative Fiscal Office for review.
- 03-06-2024 Legislative Fiscal Office approved fiscal and economic impact statement.
- 03-07-2024 [First Report](#) submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 03-07-2024 [Notice of Intent](#) submitted for publication in [2024 Louisiana Register](#), Volume 50, March edition.
- 03-20-2024 Notice of Intent published in [2024 Louisiana Register](#), Volume 50, March edition.
- 03-21-2024 Submission of written comments related to this rule proposal will only be accepted from March 21st to April 9th.
- 04-09-2024 Deadline for submission of written comments to Board. *\*See instructions for submitting comments in Notice of Intent.*
- XX-XX-XXX NO PUBLIC HEARING SCHEDULED — \* As there were no requests within twenty days (by April 9th, 2024) for a public hearing in accordance with [§953.A\(2\)\(b\)\(i\)](#), the Board will NOT hold a public hearing and will move forward with the rulemaking process.
- 04-29-2024 Notice of re-promulgation action submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 05-20-2024 [Notice of Intent](#) is being reprinted in [2024 Louisiana Register](#), Volume 50, May edition to correct a manifest, typographical error in §812 relative to the maximum number of allowable hours of online continuing education for RVTs. *(The original document can be viewed on pages 412-417 of the [2024 Louisiana Register](#), Volume 50, March edition.)*
- 07-09-2024 [Summary Report](#) submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development for final review.