

## NOTICE OF INTENT

### Department of Agriculture and Forestry Board of Veterinary Medicine

#### Rules of Professional Conduct (LAC 46:LXXXV.1007, 1011, 1025, 1039, 1051, 1057, and 1063)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV. Sections 1007, 1011, 1025, 1039, 1051, 1057, and 1063 regarding the display of degrees, the conduct of one’s practice, and means of advertising. Of greater substance is the proposed amendment in section 1039 related to a veterinarian’s receipt of client consent in non-emergency situations. The amendment of section 1057 protects patient/client confidentiality related to social media posts. All other proposed amendments are cleaning up and making rule language more uniform and consistent. This Rule is adopted on the date of promulgation.

#### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXV. Veterinarians

### Chapter 10. Rules of Professional Conduct

#### §1007. Corrupt or Dishonest Conduct

A. Veterinarians shall expose, without fear or favor, before the proper tribunal or the ~~Louisiana Board of Veterinary Medicine~~board corrupt or dishonest conduct in the profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1011. Service under the Law

A. No veterinarian shall render any service or advice involving disloyalty under the law. A veterinarian must also observe and advise his client to observe ~~the~~ statutory law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1025. Display of Degree

A. A licensed veterinarian shall not use or display any ~~college degree~~, certificate, or title pertaining to veterinary medicine granted by any institution not approved by the

American Veterinary Medical Association (AVMA) or by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 19:1326 (October 1993), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1039. Conduct of One's Practice

A. ...

B. Prior to the commencement of general anesthesia in a non-emergency situation, when practical, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall be placed in the patient's medical record. The anesthesia consent form shall be in writing and include the following:

1. – 7. ...

C. – D. ...

E. In a non-emergency situation where circumstances render it impossible to have the owner or duly authorized agent execute the written anesthesia consent form prior to the administration of anesthesia, oral consent may be obtained from the owner or authorized agent, in which case the oral consent shall be witnessed by one person and documented in the patient’s medical record. The licensed veterinarian shall advise the owner or the authorized agent

of the risks associated with the use of general anesthesia and that results cannot be guaranteed and shall obtain oral verification the owner or duly authorized agent has the authority to provide consent and understands the information provided.

EF. Prior to the commencement of an euthanasia procedure, a licensed veterinarian shall meet personally with the owner or duly authorized agent of the owner and have him execute a euthanasia consent form which shall be placed in the patient's medical record. The euthanasia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent gives full and complete authority to euthanize and dispose of the animal in whatever manner the veterinarian deems appropriate;

3. that to the best of the owner or duly authorized agent's knowledge that animal has not bitten any person or animal during the last 15 days prior to presentation and has not been exposed to rabies;

4. that the owner or duly authorized agent understands euthanasia as personally explained by the veterinarian and gives permission to end the animal's life; and

FG. The licensed veterinarian may address the issues of civil liability, payment arrangements and/or other issues of concern in the anesthesia consent form and/or euthanasia consent form, however, the inclusion of such issues are at the discretion of the licensed veterinarian and are not required by the board to be addressed in the forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 27:1238 (-August 2001), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1051. Removal of Accreditation**

A. A licensed veterinarian whose accreditation has been or is subject to being revoked or removed by state or federal authority may be subject to disciplinary action by the ~~Louisiana Board of Veterinary Medicine~~board upon proof of the acts or omissions constituting the grounds for removal or revocation of his accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1057. Advertising**

A. *Advertising*—newspaper, magazine, and periodical announcements and listings, radio and television; professional cards; professional announcement cards;

office and other signs; letterheads; telephone ~~and other directory~~ listings; any electronic communications; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

B. – C.3. ...

4. use any client details or photos in social media posts without client permission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§1063. Speciality List**

A. ...

B. A veterinarian may not use the term *specialist* for an area of practice for which there is not AVMA recognized certification, nor may a veterinarian state or imply that he is a certified or recognized specialist unless he is ~~board certified~~board-certified in such speciality.

C. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 23:968 (August 1997), LR 24:335 (February 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis and Impact Statement**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery. Comments will be accepted until 3:00 p.m. on Friday, August 9, 2024. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

#### **Public Hearing**

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery; however, such request must be received by no later than 3:00 p.m. on Friday, August 9, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1:00p.m. on Monday, August 26, 2024 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit [www.lsbvm.org/rulemaking-projects](http://www.lsbvm.org/rulemaking-projects) after Friday, August 9, 2024. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier  
Executive Director