

To: Attorney General Jeff Landry

Attn: Department of Justice, Occupational Licensing Review Program

From: Jared B. Granier, MBA

Executive Director, Louisiana Board of Veterinary Medicine

Date: 10-22-2024

Subject: Amendments to Rules of Professional Conduct

The Louisiana Board of Veterinary Medicine has proposed amendments to LAC 46:LXXXV. Sections 700, 701, 702, 704, 705, 707, and 712 in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

To facilitate the Department of Justice's review of the proposed rule, Louisiana Board of Veterinary Medicine provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation? *[Explain]*

Within this Notice of Intent is the amendment to LAC 46:LXXXV, Section 700 which better defines an unlicensed veterinarian to include the following: 1) a veterinarian with an expired license; and, 2) a graduate of a DVM program who has not yet successfully passed the national exam (NAVLE) is considered an unlicensed veterinarian.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope. *[Explain]*

Yes. La. R.S. 37:1525 and La. R.S. 37:1531 give the Board unmistakable authority to regulate the practice of veterinary medicine from unlicensed individuals.

3. Check all of the following that apply as reasons the occupational regulation is subject to review:

- Creates a barrier to market competition
- Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.
- Reduces competition or excludes present or potential competitors from the occupation regulated by the board
- Limits output or supply in this state of any good or service provided by the members of the regulated occupation.
- Reduces the number of providers that can serve a particular set of customers
- Other activity (please describe) – *[Explain]*

While the proposed amendment to Section 700 may have a nominal effect on the number of providers of goods and services, the competition for services provided to the public, or the supply of goods and services offered to the public, it is in line with the Statutes of the Louisiana Veterinary Practice Act and helps to protect the public and animals of Louisiana from the unlicensed practice of veterinary medicine by unqualified individuals.

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against? [Explain]

La R.S. 37:1525 states "Any person who shall practice veterinary medicine after the expiration of his license and willfully or by neglect fail to renew such license shall be guilty of practicing in violation of this Chapter...". The Board determined that including expired licensees in the definition of an unlicensed veterinarian provides greater clarity as to the restriction of scope of practice for veterinarians who fail to properly renew their licenses by the annual renewal deadline.

Additionally, La R.S. 37:1531 states "Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for no more than ninety days, or both, and each act of such unlawful practice shall constitute a distinct and separate offense. Section 301.E then states "The board shall reject the application of an applicant who has practiced veterinary medicine in this state without a license, temporary permit, or exception from licensure as provided by R.S. 37:1514...".

Clearly defining a DVM with an expired license and a DVM graduate who has not yet successfully passed the national exam as unlicensed veterinarians helps better protect the public and animals of Louisiana from the unlicensed practice of veterinary medicine by unqualified individuals.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why. [Explain]

No. La R.S. 37:1525 explicitly and unambiguously states that the practice of veterinary medicine with an expired license is a violation of the Louisiana Veterinary Practice Act, and La R.S. 37:1531 describes the Board's mandate for disciplinary action should one practice without a currently valid license.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed. [Explain]

- 02-01-2024 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.
- 08-02-2024 Legislative Fiscal Office approved fiscal and economic impact statement.
- 08-09-2024 First Report submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development.
- 08-09-2024 Notice of Intent submitted for publication in 2024 Louisiana Register, Volume 50, August edition.

- 08-20-2024 Notice of Intent to be published in 2024 Louisiana Register, Volume 50, August edition.
- 08-21-2024 Submission of written comments related to this rule proposal will be accepted only from August 21st to September 9th.
- 09-09-2024 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 August 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.*

This rulemaking process can be found on the Board’s website at [www.lsbvm.org/rulemaking](http://www.lsbvm.org/rulemaking) under “Rulemaking Projects”.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order? *[Explain]*

No.

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant. *[Explain]*

Drs. Larry Findley, Sr., Christine McHughes, Jesse Brandon, Trisha Marullo, and Keri Cataldo-Rogers. All are currently practicing veterinarians and active market participants in the state of Louisiana.

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule? *[Explain]*

No.