

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: 09-12-2024

Subject: Amendments to Rules of Professional Conduct

The Louisiana Board of Veterinary Medicine has proposed amendments to LAC 46:LXXXV. Sections 1007, 1011, 1025, 1039, 1051, 1057, and 1063 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 specifically related to occupational regulation is the amendment to LAC 46:LXXXV, Section 1025.

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]*

The proposed amendment narrows the scope of the original rule by prohibiting the display of unapproved degrees, titles and certificates to those which pertain to the practice of veterinary medicine. It expands permissible conduct within the Louisiana Board ("Board") of Veterinary Medicine's statutory authority to discipline and assess fines to licensees in accordance with La R.S. 37:1526(4) which states "The use of any advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board."

Therefore, the Board has proposed an amendment to LAC 46:LXXXV, Section 1025 to limit its statutory authority for disciplinary action to that pertaining to the practice of veterinary medicine and allow another avenue for approval of the display of pertinent titles, degrees or certificates.

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]*

The proposed amendment to Section 1025 clarifies the prohibition of the type of title, degree or certificate that may be displayed to the public by limiting those prohibitions to titles, degrees and certificates that pertain to the practice of veterinary medicine. The proposed amendment further expands permissible conduct by allowing the board to approve those titles whereas the original rule only allowed the AVMA to approve the title. The proposed amendment expands the permissible conduct of all persons already holding licenses to practice veterinary medicine in Louisiana and has no effect on the number of providers of goods and services, the entry into the occupation of veterinary medicine, the competition for services provided to the public, or the supply of goods and services offered to the public.

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. 37:1526(4) clearly states that licensees are prohibited from the use of any advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board. As such, the Board is constraining the degrees and/or certificates that can be displayed to only those pertaining to veterinary medicine as approved by the American Veterinary Medical Association or by the Board.

The proposed amendment protects the public by not allowing the display of titles, degrees or certificates related to the practice of veterinary medicine unless those titles, degrees or certificates are approved by the AVMA or the board. La. R.S. 37:1526 (A) prohibits the use of any advertising of solicitation which is false, misleading or unprofessional. The proposed amendment allows the display of other degrees, titles and certificates without board or AVMA approval where they do not pertain to the practice of veterinary medicine (e.g. undergraduate degrees) thus expanding permissible conduct.

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. This amendment to Section 1025 in point of fact expands the certificate or title pertaining to veterinary medicine allowed for display to include not only those certificates or titles granted by AVMA-approved institutions but also those approved by the Board. The proposed amendment, by limiting the restrictions to those certificates, titles or degrees that actually pertain to the practice of veterinary medicine, is less restrictive than the original provision.

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]

- 04-04-2024 Board discussed and voted on amendments to several sections, including §1007, §1011, §1025, §1039, §1051, §1057, and §1063.
- 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.*
- 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.
- 08-12-2024 Summary Report submitted to Senate and House Legislative Oversight Committees on Agriculture, Forestry, Aquaculture, and Rural Development for final review.

This rulemaking process (and more) can be found on the Board's website at [www.lsbvm.org/rulemaking-projects](http://www.lsbvm.org/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. Trisha Marullo, Larry Findley, Sr., Keri Cataldo-Rogers, Jesse Brandon, and Christine McHughes. 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.