Board of Veterinary Medicine Rules & Regulations

New Mexico Administrative Code Title 16, Chapter 25, Parts 1 through 12

- Part 1 General Provisions
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CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 1 GENERAL PROVISIONS

16.25.1.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.1.1 NMAC - Rp, 16 NMAC 25.1.1, 10-12-00]

16.25.1.2 SCOPE: All Board of Veterinary Medicine members and employees. [16.25.1.2 NMAC - Rp, 16 NMAC 25.1.2, 10-12-00]

16.25.1.3 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978, Section 61.4.5.F. [16.25.1.3 NMAC - Rp, 16 NMAC 25.1.3, 10-12-00]

16.25.1.4 DURATION: Permanent.

[16.25.1.4 NMAC - Rp, 16 NMAC 25.1.4, 10-12-00]

16.25.1.5 EFFECTIVE DATE: October 12, 2000 unless a different date is cited at the end of a section. [16.25.1.5 NMAC - Rp, 16 NMAC 25.1.5, 10-12-00]

16.25.1.6 OBJECTIVE: To establish location for regular meetings of the Board, election proceedings, designated persons to preside over Board meetings, telephonic participation at Board meetings, and provide for employee job descriptions.

[16.25.1.6 NMAC - Rp, 16 NMAC 25.1.6, 10-12-00]

16.25.1.7 DEFINITIONS: (Reserved) [16.25.1.7 NMAC - Rp, 16 NMAC 25.1.7, 10-12-00]

16.25.1.8 MEETINGS:

- A. The Chairman of the Board shall preside at all meetings, preserve order, appoint committees and decide all questions of order subject to appeal to the Board. In the absence of the Chairman, the Vice-Chairman or a member of the Board shall preside.
- B. Examinations shall be administered at a place or location specified by the Board. [16.25.1.8 NMAC Rp, 16 NMAC 25.1.8, 10-12-00]

16.25.1.9 BOARD MEETING TELEPHONIC ATTENDANCE:

- A. Pursuant to the provisions of the Open Meetings Act, Section 10-15-1.C, NMS1978, as amended, Board members may participate in a meeting of the Board by means of a conference telephone or similar communications equipment.
- (1) Board members' participation in meetings telephonically shall constitute presence in person at the meeting.
- (2) Telephonic participation may occur only when it is difficult or impossible for the person to be physically present, that is, when there are circumstances which make attendance in person extremely burdensome.
- B. Each Board member participating telephonically must be identified when speaking and all participants must be able to hear all other participants.
- C. Members of the public attending the meeting must be able to hear all members of the Board and members of the public who speak during the meeting.

[16.25.1.9 NMAC - Rp, 16 NMAC 25.1.9, 10-12-00]

16.25.1.10 DIRECTOR:

- A. The Director may be a "licensed veterinarian" or any other person deemed proper by the Board.
- B. The duties and responsibilities of the Director are those detailed in the job description filed in the personnel files in the personnel files in the office of the New Mexico Board of Veterinary Medicine.
 - C. The position of Director is an Exempt position.

[16.25.1.10 NMAC - Rp, 16 NMAC 25.1.10, 10-12-00]

16.25.1.11 INVESTIGATORS AND INSPECTORS:

- A. To conduct its investigations of complaints filed with the Board, and to conduct inspections of veterinary facilities, the Board hires licensed veterinarians.
- B. The duties and responsibilities of the Investigator(s)/Inspector(s) shall be those detailed in either the contracts into which the Board enters with the veterinarians who agree to perform those jobs or, in a case in which an Investigator or Facilities Inspector may be a full-time staff member, in the job description filed with the State Personnel Department.

[16.25.1.11 NMAC - Rp, 16 NMAC 25.1.11, 10-12-00]

16.25.1.12 CLASSIFIED EMPLOYEE(S): Any Classified employee duties of this Board are those which are detailed in the job description(s) filed with the State Personnel Department. [16.25.1.12 NMAC - Rp, 16 NMAC 25.1.12, 10-12-00]

16.25.1.13 ELECTIONS OF BOARD OFFICERS: The Board of Veterinary Medicine elects a Chairman, Vice-Chairman, and Secretary. Elections are held annually. Officers may be re-elected. Any member of the Board may serve as an officer.

[16.25.1.13 NMAC - Rp, 16 NMAC 25.1.13, 10-12-00]

HISTORY OF 16.25.1 NMAC:

Pre-NMAC History:

BVE 93-9, Rules Governing Executive Director, 11-18-94

History of the Repealed Material:

16 NMAC 25.1, General Provisions - Repealed, 10-12-00.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 2 EXAMINATION AND LICENSURE (VETERINARIANS)

16.25.2.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.2.1 NMAC - Rp, 16 NMAC 25.2.1, 7-25-01]

16.25.2.2 SCOPE: Applies to all veterinarians licensed to practice in the State of new Mexico and all applicants for a license to practice veterinary medicine in the State of New Mexico.

[16.25.2.2 NMAC - Rp, 16 NMAC 25.2.2, 7-25-01]

16.25.2.3 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-4; Section 61-14-5; Section 61-14-8; Section 61-14-9; Section 61-14-10; Section 61-14-12; Section 61-14-13; Section 61-14-15.

[16.25.2.3 NMAC - Rp, 16 NMAC 25.2.3, 7-25-01]

16.25.2.4 DURATION: Permanent. [16.25.2.4 NMAC - Rp, 16 NMAC 25.2.4, 7-25-01]

16.25.2.5 EFFECTIVE DATE: July 25, 2001 unless a different date is cited at the end of a section or paragraph.

[16.25.2.5 NMAC - Rp, 16 NMAC 25.2.5, 7-25-01]

16.25.2.6 OBJECTIVE: To define the requirements for obtaining a license to practice veterinary medicine (as defined in 61-14-2.B. NMSA 1978) in the State of New Mexico.

[16.25.2.6 NMAC - Rp, 16 NMAC 25.2.6, 7-25-01]

- 16.25.2.7 DEFINITIONS:
 - A. "Board" means the New Mexico Board of Veterinary Medicine.
- B. "Graduate veterinarian" means a person who has a degree of Doctor of Veterinary Medicine or its equivalent.

[16.25.2.7 NMAC - Rp, 16 NMAC 25.2.7, 7-25-01]

- 16.25.2.8 GENERAL ELIGIBILITY FOR LICENSURE: A license to practice veterinary medicine in the State of New Mexico is granted only to an applicant who fulfills all of the requirements specified in this Part. The mere filing of an application shall not entitle the applicant to a license to practice veterinary medicine. Each applicant shall have the burden of demonstrating, to the satisfaction of the Board of Veterinary Medicine, that he/she:
 - A. Has reached the age of majority.
 - B. Is a person of good moral character, physically and mentally fit to practice veterinary medicine.
- C. Is in good standing in any other state in which he/she is, or ever has been, licensed to practice veterinary medicine; has not had disciplinary proceedings instituted against him/her or a license suspended or revoked on any grounds other than nonpayment of a licensee fee; and has not voluntarily surrendered a license to practice veterinary medicine.
- D. Is professionally qualified for a license to practice veterinary medicine in the State of New Mexico by taking and passing the written examinations as defined in these rules, except as provided in New Mexico statutes, section 61-14-10 NMSA 1978.
 - E. Is a graduate veterinarian as defined by New Mexico statutes, section 61-14-2.C. NMSA 1978.
- F. Has never had a United States Drug Enforcement Administration (DEA) license, a state-level controlled substances registration, or federal accreditation privileges—through the United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)—restricted or revoked, or surrendered such license or privilege while under investigation or .in connection with any disciplinary action or pending disciplinary action.
- G. With regard to any of the above provisions, the final authority for whether to grant a license rests with the Board. Determinations will be made on a case-by-case basis.

16.25.2.9 REOUIREMENT THAT A PRACTICING VETERINARIAN BE LICENSED:

- A. With only those exemptions specified in the Veterinary Practice Act (61-14-14 NMSA 1978), a graduate veterinarian must be licensed by the Board in order to lawfully practice veterinary medicine (as defined in the Veterinary Practice Act, section 61-14-2.B. NMSA 1978) in New Mexico.
- B. Only New-Mexico licensed veterinarians may practice veterinary medicine in New Mexico; working under the supervision of a licensed veterinarian does not waive the requirement to hold a license.
- C. The requirement for direct supervision of non-veterinarians who treat animals is described in 16.25.9.20 NMAC.

[16.25.2.9 NMAC, 7-25-01]

- 16.25.2.10 BASIC LICENSURE REQUIREMENTS: Except as noted, an applicant for a regular or temporary license to practice veterinary medicine in New Mexico must:
- A. Submit a completed, signed, and notarized "Application to Practice Veterinary Medicine." The application must be submitted:
 - (1) 30 days before the applicant's selected date to take the state examination.
 - (2) Along with the application/examination fee and a head-and-shoulders photo of the applicant.
- B. Take, and pass with a minimum score of 75%, the New Mexico State veterinary licensing examination. See exceptions for endorsement applicants (section 16.25.2.11.A., below) and temporary licensure (section 16.25.2.14.C., below).
- C. Submit all of the following documents within 12 months after taking the state exam (an applicant who fails to provide required documents within eight months must reapply for licensure):
- (1) Notarized copy of the applicant's diploma from a veterinary school accredited by the American Veterinary Medical Association (AVMA). See exception for new graduates in section 16.25.2.12, below.
 - (2) Official veterinary school transcripts (must bear the seal of the institution)
- (3) Letters of good standing (in some states, called "verification of licensure") from any and all state(s) in which the applicant is, or has been, licensed to practice veterinary medicine.
 - (4) One personal and one professional reference.
 - (5) The applicant's scores on the national licensing examination for veterinarians.
- (a) This applies to whichever exam the applicant has taken—either the National Board Exam (NBE) and Clinical Competency Test (CCT) or the North American Veterinary Licensing Exam (NAVLE).
 - (b) For New Mexico's national exam score requirements, see section 16.15.2.17, below.
- (c) See exceptions for endorsement applicants (section 16.25.11.B. below) and temporary licensure (section 16.25.2.14.C.(1) below).

[16.25.2.10 NMAC, Rp, 16 NMAC 25.2.9 and 25.2.10, 7-25-01]

- 16.25.2.11 LICENSURE BY ENDORSEMENT: A veterinarian who has been licensed in another state and has done at least five years of clinical veterinary practice immediately preceding application for a New Mexico license—with at least 6,000 hours of clinical practice within those five years—may qualify for licensure by endorsement. A qualified endorsement applicant:
 - A. Does not need to take the Clinical Practice portion of the state examination.
 - B. Does not need to provide his/her score from the national licensing examination.
- C. May take the Jurisprudence exam at a special time, for the standard endorsement fee, as arranged through the Board office, rather than at one of the Board's regularly scheduled exam times. [16.25.2.11 NMAC Rp, 16 NMAC 25.2.8.1.7 and 25.2.11, 7-25-01]
- 16.25.2.12 SENIOR STUDENTS AND NEW GRADUATES: If a senior student or new graduate's veterinary school has not yet provided the diploma and/or transcripts by the applicant's exam date, a properly authenticated document (such as a letter from the veterinary school Dean) evidencing graduation or impending graduation may temporarily substitute for the diploma and/or transcripts.
- A. The above provision is only for the purpose of taking the exam; the notarized diploma and official transcripts still must be provided when they are available.
- B. The applicant cannot become licensed until all required documents, including the official transcripts and notarized copy of the diploma, are received in the Board office.

[16.25.2.12 NMAC - Rp, 16 NMAC 25.2.9.1.3, 7-25-01]

16.25.2.13 GRADUATES OF NON-AVMA-ACCREDITED VETERINARY SCHOOLS: A graduate of a veterinary school not accredited by the American Veterinary Medical Association (AVMA) must furnish certification that he/she has completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) program. This is in addition to all other licensing requirements as specified in 16.25.2.9, above. Requirements for graduates of non-AVMA-accredited schools also are stated in 16.25.5 NMAC. [16.25.2.13 NMAC, 7-25-01]

16.25.2.14 60-DAY TEMPORARY LICENSE:

- A. Purpose The temporary license—good for a period of no more than 60 calendar days—is intended for experienced, licensed veterinarians who wish to practice in New Mexico for only a brief time. The temporary license is not intended for, or granted to, a new graduate or experienced veterinarian who has not yet taken the state licensing exam or met the other licensing requirements.
 - B. Eligibility and requirements To qualify for a temporary license, an applicant must:
- (1) Have been licensed in and have practiced in another state (or states), territory, or district of the United States;
 - (2) Be in good standing in all jurisdictions in which he/she is or has been licensed; and
- (3) Submit the completed, signed, and notarized "Application for 60-Day Temporary License" (form obtained from Board office) along with a head-and-shoulders photo and the temporary license fee.
- (4) Provide diploma, transcripts, letters of good standing, and personal and professional references, as discussed in section 16.25.2.10 Basic Licensure Requirements, on page.2 of this Part.
- C. An applicant for a temporary license does not need to take either portion of the state exam or provide national exam scores.
- D. Limitations A temporary license cannot be renewed, and no more than one will be granted per career.

[16.25.2.14 NMAC, 7-25-01]

16.25.2.15 LIMITED-PRACTICE LICENSE: A limited-practice license may be granted as an individual case merits.

[16.25.2.15 NMAC - Rp, 16 NMAC 25.2.8.1.8, 7-25-01]

16.25.2.16 STATE EXAMINATION:

- A. Scheduling The Board holds the state licensing examination for veterinarians on a regularly scheduled basis, twice per year. And, as a courtesy for applicants who need or wish to obtain their licenses sooner than the next regular exam, the Board will administer the exam on an individually scheduled basis, as arranged with the Board office.
- B. Eligibility The state exam may be taken by senior-year veterinary school students as well as graduate veterinarians.
 - C. Grading
 - (1) The state exam is graded by persons selected by the Board of Veterinary Medicine.
 - (2) The minimum passing grade for the state examination is 75%. Grades are not rounded.
- D. Notification Within two weeks after the state exam date, the Board's staff notifies, by mail, all applicants of whether they passed or failed and, upon request, provides their grades.
- E. Review and retake An applicant who fails the exam has 20 days from receipt of notification to come to the Board office and review the exam and his/her answer sheet, if the applicant wishes.
- (1) The applicant must make prior arrangement for such a review with the Board Director, who will designate a time and place for the review. During the review, only the unsuccessful applicant and a member of the Board or designated Board staff may be present.
- (2) No applicant may procure copies of the examination or copy or remove any questions or answers from it. Copying or removal of examination questions or answers will result in license denial.
- (3) An applicant who has failed the state exam may retake it 30 days after reviewing it. To retake the examination, the applicant must pay an additional exam fee, at the special-exam amount (\$500).
- F. Limitations Once a person has submitted his/her application and examination fee to the Board office:
 - (1) The application fee cannot be refunded.
 - (2) The applicant has a time limit within which to take the state exam.

- (a) If an applicant who had planned to take the exam at one of the regularly scheduled times finds that he/she cannot take the exam at the time for which he/she has applied, that applicant may take the exam up to one year later without needing to reapply and pay an additional fee.
- (b) A person who has applied and paid to take the state exam at an individually scheduled time, who finds he/she cannot take the exam at the specially arranged time, has up to one year to reschedule the exam without reapplying.

[16.25.2.16 NMAC - Rp, 16 NMAC 16.25. 2.10, 13, 14, 15, and 17, 7-25-01]

16.25.2.17 NATIONAL EXAMINATION SCORES: The Board of Veterinary Medicine accepts, as sufficient to meet state requirements, the minimum passing grade for the national examination for veterinarians. This applies whether the applicant has taken the National Board Examination (NBE) and Clinical Competency Test (CCT) or the North American Veterinary Licensing Exam (NAVLE). [16.25.2.17 NMAC - Rp, 16 NMAC 25.2.13.1.2, 7-25-01]

16.25.2.18 LICENSE RENEWAL:

- A. A veterinarian's license expires and is due for renewal each year, on the last day of his/her birth month.
- B. A license is lapsed if the license renewal is not postmarked by the expiration date. Practicing veterinary medicine with a lapsed license is, the same as practicing without a license. Anyone practicing veterinary medicine in New Mexico on a lapsed license is subject to penalties and disciplinary action as provided in the Veterinary Practice Act, section 61-14-18.

[16.25.2.18 NMAC - Rp, 16 NMAC 25.2.18, 7-25-01]

16.25.2.19 LICENSE REINSTATEMENT: See the Veterinary Practice Act (61-14-12 NMSA 1978). The Board has no additional policies beyond what is stated in the law. [16.25.2.19 NMAC - Rp, 16 NMAC 25.2.19.5, 7-25-01]

16.25.2.20 FEES FOR EXAMINATION AND LICENSURE:

- A. State examination
 - (1) For applicants who do not qualify for endorsement, to take the exam:
 - (a) at one of the regularly scheduled times \$200
 - (b) at an individually scheduled special time \$500
 - (2) For applicants who qualify for endorsement, to take the exam (Jurisprudence only):
 - (a) at one of the regularly scheduled times \$500
 - (b) at an individually scheduled special time \$500
- B. Annual DVM license renewal \$175.
- C. New licensee's first-year (partial-year) fee prorated from date of license issue until renewal date (birth month)
 - D. 60-day temporary license \$200
 - E. Late-renewal penalties:
 - (1) if postmarked no later than 30 days past expiration date \$100
 - (2) if postmarked more than 30 days after expiration date \$10 per day
 - (3) Any veterinarian practicing with a lapsed license is practicing in violation of the law.

[16.25.2.20 NMAC - Rp, 16 NMAC 25.2.17.1 and 25.2.19.1, 7-25-01; A, 1-10-2004]

16.25.2.21 ADDRESS CHANGE NOTIFICATION: Throughout his/her period of licensure, every Board licensee must notify the Board within 30 days of any change of address.

[16.25.2.21 NMAC - Rp, 16 NMAC 25.2.16, 7-25-01]

16.25.2.22 BOARD DISCRETION: With reference to any of the provisions in this Part, the Board has discretion.

[16.25.2.22 NMAC - Rp, 16 NMAC 25.2.19.6, 7-25-01]

HISTORY OF 16.25.2 NMAC:

Pre-NMAC History:

BVE 75-1, Rules Governing the Examination and Licensing of Veterinarians, 12-5-75.

BVE 79-1, Rules Governing the Examination and Licensing of Veterinarians, 9-21-79.

BVE 88-1, Rules Governing the Examination and Licensing of Veterinarians, 10-14-88.

BVE 92-1, Rules Governing the Examination and Licensing of Veterinarians, 5-22-92.

BVE 93-1, Rules Governing the Examination and Licensing of Veterinarians, 6-3-93.

History of Repealed Material:

16 NMAC 25.2, Examination and Licensure - Repealed 7-25-01.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 3 PROFESSIONAL CONDUCT

- 16.25.3.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [12/05/75...05/31/96]
- 16.25.3.2 SCOPE: provisions for Part 3 of Chapter 16 apply to all persons licensed to practice in the State of New Mexico under authority of the board.

 [05/31/96]
- 16.25.3.3 STATUTORY AUTHORITY: Authority for Part 2 of Chapter 16 is the Veterinary Medicine Act NMSA 1978 Section 61-14-13; Section 61-14-19. [05/31/96]
- 16.25.3.4 DURATION: Permanent

[05/31/96]

16.25.3.5 EFFECTIVE DATE: May 31, 1996, unless a different date is cited at the end of a section or paragraph.

[05/31/96]

16.25.3.6 OBJECTIVE: To govern the professional conduct of any person licensed or permitted by the board to engage in the veterinary profession in the State of New Mexico. Violations of any of these rules are grounds for action against a licensee.

[01/05/76...05/31/96]

16.25.3.7 DEFINITIONS: (Reserved)

[05/31/96]

- 16.25.3.8 CONDUCT:
- A. A licensee shall not represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. [01/05/76...07/03/93]
- B. It is the right of any licensee, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful services. [01/05/76...07/03/93]
- C. A licensee shall expose without fear or favor before the proper tribunal or the New Mexico Board of Veterinary Medicine corrupt or dishonest conduct in the profession. [01/05/76...07/03/93]
- D. A veterinarian must decide what professional employment will be accepted, and what course of treatment will be followed once employed. The responsibility for advising questionable or unusual treatment rests upon the veterinarian.

[01/05/76...07/03/93]

- E. No license shall render any service or advice contrary to the law. A veterinarian must also observe and advise clients to observe applicable laws and regulations. [01/05/76...07/03/93]
- F. A licensee shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. [01/05/76...07/03/93]
- G. In the formation of partnerships, professional associations or any other association for the practice of veterinary medicine, no person shall be held out as a practitioner of veterinary medicine unless licensed to practice in this state. In selection and use of a firm name, no false or misleading name shall be used. [01/05/76...07/03/93]
- H. The professional services of a veterinarian shall not be control or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian's responsibilities and

qualifications are individual. A veterinarian's responsibilities for medical judgments shall be directly to the client or authorized agent.

[01/05/76...07/03/93]

I. Each veterinarian shall have posted or displayed at the business locations, in full view of the public, the original New Mexico certificate to practice veterinary medicine and the current year's license renewal certificate.

[01/05/76...07/03/93]

- J. Veterinarians shall exercise the same degree of care, skill and diligence in treating patients as are ordinarily used in the same or similar circumstances by reasonably prudent members of the veterinary medical profession in good standing in the state of New Mexico. [01/05/76...07/03/93]
- K. A licensed veterinarian shall not use or display any college degree, certificate or title granted by any institution not approved by the New Mexico Board of Veterinary Medicine. [01/05/76...07/03/93]
- L. A licensed veterinarian shall not use or display any unearned certificate, college degree, or title. [01/05/76...07/03/93]
- M. A licensed veterinarian shall not promote, aid, or abet any illegal or unethical act on the part of any veterinarian or the practice of veterinarian medicine by an unlicensed person except as permitted by the Veterinarian Practice Act.

[01/05/76...07/03/93]

N. A licensed veterinarian in this state shall not issue a certificate of health for an animal unless aware via actual inspection and appropriate tests, that said animal meets the requirements for the issuance of such certificate.

[01/05/76...07/03/93]

- O. A licensed veterinarian shall not guarantee a cure. A veterinarian must avoid bold and confident assurances to client, especially where employment may depend upon such assurances. [01/05/76...07/03/93]
- P. A licensed veterinarian shall treat all animals entrusted by clients in keeping with the professional standard of humane treatment and care. [01/05/76...07/03/93]
- Q. A licensed veterinarian shall conduct the practice of veterinary medicine on the highest plane of honesty, integrity and fair dealing with clients in time and services rendered, and in the amount charged for service, facilities, appliances and drugs.

[01/05/76...07/03/93]

- R. A licensed veterinarian shall not violate the confidential relationship between himself and his client.
- (1) The reporting of cruelty or illegal action is not a violation of confidentiality; [01/05/76...07/03/93]
- S. A veterinarian shall not use or participate in the use of any form of representation or advertising or solicitation which contains a false, deceptive, or misleading statement or claim. A false, deceptive, or misleading statement or claim is one which:
- (1) Advertises or represents that a service or product is free, or similar language which is coupled with any required service or product for which a fee is charged.
- (2) Contains a prediction of future success or guarantees that satisfaction or cure will result from the performance of a professional service.
 - (3) Refers to secret methods of treatment or special services.
 - (4) Concerns illegal transactions.
- (5) Falsely states or implies that a veterinarian is a certified or recognized specialist, unless the veterinarian is Board certified in a specialty, recognized by the American Veterinary Medical Association.
 - (6) Is intended or is likely to create an inflated or unjustified expectation.
 - (7) Contains an expressed or implied material misrepresentation of the fact.
- (8) Fails to state any material fact necessary to make the statement or claim not misleading in the circumstances under which it is made.
- (9) Would result in the violation of any law or regulation or a contractual or other obligation of any person with whom the veterinarian seeks to communicate.

- (10) Contains a representation or implication that is likely to cause an ordinary prudent lay person to misunderstand or be deceived, or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.
 - (11) Relates to professional fees other than:
- (a) A statement of the fixed fee charged for a specific professional service, provided that the description of such service would not be deceptive and that the statement indicates whether additional fees may be required in individual cases.
- (b) A statement of the range of fees for specifically described professional services, provided there is reasonable disclosure of all relevant and variable considerations affecting the fees, so that the statement would not be misunderstood or be deceptive, including, without limitation, an indication whether additional fees may be incurred for related professional services, which may be required in individual cases. [01/05/76...07/03/93]
- T. A licensed veterinarian shall not use present or past position or office of trust deliberately to create any individual professional advantage, or to coerce, or to deceive the public. [01/05/76...07/03/93]
- U. The licensee is required to abide by all statues, rules and regulations of any board, commission, or agency if said statues, rules and regulations govern any aspect of practice of veterinary medicine. This includes but is not limited to related statues of the Pharmacy Board or other controlled drugs or substances requirements. [01/05/76...05/31/96]
- V. Dishonesty in the practice of veterinary medicine is prohibited. [07/03/93]
- W. Habitual or excessive use of intoxicants or drugs is prohibited. [07/03/93]
- X. Using any controlled or legend drug or substance on any animal for the purpose of illegally influencing the outcome of a competitive event is prohibited. [07/03/93]
- Y. Failure to maintain required surgical, radiological or controlled substance logs and medical records is prohibited.
- [07/03/93]
- Z. Failure to report, as required by law, or making a false report of any contagious or infectious disease is prohibited. [07/03/93]
 - AA. Unfair or deceptive practices in the conduct of the profession are prohibited.

[07/03/93]

- BB. Violation of the veterinary statutes or of any rule or regulation adopted by the board is prohibited. [07/03/93]
- CC. Failure of a licensee or facility to refer a client, upon the clients request, is prohibited. [07/03/93]

HISTORY OF 16.25.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

BVE Rule No. 75-2, Rules Governing The Professional Conduct Of Veterinarians, 12-5-75.

BVE Rule No. 75-2, Pertaining To The Rules Governing the Professional Conduct Of Veterinarians, 4-7-78.

BVE Rule 79-2, Rules Governing The Professional Conduct Of Veterinarians, 9-21-79.

BVE Rule 82-1, Rules Governing the Professional Conduct Of Veterinarians, 3-2-82.

BVE 88-2, Rules Governing the Professional Conduct Of Veterinarians, 10-14-88.

BVE 92-2, Rules Governing the Professional Conduct Of Veterinarians, 5-22-92.

BVE 92-2, Rules Governing the Professional Conduct Of Veterinarians, 6-3-93.

History of Repealed Material:

16 NMAC 25.3, Professional Conduct - Repealed, 07/03/93.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 4 CONTINUING EDUCATION REQUIREMENTS FOR VETERINARIANS

16.25.4.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.4.1 NMAC - Rp, 16 NMAC 25.4.1, 09-01-00]

16.25.4.2 SCOPE: Applies to all veterinarians licensed to practice in the State of New Mexico. [16.25.4.2 NMAC - Rp, 16 NMAC 25.4.2, 09-01-00]

16.25.4.2.1 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Sections 61-14-5.F and I and 61-14-12.

[16.25.4.3 NMAC - Rp, 16 NMAC 25.4.3, 09-01-00]

16.25.4.4 DURATION: Permanent.

[16.25.4.4 NMAC - Rp, 16 NMAC 25.4.4, 09-01-00]

16.25.4.5 EFFECTIVE DATE: September 1, 2000 unless a different date is cited at the end of a section. [16.25.4.5 NMAC - Rp, 16 NMAC 25.4.5, 09-01-00]

16.25.4.6 OBJECTIVE: To establish requirements for continuing education (CE) necessary for veterinary license annual renewal.

[16.25.4.6 NMAC - Rp, 16 NMAC 25.4.6, 09-01-00]

16.25.4.7 DEFINITIONS: (Reserved). [16.25.4.7 NMAC - Rp, 16 NMAC 25.4.7, 09-01-00]

16.25.4.8 GENERAL REQUIREMENTS:

- A. Each veterinarian licensed to practice in New Mexico must obtain, for each year of licensure, a total of 15 instructional hours derived from seminars, short courses, or scientific programs approved by the Board and sponsored by a veterinary organization or university.
- (1) In general, CE must be in the form of contact hours; however, the Board may, on a case-by-case basis, approve credit for non-contact forms of instruction--including on-line training or articles in printed periodicals—if the instruction:
 - (a) Includes structured testing of course content,
 - (b) Is designed by veterinarians, specifically for veterinarians, and
 - (c) Is approved by the American Veterinary Medical Association.

Non-contact hours may comprise no more than half of the annual requirement of 15 CE hours.

- (2) No more than four hours of credit per year will be given for local meetings that include short scientific programs.
- (3) Instruction in aspects of facility management or records management may count for credit. These hours may comprise no more than five CE credit hours per year.
- (4) Instruction in alternative, non-western medicine is not necessarily disqualified from counting toward CE credit; however, such instruction must be provided by, and specifically for, veterinarians. These hours may comprise no more than half of the annual requirement of 15 CE hours.
- B. There are no exceptions for age or for retirees or other non-practicing veterinarians who want to maintain their New Mexico licenses.
- C. CE hours are accumulated on an annual basis for the 12 months preceding each veterinarian's license expiration date.
- D. A new licensee must comply with the continuing education requirement beginning the next full licensing year after the new licensee receives his/her initial New Mexico license.
- E. A maximum of 15 credit hours may be accrued as excess and carried forward to the next licensing year.
- F. The month before a veterinarian's annual license renewal is due, Board staff send a license renewal form on which the veterinarian must record the CE taken during his/her past licensing year.
- G. The burden of proving the validity of the reported CE hours lies solely with the veterinarian

reporting. Photocopies of seminar registrations and/or completion certificates should be submitted with CE reports for inclusion in the licensee's file.

- H. Beginning with the effective date of this Part, each licensee should retain proof of his/her CE completion for a minimum of four years, retrievable from personal files. [16.25.4.8 NMAC Rp, 16 NMAC 25.4.8, 09-01-00]
- 16.25.4.9 CONTINUING EDUCATION REQUESTS: A licensee in doubt about whether a particular course, class, or seminar will be approved for credit may submit to the Board, in writing, a course description with course outline and the number of contact hours. The Board will make a determination at its next meeting. [16.25.4.9 NMAC N, 09-01-00]

16.25.4.10 CONTINUING EDUCATION EXTENSIONS:

- A. The Board may grant an extension of time to complete the annual CE requirement for a given licensing year if the licensee makes a request in writing.
- (1) A licensee who is granted a CE extension must obtain the deficient hours of CE within the first six months of the following licensing year or he/she will be placed on suspended status. During the suspension period, the licensee may not lawfully practice veterinary medicine in New Mexico.
- (2) Beginning with the date this rules revision takes effect, a licensee may be granted only two consecutive CE extensions (i.e., for two separate licensing years) and a maximum of only four extensions during his/her entire career practicing veterinary medicine in New Mexico.
 - B. The Board does not automatically grant requests for CE extensions.
- (1) The licensee's request must be in the form of a letter stating the reason the required CE cannot be completed for the year.
- (2) A licensee's first request, per career, for a CE extension may be approved administratively, by the Board's Director, assuming the licensee is in good standing with the Board.
- (3) All CE extension requests are brought to the next Board meeting, for a Board vote. (In the case of pre-approval by the Director, as described in (2), above, the request is brought for Board confirmation.)
- (4) Should a veterinarian fail to meet the CE requirement when applying for license renewal, and not request an extension, his/her name shall be brought to the next Board meeting.
- C. In cases of extreme hardship involving physical health or family crisis concerns, special extensions or considerations for CE may be granted by the Board as the merits of the individual case justify. [16.25.4.10 NMAC N, 09-01-00]

HISTORY OF 16.25.4 NMAC:

Pre-NMAC History:

BVE 78-1, Pertaining to Continuing Education Requirements for Relicensure, 1-20-78.

BVE 79-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 9-21-79.

BVE 88-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 10-14-88.

BVE 92-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 5-22-92.

BVE 93-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 6-3-93.

History of the Repealed Material:

16 NMAC 25.4, Continued Education Requirements - Repealed, 9-1-2000.

CHAPTER 25 VETERINARY MEDICAL PRACTITIONERS

PART 5 GRADUATES OF NON-AVMA-ACCREDITED VETERINARY SCHOOLS

(FOREIGN GRADUATES)

16.25.5.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.5.1 NMAC - Rp, 16 NMAC 25.5.1, 10-12-00]

16.25.5.2 SCOPE: Applies to all veterinarians licensed to practice in the State of new Mexico and all graduates of non-AVMA-accredited schools who are applying for a license to practice in the State of New Mexico. [16.25.5.2 NMAC - Rp, 16 NMAC 25.5.2, 10-12-00]

16.25.5.3 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-5. [16.25.5.3 NMAC - Rp, 16 NMAC 25.5.3, 10-12-00]

16.25.5.4 DURATION: Permanent. [16.25.5.4 NMAC - Rp, 16 NMAC 25.5.4, 10-12-00]

16.25.5.5 EFFECTIVE DATE: October 12, 2000 unless a different date is cited at the end of a section. [16.25.5.5 NMAC - Rp, 16 NMAC 25.5.5, 10-12-00]

16.25.5.6 OBJECTIVE: To outline requirements additional to 16.25.2 NMAC for the graduate of a veterinary school not accredited by the American Veterinary Medical Association (AVMA). [16.25.5.6 NMAC - Rp, 16 NMAC 25.5.6, 10-12-00]

16.25.5.7 DEFINITIONS:

A. "Graduate of a non-AVMA-accredited school" or "foreign veterinary graduate" means a person who has graduated from a school of veterinary medicine which is not accredited by the American Veterinary Medical Association (AVMA).

B. [Reserved]

[16.25.5.7 NMAC - Rp, 16 NMAC 25.5.7, 10-12-00]

16.25.5.8 REQUIREMENTS FOR LICENSURE:

A. In order to obtain a license to practice veterinary medicine in the State of New Mexico, a graduate of a non-AVMA-accredited veterinary school must complete certification by the Educational Commission for Foreign Veterinary Graduates (ECFVG) program administered by the American Veterinary Medical Association, prior to examination by the New Mexico Board of Veterinary Medicine.

B. A foreign veterinary graduate also must meet all other requirements for licensure in New Mexico, as specified in 16.25.2 NMAC.

[16.25.5.8 NMAC - Rp, 16 NMAC 25.5.8, 10-12-00]

HISTORY OF 16.21.5 NMAC:

Pre-NMAC History:

BVE 78-2, Pertaining to Foreign Veterinary Graduate Internship, 1-20-78.

BVE 79-4, Rules Governing Foreign Veterinary Graduate Internship, 9-21-79.

BVE 88-4, Rules Governing Foreign Veterinary Graduate Internship, 10-14-98.

BVE 92-4, Rules Governing Foreign Veterinary Graduate Internship, 5-22-92.

BVE 93-4, Rules Governing Foreign Veterinary Graduate Internship, 6-3-93.

History of the Repealed Material:

16 NMAC 25.5, Foreign Graduates - Repealed, 10-12-00.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 6 VETERINARY TECHNICIANS

- 16.25.6.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [12/05/75...05/31/96]
- 16.25.6.2 SCOPE: Provisions for Part 6 of Chapter 16 shall apply to all veterinarians licensed to practice in the state of New Mexico and all Veterinary Technicians.

 [05/31/96]
- 16.25.6.3 STATUTORY AUTHORITY: Authority for Part 6 of Chapter 16 is the Veterinary Medicine Act NMSA 1978 Section 61-14-5; Section 61-14-6; Section 61-14-7; Section 61-14-12; Section 61-14-16. [05/31/96]

16.25.6.4 DURATION: Permanent

[05/31/96]

16.25.6.5 EFFECTIVE DATE: May 31, 1996, unless a different date is cited at the end of a Section or Paragraph.

[05/31/96]

- 16.25.6.6 OBJECTIVE: To establish requirements for veterinary Technicians.
- 16.25.6.7 DEFINITIONS: (Reserved)

[05/31/96]

16.25.6.8 RULES GOVERNING REGISTERED VETERINARY TECHNICIANS:

- A. To perform the duties of a veterinary technician in New Mexico and receive a license issued by the Board of Veterinary Medicine, and applicant must:
 - (1) Meet all the requirements set forth in these rules.
- (2) Submit a written application on a form prescribed by the board, along with the required application fee. All questions asked and all information requested must be provided on said form. Prior to the applicant's taking the required examinations, the application will be reviewed by the board to determine if the applicant has satisfactorily met the board's requirements.
- (a) The applicant's file must be complete before a license will be issued. If the required documents and information are not provided within one year of board examination, the applicant must reapply for licensure. Besides the above mentioned, the following documents are required:
 - (i) Copy of diploma
 - (ii) Final transcripts from veterinary technician school
 - (iii) Letters of Good Standing from states in which applicant has been licensed.
 - (3) Pass all areas of examination required by the board.
 - (4) Meet one of the following requirements:
- (a) Is a graduate veterinary technician or a senior student of a two- or more years program accredited by the American Veterinary Medical Association.
- (b) Has a current valid permit or license from another state with similar requirements as New Mexico, with approval by the board. [04/05/76...05/31/96]

16.25.6.9 EXAMINATIONS:

- A. Examinations shall be held as specified by the Board of Veterinary Medicine.
- (1) Applicants must pass the Veterinary Technician National Examination provided by the Professional Examination Service with the passing grade established by the Professional Examination Service. In addition, the applicant must pass an examination on the New Mexico Veterinary Practice Act, and other laws and rules and regulations with a passing grade of 75%.

[10/21/79...07/03/93]

- B. An applicant who has passed the Veterinary Technician National Examination is only required to take the examination on New Mexico law. [10/21/79...07/03/93]
- C. No application shall be acted upon until the application fee is received by the Executive Director of the Board of Veterinary Medicine. If the board deems an applicant ineligible for examination, no fee will be refunded.

[10/21/79...07/03/93]

- D. An applicant shall not be given a refund for failure to take the examination at the designated time. [10/21/79...07/03/93]
- E. Any applicant requesting an examination or reexamination by the board, other than regularly scheduled examinations, shall submit the application which will be reviewed by the board, and if the board determines that there is sufficient justification for administering a special examination, the expense of such special examination shall be borne by the person or persons requesting the examination. [10/21/79...07/03/93]
- F. An applicant failing this examination may retake the entire exam at a scheduled time and will be charged the full examination fee. [10/21/79...07/03/93]
- G. The Executive Director of the board will notify candidates of the examination results within thirty (30) days of the date of the exam. [10/21/79...07/03/93]

16.25.6.10 RENEWAL OF LICENSE:

- A. License will be issued annually, and to qualify for renewal, the applicant must:
 - (1) Have paid the annual renewal fee.
 - (2) A late penalty will be assessed if not postmarked prior to midnight of December 31.
- (3) Certify that the applicant has completed at least eight (8) hours of approved continuing education during the preceding year. The hours will be derived from seminars, short courses, or scientific programs approved by the board, sponsored by a veterinary, or veterinary technician organization or university approved by the board.
 - (a) There will be no exemptions for age or retirees.
- (b) A waiver of delinquent hours may be granted by the board if a request is made in writing. The hours must be made up in the next calendar year, in addition to the regular requirement.
 - (c) Hours will be accumulated on a yearly basis from January through December.
- (d) A maximum of eight (8) credit hours may be accrued as excess and carried forward to the succeeding licensing year.
- (e) A form will be sent out by the Executive Director of the Board of Veterinary Medicine to be filled out and returned by the technician at the time of annual registration renewal.
- (f) The burden of proving the validity of the reported hours lies solely with the technician reporting.
- (g) New graduates do not have to comply with the continuing education requirement until the next full calendar year after graduation. [01/05/76...05/31/96]
- B. Licensee shall have displayed at the business location, in full view of the public, the original New Mexico Registered Veterinary Technician certificate and the current year's license renewal certificate. [01/05/76...05/31/96]
- C. All correspondence will be addressed to the Executive Director of the New Mexico Board of Veterinary Medicine. [01/05/76...05/31/96]

16.25.6.11 SUPERVISION OF VETERINARY TECHNICIANS:

- A. A veterinary technician's professional activities must be under the supervision and direction of a licensed or license exempt veterinary employer.
- (1) Such supervision shall include, but is not limited to, the availability of the veterinarian on the premises.
- (2) The following life saving aid and procedures that a registered veterinary technician may perform, upon prior approval of the employing veterinarian in the absence of direct supervision, shall include:
 - (a) Application of tourniquet and/or pressure bandages to control hemorrhage.

- (b) Administration of pharmacological agents to prevent or control shock, including parenteral fluids, and shall only be continued after direct communication with a licensed or license exempt veterinarian.
 - (c) Resuscitative oxygen procedures.
 - (d) Establishing open airways including intubations but excluding surgery.
 - (e) External cardiac resuscitation.
 - (f) Application of temporary splints or bandages to prevent further injury to bones or soft

tissues.

- (g) Application of wound dressings and external supportive treatment in severe burn cases.
- (h) External supportive treatment in heat prostration or hypothermal cases.

[04/05/76...07/03/93]

HISTORY OF 16.25.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

BVE Rule No. 76-1, Rules Governing Veterinary Technicians, 3-5-76.

BVE Rule 79-5, Rules Governing Veterinary Technicians, 9-21-79.

BVE 88-5, Rules Governing Veterinary Technicians, 10-14-88.

BVE 92-5, Rules Governing Veterinary Technicians, 5-22-92.

BVE 93-5, Rules Governing Veterinary Technicians, 6-3-93.

History of Repealed Material:

16 NMAC 25.6, Veterinary Technicians - Repealed, 07-03-93.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 7 FACILITY LICENSES

16.25.7.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.7.1 NMAC - Rp, 16 NMAC 25.7.1, 09-01-00]

16.25.7.2 SCOPE: Applies to all veterinary facilities in the State of New Mexico where, or out of which, veterinary medicine, dentistry, and/or surgery are practiced.

[16.25.7.2 NMAC - Rp, 16 NMAC 25.7.2, 09-01-00]

16.25.7.3 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-5.F and J. [16.25.7.3 NMAC - Rp, 16 NMAC 25.7.3, 09-01-00]

16.25.7.4 DURATION: Permanent.

[16.25.7.4 NMAC - Rp, 16 NMAC 25.7.4, 09-01-00]

16.25.7.5 EFFECTIVE DATE: September 1, 2000 unless a different date is cited at the end of a section. [16.25.7.5 NMAC - Rp, 16 NMAC 25.7.5, 09-01-00]

16.25.7.6 OBJECTIVE: To establish requirements for the licensing of veterinary facilities. [16.25.7.6 NMAC - Rp, 16 NMAC 25.7.6, 09-01-00]

16.25.7.7 DEFINITIONS:

A. "facility" means a building, kennel, mobile unit vehicle, animal shelter, pet shop, or animal supply store where "the practice of veterinary medicine," as defined in the Veterinary Practice Act, NMSA 1978. 61-14-2.B(1), (2), and (3), regularly occurs. To include regularly scheduled vaccination clinics or any other veterinary services.

B. [Reserved] [16.25.7.7 NMAC - Rp, 16 NMAC 25.7.7, 09-01-00]

16.25.7.8 FACILITY LICENSE REQUIREMENTS:

- A. General Requirements Every facility in New Mexico where "the practice of veterinary medicine" (as defined in the Veterinary Practice Act) regularly occurs must possess a facility license issued by the Board of Veterinary Medicine.
 - (1) Failure to comply with this section may result in disciplinary action by the Board.
 - (2) All facility licenses expire, and renewals are due, September 30 of each year.
- (3) Any facility which changes location or changes its Licensee Manager (Responsible DVM) shall obtain a new facility permit.
 - (4) A facility license cannot be issued without there being a physical facility.
 - B. Mobile Units
- (1) A mobile unit or vehicle which operates from a facility with a current license is not considered a separate facility and, thus, is exempt from paying a separate permit fee; however, it is subject to inspection as part of the permitted facility.
- (2) A mobile veterinary medical practice which operates independently of a licensed facility is considered a separate facility and, as such:
 - (a) Needs a facility license
 - (b) Must maintain the same minimum standards as any other facility
 - (c) Is subject to facility inspection.
- C. Consulting Veterinarians A veterinarian, mobile or not, who does consulting only--no hands-on practice whatsoever--is not considered a facility and does not need a facility license.
- D. Temporary Licensees A veterinarian practicing in New Mexico under a 60-day, temporary license issued by the Board does not need a facility license.
- E. Licensee Manager (Responsible DVM) Each application for a facility license shall name the facility, facility owner, and Licensee Manager (Responsible DVM) and shall include the Licensee Manager's original signature.

- (1) If a facility is owned by anyone other than a veterinarian currently licensed to practice in New Mexico, there must be a New-Mexico-licensed veterinarian who agrees to take full responsibility for maintaining Minimum Standards--as stated in Board-promulgated regulations, including record-keeping, controlled substances, and quality of care--at the facility. This individual is the "Licensee Manager (Responsible DVM)."
 - (2) The Licensee Manager (Responsible DVM) is the official holder of the facility's license.
- (3) By signing the facility license application, the Licensee Manager of record assumes responsibility for maintenance of all minimum standards at the facility.
 - (4) A facility's Licensee Manager (Responsible DVM) must be:
 - (a) The person who oversees veterinary services at a facility currently in operation.
- (b) Present at the facility often enough to have knowledge of and control over the clinic's methods for complying with standards and the degree to which the standards are being met.
- F. When it is determined that the owner, Licensee Manager, or facility has violated any provisions of the Veterinary Practice Act or is in violation of rules and regulations promulgated by the Board, the Board may take disciplinary action as provided by the Veterinary Practice Act.

 [16.25.7.8 NMAC Rp, 16.25.7.8, 09-01-00]

16.25.7.9 FACILITY LICENSE FEES:

- A. Fees shall include, but may not be limited to, the following:
 - (1) initial facility license (for up to one year), \$100.
 - (2) annual license renewal, \$100.
 - (a) Late-renewal penalties:
 - (i) postmarked after September 30 but no later than October 30, \$25.
 - (ii) postmarked after October 30, \$100.
 - (b) Administrative penalties as may be determined by the board.
- B. The names of facilities whose license renewals are more than 30 days overdue are brought to the next regular board meeting and are published in the board's newsletter. [16.25.7.9 NMAC N, 09-01-00; A, 1-10-2004]

16.25.7.10 FACILITY INSPECTIONS AND ASSISTANCE

- A. Regular Facility Inspections Each licensed veterinary facility is inspected by the Board's designated Facilities Inspector every other calendar year. The Board does regular facility inspections in order to:
- (1) Ensure that every licensed veterinary facility in New Mexico is operating according to the Minimum Standards promulgated by the Board of Veterinary Medicine, and . . .
- (2) Assist facilities in achieving and maintaining minimum standards and encourage them to continuously improve quality of services.
 - B. Corrective Actions
- (1) Plans of Correction When the Facilities Inspector determines that a licensed facility needs to make corrections to comply with Minimum Standards, the Inspector has authority from the Board to:
- (a) Request the facility's Licensee Manager (Responsible DVM) to submit a written Plan of Correction within a specified time frame.
- (b) Follow up to ensure that an appropriate Plan is submitted and followed and that standards are maintained.
- (2) Re-inspections and Consultation For very serious violations of standards, the Facilities Inspector may also require one or more re-inspections and/or mandatory individualized training and consultation to be conducted by the Inspector.
 - (a) For each mandatory re-inspection, the Board may charge \$100.
- (b) For mandatory, individualized training--other than initial training provided at the time of the inspection at which violations are found--the Board charges the facility a consulting fee of \$50 per hour. On a case-by-case basis, the Board may grant credit, for these training/consultation hours, toward the regular annual CE requirement for the Licensee Manager and/or any other licensed associates.
- (c) The Board mandates re-inspections and/or individualized training, with corresponding fees, only in cases of very serious or continued violations--not for new facilities undergoing their initial inspections.
 - B. Voluntary Consultation
- (1) Upon request, the Facilities Inspector provides an initial courtesy inspection (at no charge) to assist a new facility or new Licensee Manager in setting up a clinic.

- (2) A facility's Licensee Manager may arrange for longer-term, more intensive training, consultation, or assistance by the Facilities Inspector with relation to specific areas of clinic operations (for example, recordkeeping or handling of controlled substances, etc.), for a fee of \$50 per hour.
- (3) On a case-by-case basis, the Board may grant continuing education credit for voluntary consultation hours, for the clinic's Licensee Manager and/or licensed associates. [16.25.7.10 NMAC N, 09-01-00]

HISTORY OF 16.25.7 NMAC:

Pre-NMAC History:

BVE 92-7, Rules Governing Veterinary Facilities, 5-22-92.

BVE 93-7, Rules Governing Veterinary Facilities, 6-3-93.

History of Repealed Material:

16 NMAC 25.7, Facilities - Repealed 9-1-00.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 8 ARTIFICIAL INSEMINATION AND PREGNANCY DIAGNOSIS TECHNICIANS

16.25.8.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.8.1 NMAC - Rp, 16 NMAC 25.8.1, 10-12-00]

16.25.8.2 SCOPE: Applies to all artificial insemination and pregnancy diagnosis technicians. [16.25.8.2 NMAC - Rp, 16 NMAC 25.8.2, 10-12-00]

16.25.8.3 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-5. [16.25.8.3 NMAC - Rp, 16 NMAC 25.8.3, 10-12-00]

16.25.8.4 DURATION: Permanent. [16.25.8.4 NMAC - Rp, 16 NMAC 25.8.4, 10-12-00]

16.25.8.5 EFFECTIVE DATE: October 1, 2000 unless a different date is cited at the end of a section. [16.25.8.5 NMAC - Rp, 16 NMAC 25.8.5, 10-12-00]

16.25.8.6 OBJECTIVE: To govern instruction, examinations and issuing of permits for artificial insemination and pregnancy diagnosis. [16.25.8.6 NMAC - Rp, 16 NMAC 25.8.6, 10-12-00]

16.25.8.7 DEFINITIONS:

- A. "Artificial insemination (AI) technician" means an individual who has met the requirements for and has been granted, by the New Mexico Board of Veterinary Medicine, a permit to perform artificial insemination on cattle.
- B. "Pregnancy diagnosis (PD) technician" means an individual who has met the requirements for and has been granted, by the New Mexico Board of Veterinary Medicine, a permit to perform pregnancy diagnosis on cattle.
- C. "AI/PD Examiner" means the individual the Board has designated to prepare and administer the AI and PD examinations and recommend to the Board those individuals who qualify for AI and/or PD permits. [16.25.8.7 NMAC Rp, 16 NMAC 25.8.7, 10-12-00]
- 16.25.8.8 PERMIT REQUIREMENT: Any person who provides AI and/or PD services for compensation must possess a permit from the Board for each specialty.
 - A. AI and PD permits are separate. An applicant may obtain an AI permit, a PD permit, or both.
- B. The AI/PD permit year is January 1 through December 31 and renewals are issued annually. All AI and PD permits expire on December 31 of each year. [16.25.8.8 NMAC N, 10-12-00]

16.25.8.9 INSTRUCTION, EXAMINATIONS, AND LICENSING:

- A. To obtain an AI and/or PD permit, an applicant must:
- (1) complete AI and/or PD instruction given by the AI/PD examiner or through another institution, as approved by the board.
- (a) To request board approval for a particular AI/PD course of instruction--for example, instruction given out of state--an applicant must provide the Board with a course outline/description, including number of instructional contact hours.
 - (b) At its next meeting, the board discusses the request and makes a determination.
- (2) pass the AI and/or PD exam(s) prepared and administered by the AI/PD examiner. The purpose of the examination(s) is to determine the knowledge and proficiency of each applicant. The exam is in two parts, written and practical. The passing grade is determined by the board.
 - (3) be recommended by the examiner as qualified for the AI and/or PD permit(s).
 - B. Upon the examiner's recommendation, the board may issue an AI and/or PD permit.

- C. Each artificial insemination and/or pregnancy diagnosis permit applicant has one year in which to apply to the board for a permit after passing the examination(s). If the applicant does not apply for a permit within one year, he/she must retake the examination(s).
 - D. AI/PD permit fees are paid as follows:
- (1) Fees for instruction are paid directly to the person or institution that provides the instruction, whether this is the board-designated examiner or some other institution.
 - (2) Examination fees are paid directly to the board-designated examiner
- (3) Fees for initial AI/PD permits and annual renewals are paid to the board of veterinary medicine, as follows:
 - (a) initial permit (each permit, AI or PD), \$75.
 - (b) annual permit renewal (each permit), \$75.
 - (c) late-renewal penalty fees:
 - (i) postmarked after December 31 but no later than January 31, \$25.
 - (ii) postmarked after January 31, \$50.

[16.25.8.9 NMAC - Rp, 16 NMAC 25.8.8 & 9, 10-12-00; A, 1-10-2004]

16.25.8.10 LICENSE RENEWAL:

- A. To renew his/her AI or PD permit, a technician must pay the \$75 annual renewal fee by December 31. There is no continuing education requirement for AI or PD technicians.
- B. Before the December 31 renewal date, the Board office sends all AI/PD technicians a renewal notice and form to be filled out and returned with the renewal fee.
- C. If an AI/PD technician permit lapses and is not renewed within one year, the applicant must take and pass the examination(s) again before he/she can obtain a new permit. [16.25.8.10 NMAC N, 10-12-00]
- 16.25.8.11 DISPLAY OF LICENSE: An AI or PD technician shall have displayed at locations where he/she performs AI or PD, his/her original New Mexico AI or PD certificate and the current year's licensing renewal certificate.

[16.25.8.11 NMAC - N, 10-12-00]

HISTORY OF 16.25.8 NMAC:

Pre-NMAC History:

BVE 79-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 9-21-79.

BVE 88-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 10-14-88.

BVE 92-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 5-22-92.

BVE 93-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 6-3-93.

History of the Repealed Material:

16 NMAC 25.8, Artificial Insemination and Pregnancy Diagnosis - Repealed, 10-12-00.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 9 MINIMUM STANDARDS

16.25.9.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.9.1 NMAC - Rp 16.25.9.1 NMAC, 6-7-02]

16.25.9.2 SCOPE: Applies to all veterinary facilities operating in the State of New Mexico--i.e., all facilities at which the "practice of veterinary medicine" (as defined in the Veterinary Practice Act, section 61-14-2.B) regularly occurs.

[16.25.9.2 NMAC - Rp 16.25.9.2 NMAC, 6-7-02]

16.25.9.3 STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Sections 61-14-5.F and J and 61-14-13.

[16.25.9.3 NMAC - Rp 16.25.9.3 NMAC, 6-7-02]

16.25.9.4 DURATION: Permanent. [16.25.9.4 NMAC - Rp 16.25.9.4 NMAC, 6-7-02]

16.25.9.5 EFFECTIVE DATE: June 7, 2002 unless a different date is cited at the end of a section. [16.25.9.5 NMAC - Rp 16.25.9.5 NMAC, 6-7-02]

16.25.9.6 OBJECTIVE: To govern minimum standards for the practice of veterinary medicine. [16.25.9.6 NMAC - Rp 16.25.9.6 NMAC, 6-7-02]

16.25.9.7 **DEFINITIONS**:

- A. "mobile veterinary practice" means providing a wide range of medical or surgical services in a movable trailer, pick-up, motor home, or other vehicle designed or modified to function as a veterinary practice facility.
- B. "clean surgery" means the performance of a surgical operation for the treatment of a condition and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.
- C. "facility" means a building, kennel, mobile unit, vehicle, animal shelter, pet shop, or animal supply store where "the practice of veterinary medicine" as defined in the Veterinary Practice Act (to include regularly scheduled vaccination clinics or any other veterinary services) regularly occurs.
- D. "small animal mobile facility" means a trailer or mobile unit established to function as a veterinary premises which concentrates in providing veterinary services to common domestic household pets.
- E. "infectious waste" means those solid wastes contaminated with organisms, which may cause human disease and may reasonably be suspected of harboring human pathogenic organisms, or may pose a threat or potential hazard to human health. In terms of veterinary medicine, this includes, but is not limited to the following: animal tissue, bedding and other wastes from animals known or suspected to be infected with a pathogen which also causes human disease, provided that prevailing evidence indicates that such tissue, bedding or other waste may act as a vehicle of transmission to humans.
- F. "sterilization" means the complete destruction of micro organisms by heat, bactericidal chemical compound, radiation or desiccation.
 - G. "disinfection" means the destruction of pathogenic microorganisms.
- H. "sharps" means any discarded article that may cause punctures or cuts. Such wastes may include, but are not limited to needles, scalpel blades, glass slides, glassware, suture needles and trocars. [16.25.9.7 NMAC Rp 16.25.9.7 NMAC, 6-7-02; A, 6-16-03]

16.25.9.8 GENERAL STANDARDS:

- A. The delivery of veterinary care shall be provided in a competent and humane manner.
- B. Veterinary medicine shall be performed in a manner compatible with current veterinary medical practice.
- C. The Board of Veterinary Medicine shall require periodic inspections of all veterinary facilities to monitor compliance with these standards.

- (1) Standards depend upon the nature, scope, and limitations of the practice as defined by the practice manager and approved by the board. However, in no case shall standards of cleanliness, hygiene, and sanitation be violated.
 - (2) Inspections shall be conducted by a Facilities Inspector, designated by the Board.
- (3) Facilities are subject to inspection at any time during their normal hours of business. [16.25.9.8 NMAC Rp 16.25.9.8 NMAC, 6-7-02]

16.25.9.9 PREMISES - GENERAL REQUIREMENTS:

- A. All premises where veterinary medicine (including its various branches) is being practiced, and all instruments, equipment, apparatus, and apparel used in connection with those practices, shall be kept clean and sanitary and shall conform to the standards specified for different types of facilities.
- B. Emergency service either by staff veterinarians or by pre-arranged referral to another veterinarian within a reasonable distance shall be provided at all times. Referral must be acknowledged and agreed upon by both the referring and referred veterinarians.
 - C. Every veterinary facility shall maintain the following:
- (1) A sanitary environment, to include the proper routine disposal of waste material, proper sterilization or sanitation of all equipment used in diagnosis or treatment, and adequate storage to provide a neat and orderly appearance.
- (2) An adequate library of textbooks, journals or other current veterinary reference materials, readily available on the premises or available through electronic access.
- (3) Proper storage and environmental control for all medicines and biologics, based on the manufacturer's recommendations.
 - (4) Properly maintained records.
- (5) Legally accessible methods for the disposal of deceased animals and infectious waste. [16.25.9.9 NMAC Rp 16.25.9.9 NMAC, 6-7-02]

16.25.9.10 PREMISES - FIXED VETERINARY FACILITIES:

- A. When premises are closed, an answering machine or answering service shall be used to notify the public when the veterinary premises will be re-opened and where pre-arranged veterinary care is available.
 - B. All fixed premises shall conform to or possess the following:
 - (1) Exterior
 - (a) A legible sign.
 - (b) Facility clean and in good repair.
 - (c) Grounds clean and maintained.
 - (2) Interior
- (a) Indoor lighting for halls, wards, reception areas, examination, treatment, and surgery rooms that is adequate for these areas' intended purposes.
 - (b) A reception room and office, or a combination of the two.
- (c) An examination room separate from other areas of the facility and of sufficient size to accommodate the appropriate hospital personnel.
- (d) Table tops, counter tops, and floors of materials suitable for regular disinfection and cleaning.
 - (e) Facility license conspicuously displayed.
 - (f) Veterinarians' licenses and veterinary technicians' licenses conspicuously displayed.
- C. A veterinary facility where animals are housed or retained for treatment shall additionally contain the following:
- (1) Compartments of sufficient size and construction to maintain animals in a comfortable, safe, and sanitary manner.
- (2) Exercise runs, or a means for providing exercise, of sufficient construction to maintain animals in a safe, clean, and sanitary manner.
 - (3) Effective separation of known or suspected contagious animals.
 - (4) Maintenance of temperature and ventilation so as to ensure the comfort of patients.
 - (5) An animal identification system.
 - (6) Fire precautions that meet the requirements of local and state fire prevention codes.
- (7) If there are to be no personnel on the premises during any time an animal is left at the veterinary facility, prior written or verbal notice of this fact is to be given to the client.

- D. Full-service veterinary facilities shall additionally conform to or possess the following:
- (1) A surgery room separate and distinct from all other rooms and reserved for aseptic surgical procedures requiring aseptic preparation.
- (2) The capability to render diagnostic radiological services, either in-house or through outside sources.
- (3) The capability to provide clinical pathology and histopathology diagnostic laboratory services, either in-house or through outside sources.

 [16.25.9.10 NMAC N, 6-7-02]

16.25.9.11 PREMISES - MOBILE VETERINARY FACILITIES:

- A. Small Animals. A small animal mobile veterinary facility shall conform to or possess the following:
 - (1) Hot and cold water.
 - (2) A 110-volt power source for diagnostic equipment.
 - (3) A collection receptacle for proper disposal of waste material.
 - (4) Lighting adequate for the procedures to be performed.
 - (5) Table tops and counter tops which can be cleaned and disinfected.
 - (6) Floor coverings which can be cleaned and disinfected.
 - (7) Compartments to transport or hold animals, if applicable.
- (8) Indoor lighting for halls, wards, reception areas, examination and surgery rooms that is adequate for these areas' intended purposes.
- (9) An examination room separate from other areas of the facility (unless only one client is in the mobile unit at a time), which shall be of sufficient size to accommodate appropriate hospital personnel.
 - (10) Fire precautions that meet the requirements of local and state fire prevention codes.
 - (11) Temperature and ventilation controls adequate to ensure the comfort of patients.
- (12) If surgical services are offered, a room separate and distinct from other rooms that reserved for aseptic surgical procedures.
- (13) The capability to render diagnostic radiological services, either in the mobile veterinary unit or through other commercial facilities.
- (14) The capability to provide clinical pathology and histopathology diagnostic laboratory services, either in the mobile veterinary unit or through outside services.
- (15) Ability and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services provided.
- (16) Provide after-hours emergency service, either by staff veterinarians or by pre-arranged referral to another veterinarian within a reasonable distance. Referral must be acknowledged and agreed upon by both the referring and referred veterinarians.
- (17) In all types of mobile veterinary practice adherence to minimum standards of practice and the existence of a veterinarian-client-patient relationship.
- (18) Proper instrumentation and sterilization maintained in the vehicle to accommodate those services which the veterinarian holds himself/herself out as capable of providing.
- B. Large Animals. A large animal mobile veterinary facility shall conform to or possess the following:
 - (1) Maintenance in a clean and sanitary fashion.
- (2) Items of equipment that are necessary for the veterinarian to perform physical examinations, surgical procedures, and medical treatments consistent with the standards of the profession and the type of veterinary services being rendered. Standard items equipping the unit should include, but not be limited to, the following:
- (a) If sterile surgery is to be performed, sterile surgical instruments, suturing materials, syringes, and needles should be carried.
- (b) Protective clothing, rubber or disposable boots, and a means to clean them between each visit to each premises as the disease warrants.
 - (c) Current and properly stored pharmaceuticals and biologics as per manufacturer's label.
 - (d) A means of cold sterilization.
- (3) The capability to render diagnostic radiological services, either through the mobile veterinary unit or through other commercial facilities.

- (4) The capability to provide clinical pathology and histopathology diagnostic laboratory services, either through the mobile veterinary unit or through outside services.
- C. In all types of mobile veterinary practice, minimum standards of practice must be adhered to and a veterinarian-client-patient relationship must exist.

[16.25.9.11 NMAC - Rp 16.25.9.17 NMAC, 6-7-02]

16.25.9.12 PREMISES - EMERGENCY CLINICS:

- A. Emergency clinics are facilities which advertise or otherwise purport to provide veterinary medical services when these services are not normally available through other facilities. Nothing contained in this rule is intended to prohibit any licensed facility from providing services of an emergency nature.
- B. The minimum staffing requirements for an emergency facility shall include a licensed veterinarian on the premises at all times during the posted hours of operation.
 - C. Its advertisements shall clearly state:
 - (1) A licensed veterinarian is on the premises during the posted emergency hours.
 - (2) The hours the facility will provide emergency services.
 - (3) The address and telephone number of the facility.
- D. In addition to the equipment for veterinary hospitals and clinics, all emergency facilities also shall have the equipment necessary to perform standard emergency medical procedures, including, but not limited to:
 - (1) The capability to render timely diagnostic radiological services on premises.
 - (2) The capacity to render timely laboratory services on premises.
 - (3) The ability to provide diagnostic cardiac monitoring.
- E. Emergency clinics shall meet the same standards as "fixed veterinary premises." [16.25.9.12 NMAC Rp 16.25.9.16 NMAC, 6-7-02]

16.25.9.13 PREMISES - NON-FULL SERVICE FACILITIES:

- A. Referral, specialty, and other facilities in which the services provided are limited in scope shall:
 - (1) Identify the name of the primary veterinarian on each patient's medical record.
- (2) Possess all necessary instruments, equipment, and apparatus compatible with the services rendered.
- B. Non-full service facilities shall meet the same standards as "fixed veterinary premises." [16.25.9.13 NMAC N, 6-7-02]
- 16.25.9.14 PREMISES FOOD ANIMAL FACILITIES: Veterinary premises where food animal medicine is practiced shall have a reception room and office or a combination of the two. The premises shall contain the following:
 - A. Facilities for cleaning and sterilizing instruments and equipment.
 - B. Telephone and/or answering services.
 - C. Record-keeping system.
 - D. Facilities for proper storage of pharmaceuticals and biologics.
 - E. Holding pens.
 - F. Capability for providing restraint.
 - G. Sanitizable area for clean surgery.

[16.25.9.14 NMAC - Rp 16.25.9.18 NMAC, 6-7-02]

16.25.9.15 RADIOLOGICAL SERVICES:

- A. Full-service veterinary practices must have the capacity to render adequate diagnostic radiological services, either in the hospital or through a written agreement to provide these services through another facility.
- B. All exposed radiographs shall be the property of the veterinary facility that originally ordered them to be prepared and shall be stored and maintained by that facility for a period of three years.
- C. All exposed radiographs shall have a permanent, legible identification, either by film emulsion or by affixing a label that includes the following information:
 - (1) The hospital, clinic, or veterinarian name.
 - (2) The location, city, and state of the facility.
 - (3) Client indentification.
 - (4) Patient identification.
 - (5) The date the radiograph was taken.

- (6) Anatomical orientation, left or right, as indicated.
- D. Radiographs shall be temporarily released (loaned) within a reasonable time period upon the request of another veterinarian who has the authorization of the owner/agent of the animal to which they pertain or directly to the owner/agent. Return of said radiographs to the originating veterinarian shall also be accomplished in a timely manner. Transfer of radiographs shall be documented in the medical record.
- E. If radiographs are transferred permanently (for example, when a client is moving away), this transfer shall be documented in the medical record.
- F. Radiographs originating at an emergency hospital shall become the property of the next attending veterinary facility upon receipt of said radiographs. Transfer of radiographs shall be documented in the medical record.
 - G. A radiology log shall be maintained and shall include the following information:
 - (1) The date the radiograph was taken.
 - (2) Client identification.
 - (3) Patient identification.
 - (4) Anatomical location or body part radiographed.
 - (5) The view or angle of the radiograph.
 - (6) The technique used for each exposure.

[16.25.9.15 NMAC - Rp 16.25.9.10 NMAC, 6-7-02]

16.25.9.16 LABORATORY SERVICES AND EQUIPMENT:

- A. Clinical pathology and histopathology diagnostic laboratory services must be readily available within the veterinary facility or through outside sources.
 - B. Laboratory data is the property of the veterinary facility that originally ordered it to be prepared.
- C. A copy of laboratory data shall be released within a reasonable time period upon the request of another veterinarian who has the authorization of the owner or agent for the animal to which it pertains or directly to the owner or agent.
- D. A laboratory must be equipped with a microscope and a centrifuge. [16.25.9.16 NMAC Rp 16.25.9.11 NMAC, 6-7-02]

16.25.9.17 PHARMACEUTICAL SERVICES:

- A. No legend or controlled drug shall be prescribed, dispensed, or administered without the establishment of a veterinary-client-patient relationship.
 - B. All legend drugs shall be stored in a secured manner limiting public accessibility.
 - C. No expired drug or biologic shall be administered or dispensed.
- D. All expired drugs or biologics shall be stored away from the working pharmacy while awaiting disposal.
- E. All drugs and biologics shall be maintained, administered, dispensed, and prescribed in compliance with state and federal laws.
- F. Unless otherwise requested by the owner, and noted in the medical record, all repackaged legend and dangerous drugs shall be dispensed in safety-closure containers.
 - G. All drugs shall be labeled with:
 - (1) Name, address, and phone number of the facility.
 - (2) Client's name.
 - (3) Patient's name.
 - (4) Date dispensed.
 - (5) Name and strength of drug.
 - (6) Directions for use.
 - (7) Quantity dispensed.
 - (8) Expiration date of drug.
 - (9) Name of prescribing veterinarian.
 - (10) The words "For veterinary use only" and "Keep out of reach of children."
- H. Veterinarians shall honor client requests to dispense and/or provide a written prescription for a drug that has been determined by the veterinarian to be appropriate for the patient.

[16.25.9.17 NMAC - Rp 16.25.9.12 NMAC, 6-7-02; A, 8-25-04]

16.25.9.18 SURGICAL SERVICES:

- A. Sterile surgery shall be defined as procedures in which aseptic technique is practiced in patient preparation, instrumentation, and surgical attire.
- B. The surgeon is responsible for the surgical case until it is completed and there is adequate recovery from anesthesia.
 - C. Surgery room
 - (1) A room shall be designated for aseptic procedures only, in which no other uses are permitted.
- (2) The surgery room shall be well lighted and have available an operational viewing device for reviewing radiographs.
- (3) The floors, tabletops, and countertops of the surgery room shall be of a material suitable for regular disinfection and cleaning, and shall be cleaned and disinfected regularly.
 - (4) Storage in the surgery room is limited to surgically related items only.
- (5) Nothing in this section shall preclude the performance of emergency aseptic surgical procedures in another room when the room designated for that purpose is already occupied.
 - D. Instruments and equipment.
 - (1) Instruments and equipment shall be:
 - (a) Adequate for the type of surgical service provided.
 - (b) Sterilized by a method acceptable for the type of surgery for which they shall be used.
 - (2) In any sterile surgical procedure, a separate sterile pack and glove shall be used for each animal.
- (3) All instruments, packs, and equipment that have been sterilized shall have an indicator that reacts to and verifies sterilization within one year.
 - E. Surgical attire.
- (1) Each member of the surgical team shall wear an appropriate sanitary cap and sanitary mask which covers his or her hair, mouth, nose, and any facial hair, except for eyebrows and eyelashes.
- (2) All members of the surgical team who will be handling sterile instruments or touching the surgical site shall wear sterilized surgical gowns with long sleeves and sterilized gloves.
 - (3) Ancillary personnel in the surgery room shall wear clean clothing.
 - (4) Ancillary personnel in immediate proximity to the sterile field shall wear sanitary cap and mask.
- (5) When performing "clean surgery," the instruments used to perform such surgery shall have been properly sterilized or disinfected, and the surgeon and ancillary personnel shall wear clean clothing as appropriate.
 - F. Anesthesia.
- (1) General anesthesia is a condition caused by the administration of a drug or combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus.
- (2) A veterinarian shall use appropriate and humane methods of anesthesia, analgesia, and sedation to minimize pain and distress during any procedures and shall comply with the following standards:
- (a) With the exception of feral or dangerous animals, every animal shall be given a physical examination within twelve (12) hours prior to the administration of an anesthetic.
- (b) The animal under general anesthesia shall be under continuous observation until at least the swallowing reflex has returned and shall not be released to the client until the animal demonstrates a righting reflex. This shall not preclude direct transfer of an animal under anesthesia to a suitable facility for referred observation.
- (c) Provide a method of respiratory monitoring that may include observation of the animal's chest movement or observing the rebreathing bag or respirometer.
- (d) Provide a method of cardiac monitoring that may include the use of stethoscope or electrocardiographic monitor.
 - (e) Clean endotracheal tubes of assorted sizes shall be readily available.
 - (f) Oxygen equipment shall be available at all times.
 - (g) Anesthetic equipment will be maintained in proper working condition.
- (h) Effective means shall be provided for exhausting waste gasses from hospital areas in which inhalation anesthesia is used.
 - G. A surgical log shall be maintained that includes the following information:
 - (1) Date of procedure.
 - (2) Client identification.
 - (3) Patient identification.
 - (4) Type or name of procedure.
 - (5) Pre-anesthetic or sedative used.
 - (6) Anesthetic or induction agent used.

- (7) Anesthesia maintenance agent used.
- (8) Duration of procedure.

[16.25.9.18 NMAC - Rp 16.25.9.13 NMAC, 6-7-02]

16.25.9.19 DENTAL SERVICES:

- A. Dental operation or procedure is the application or use of any instrument or device to any portion of an animal's tooth, gum, or related tissue for the prevention, cure, or relief of any wound, fracture, injury, disease, or other condition of an animal's tooth, gum, or related tissue. Dental operations or procedures shall be performed only by licensed veterinarians, except for those preventive veterinary dental procedures as specified below.
- B. Preventive veterinary dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains; the smoothing, filing, polishing of tooth surfaces, or floating or dressing of equine teeth, shall be performed only by licensed veterinarians, or under the direct supervision of a licensed veterinarian.
- C. Preventive veterinary dental procedures including, but not limited to, the removal of calculus by either manual or ultrasonic rescaling shall be done in a location specifically designated for such procedures or in a treatment area.
- D. This rule does not prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes, or similar items to clean an animal's teeth. [16.25.9.19 NMAC Rp 16.25.9.14 NMAC, 6-7-02]
- 16.25.9.20 DIRECT SUPERVISION OF NON-VETERINARIANS: Non-licensed individuals—excluding graduate veterinarians—are prohibited from practicing veterinary medicine, which includes chiropractic, physical therapy, acupuncture, acupressure, dentistry, embryo transfer, or any other related services on animals, as defined in the Veterinary Practice Act, 61-14-2.B.(1), except under the direct supervision of a licensed veterinarian.
- A. No graduate veterinarian may practice veterinary medicine (as defined in the Veterinary Practice Act, 61-14-2.B.) in New Mexico without a current New Mexico license to practice veterinary medicine
 - B. Direct supervision includes the following:
 - (1) The licensed veterinarian must have established a valid veterinarian-client-patient relationship.
 - (2) The treatment must be performed on the order of a licensed veterinarian.
 - (3) The licensed veterinarian must be on the premises and readily available.
 - (4) The licensed veterinarian must assume liability for the quality of any treatment performed.
- (5) The fee for services rendered shall be paid to the licensed veterinarian or licensed facility. [16.25.9.20 NMAC Rp 16.25.9.15 NMAC, 6-7-02]

16.25.9.21 RECORD-KEEPING:

- A. Every veterinarian involved in a veterinarian-client-patient relationship and performing any act requiring a license to work on any animal or group of animals in his or her custody or in custody of an animal hospital, shall prepare a legible, written, individual (or group) animal and client record concerning the animal(s), which shall contain the following information:
 - (1) Name, address, and phone number of the animal's owner or agent.
- (2) Name or identity of animal(s), including species, breed, age, sex, weight, and color, where appropriate.
 - (3) The medical record shall contain:
 - (a) A history of pertinent information as it pertains to the animal's medical status.
 - (b) Notation of the physical examination findings.
- (c) Treatment or intended treatment plans, or both, including medications, medication strengths (when available in more than one strength) and amounts administered, dispensed, or prescribed and frequency of use as well as route of administration, including those medications used for sedation, induction, and maintenance of anesthesia.
- $(d) \quad \text{Data and interpretation}(s) \ of \ diagnostic \ procedures \ including, \ but \ not \ limited \ to, \ radiographs, \ laboratory, \ ultrasound, \ and \ ECG.$
 - (e) A diagnosis or tentative diagnosis.
 - (f) When pertinent, a prognosis.
 - (g) Progress notes and disposition of the case.
 - (h) Dates (beginning and ending) of custody of the animal with daily notations.
- (i) In the case of vaccination clinics, a certificate, including the information required by subsections (A)(1) and (2) above may serve as the medical record.

- (j) Name or initials of the veterinarian responsible for entries.
- (k) Name or initials of all ancillary and authorized individuals responsible for entries.
- (l) Records for surgical procedures that include a description of the procedure, surgical findings when pertinent, and response to or recovery from anesthesia.
- (4) Group records are acceptable for herds, flocks, or litters of animals that lack individual identification by name or that include a number of individuals to which the same medical record applies. Records shall contain the requirements listed in (3) above.
 - B. Record Storage.
- (1) All records shall be the property of the veterinary facility or practice that created such records and shall be kept for a minimum of three years after the last animal's visit.
- (2) Copies of records and radiographs or a summary of records will be made available within ten working days upon the client's request.
 - C. Controlled Substances.
- (1) A separate log shall be maintained on each controlled substance and shall contain the following information:
 - (a) Date and time of administration or date of dispensation.
 - (b) Name of owner or agent.
 - (c) Name or identification of animal.
 - (d) Amount dispensed or administered.
 - (e) Balance remaining.
- (f) Authorizing veterinarian and identification of authorized individual dispensing or administering said controlled substance.
 - (2) For each controlled substance, there shall be an annual inventory that includes:
- (a) The date of inventory (May 1st of each year, unless prior written notice is submitted to the Board by the Licensee Manager to the appropriate agency).
- (b) A physical count identifying the quantity of each controlled substance on hand, on the date of inventory.
 - (c) The "Balance Remaining" from the individual controlled substance log.
 - (d) The discrepancy between (b) and (c).
 - (e) The percent of annual use (d) represents.
- (3) All New Mexico Pharmacy Board, New Mexico Controlled Substances Act, Federal Drug Enforcement Administration and Federal Food and Drug Administration requirements shall be complied with, including, but not limited to the following:
 - (a) Controlled substances must be kept securely locked in a closet, safe, or fixed cabinet.
- (b) Access to the controlled substance storage area should be restricted to the absolute minimum number of employees.
- (c) The recommendation that controlled substance stock be kept to a minimum. Should it be necessary to have a substantial quantity of controlled substances stored in the office or clinic, DEA encourages having security which exceeds the minimum requirements, such as a safe and alarm system.
 - (d) The reporting of lost or stolen controlled substances to the appropriate agency.
 - (e) The disposal of controlled substances through a DEA-licensed disposer.
 - (f) The posting of both the DEA and NMCS licenses in the pharmacy area.
 - D. Computer Records.
- (1) There shall be reasonable security of a facility's computer(s), with access limited to authorized individuals only.
- (2) A daily and cumulative monthly back-up on a separate disk or magnetic tape shall be made. [16.25.9.21 NMAC Rp 16.25.9.19 NMAC, 6-7-02]

16.25.9.22 MANAGEMENT OF WASTE:

- A. A veterinarian shall handle, treat and dispose of infectious waste (including, but not limited to carcasses, anatomical body parts, excretions, blood soiled articles, bedding) that are generated from an animal that the veterinarian knows, or has reason to suspect has a disease that is capable of being transmitted to humans as provided under this section:
- (1) All infectious waste will be sterilized or disinfected by heat, steam, chemical disinfection, radiation, or desiccation.

- (2) Infectious waste held for disposal shall be collected in sanitary leak resistant bags clearly labeled for biohazard disposal. The bag shall contain the gloves worn while collecting the waste and those used in treatment and post mortem examinations of suspect animals.
- B. All sharps shall be disposed of in appropriately labeled sharps containers. Such containers shall be rigid-sided, solidly sealed containers that are highly resistant to puncture. These containers shall be incinerated or disposed of in an environmentally safe manner by a duly licensed disposer or an approved medical sharps incineration facility or shall be disposed of in such a way as to render the sharps harmless. This disposal shall not apply to infectious waste sharps, which, contained in a puncture resistant container, should be disposed of as described in infectious waste disposal. Due to the small volume of sharps generated in a veterinary clinic, transportation of the filled, sealed containers shall not be mandated by nor limited to commercial haulers.
 - C. Drug disposal.
- (1) When feasible, unused or outdated drugs shall be returned to the manufacturer for disposal in accordance with the policies and procedures of the manufacturer.
- (2) Those controlled substances, all schedules, which cannot be returned to the manufacturer, shall be disposed of at one of the approved controlled drug disposers as approved by the board of pharmacy. A list of these disposers will be provided by the board of pharmacy and/or the board of veterinary medicine.
- (3) Those drugs which do not pose a problem for environmental hazard or are not controlled drugs may be disposed of in a sanitary, non offensive manner by means of regular solid waste disposal methods.
- D. A veterinarian shall handle waste materials that are generated from an animal that does not have a disease transmissible to humans or suspected of being contaminated with an agent capable of infecting humans as provided under this section:
 - (1) Animal carcasses.
- (a) An animal carcass shall be disposed of promptly by release to owner, burial, cremation, incineration, commercial rendering, or if permitted by local ordinance, placed in a public landfill.
- (b) If prompt disposal of an animal carcass is not possible, it shall be contained in a freezer or stored in a sanitary, non offensive manner until such time as it can be disposed of as provided above.
- (c) All remains stored at a veterinary clinic shall be duly identified with the case number, and/or the owner's name and the name of the animal to prevent improper final disposal.
- (2) Tissues, specimens, bedding, animal waste and extraneous materials, not suspected of harboring pathogens infectious to humans, shall be disposed of by approved city or county disposal methods.
- E. In the event of the occurrence of a suspect foreign animal disease or disease of potential concern to state or national security, the veterinarian will immediately contact the state department of agriculture, the U. S. department of agriculture, and other departments necessary that would pertain to such an occurrence. The veterinarian shall handle all tissues, laboratory samples, and biomedical waste associated with such cases in accordance with the recommendations made by the department of agriculture, and other departments and agencies, which are deemed necessary and appropriate in such cases.

 [16.25.9.22 NMAC N, 6/16/03]

HISTORY OF 16.25.9 NMAC:

Pre-NMAC History:

BVE 88-7, Rules Governing Minimum Standards for the Practice of Veterinary Medicine, 10-14-88.

BVE 92-8, Rules Governing Minimum Standards for the Practice of Veterinary Medicine, 5-22-92.

BVE 93-8, Rules Governing Minimum Standards for the Practice of Veterinary Medicine, 6-3-93.

History of Repealed Material:

16 NMAC 25.9, Minimum Standards - Repealed, 9-1-00.

16.25.9 NMAC, Minimum Standards - Repealed, 6-7-02.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 10 RESERVED

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 11 PARENTAL RESPONSIBILITY

- 16.25.11.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine [05/31/96]
- 16.25.11.2 SCOPE: Provisions for Part 11 of Chapter 16 shall apply to all those licensed by the New Mexico Board of Veterinary Medicine.

[05/31/96]

16.25.11.3 STATUTORY AUTHORITY: Section 61-14-5F Veterinary Medicine Act directs the State Board of Veterinary Medicine to adopt, regularly review and revise rules and regulations necessary to carry out the provisions of the Veterinary Medicine Act after hearing open to the public. The Board adopts this Part pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995), which requires all professional licensing boards to promulgate rules and regulations to implement the Parental Responsibility Act. [05/31/96]

16.25.11.4 DURATION: Permanent.

[05/31/96]

16.25.11.5 EFFECTIVE DATE: May 31, 1996, unless a different date is cited at the end of a section or a paragraph.

[05/31/96]

16.25.11.6 OBJECTIVE: To ensure that licensees and applicants for licensure from the Board of Veterinary Medicine comply with the Parental Responsibility Act.

16.25.11.7 DEFINITIONS: (Reserved)

[05/31/96]

16.25.11.8 AUTHORITY:

A. The Board adopts this Section pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995). [05/31/96]

16.25.11.9 DEFINITIONS:

A. All terms defined in the Parental Responsibility Act shall have the same meanings in this Section. As used in this Section:

- (1) "HSD" means the New Mexico Human Services Department;
- (2) "Statement of Compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support; and
- (3) "Statement of Non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support. [05/31/96]

16.25.11.10 DISCIPLINARY ACTION:

- A. If an applicant or licensee is not in compliance with a judgment and order for support, the Board:
 - (1) Shall deny an application for a license;
 - (2) Shall deny the renewal of a license; and
 - (3) Has grounds for suspension or revocation of the license.

[05/31/96]

16.25.11.11 CERTIFIED LIST:

A. Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the Board shall match the certified list against the current list of Board licensees and applicants. Upon the later receipt of an application for license or renewal, the Board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the Board shall report to HSD the names of Board

applicants and licensees who are on the certified list and the action the Board has taken in connection with such applicants and licensees. [05/31/96]

16.25.11.12

- A. Upon determination that an applicant or licensee appears on the certified list, the Board shall:
- (1) Commence a formal proceeding under subsection F to take the appropriate action under subsection C; [or]
- (2) For current licensees only, informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the Board with subsequent Statement of Compliance from HSD by the earlier of the application for license renewal or a specified date not to exceed [thirty days, sixty days]. If the licensee fails to provide this statement, the Board shall commence a formal proceeding under subsection F. [05/31/96]

16.25.11.13 NOTICE OF CONTEMPLATED ACTION:

INITIAL ACTION:

- A. Prior to taking any action specified in subsection C, the Board shall serve upon the applicant or licensee a written notice stating that:
- (1) The Board has grounds to take such action, and that the Board shall take such action unless the licensee or applicant:
- (a) mails a letter (certified mail return receipt requested) within twenty (20) days after service of the notice requesting a hearing; or
- (b) provides the Board, within thirty (30) days of the date of the notice, with a Statement of Compliance from HSD; and [05/31/96]
- B. If the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee should contact the HSD Child Support Enforcement Division. [05/31/96]

16.25.11.14 EVIDENCE AND PROOF:

- A. In any hearing under this section, relevant evidence is limited to the following:
- (1) A statement of Non-compliance is conclusive evidence that requires the Board to take the appropriate action under subsection C of this section, unless:
- (2) The applicant or licensee provides the Board with a subsequent Statement of Compliance, which shall preclude the Board from taking any action under this Section. [05/31/96]

16.25.11.15 ORDER:

A. When a disciplinary action is taken under this Section solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent State of Compliance. The Board may also include any other conditions necessary to comply with Board requirements for reapplications or reinstatement of lapsed licenses.

[05/31/96]

16.25.11.16 PROCEDURES:

A. Proceedings under this Section shall be governed by the Uniform Licensing Act, Section 61-1-1, et seq. [05/31/96]

HISTORY OF 16.25.11 NMAC:

History of Repealed Material:

16 NMAC 25.11, Parental Responsibility - Repealed 05-31-96.

CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS

PART 12 RESERVED